CHAPTER 24

LAW

Doctoral Theses

01. AGRAWAL (Shaktikumar)
White Collar Crimes and Anti-Corruption Agencies in India: A Critical Study.
Supervisor: Prof. Usha Razdan
Th 22835

Abstract
(Not Verified)

"White-collar crimes'' are crimes committed by a person of respectability and higher social status in the course of his occupation. The whole world, in particular the developing countries, such as India, faces an all-pervasive instances of such crimes. The country in the past two decades has witnessed massive economic scams. The parliament on its part has enacted several anti-corruption laws for addressing the menace of white-collar crimes, but the goal to curb corruption has remained a distant dream. The judiciary vide its several judicial pronouncements has attempted to deal a blow on the corruption in the country, yet the punishments given to the corrupt has failed to create a deterrence in the society. It remains obvious that the anti-corruption agencies have failed in containing the spiraling graph of corruption. Such agencies have been working under the influence of successive governments, consequently there has been a huge erosion in their credibility among the masses. In the present thesis titled "White Collar Crimes and Anti-Corruption Agencies in India: A Critical Study", a holistic attempt has been made to discover the reasons behind the existence of white-collar crimes in India. The research attempts to bring to light the reasons behind the inability of anti-corruption agencies to effectively enquire, investigate and prosecute the corrupt activities of the public officials in India. The work offers a critical account of white-collar crimes in India, along with the thorough examination of the functioning of anti-corruption agencies, focusing especially on the extent of governmental control over such agencies. The findings and suggestions, as reported in the present thesis, are expected to provide new and critical insights into the growing dimensions of white-collar crimes, and thereby generating key legal understandings on the measures for effectively curbing the menace of corruption in India.

Contents

02. ANEJA (Arti)
Existing Conundrum of Corporate Criminal Liability: Need for Penal Legal Regime.
Supervisor: Prof. Subash C. Raina
Th 22836

Abstract
(Not Verified)

Corporate, especially in multinational form, have grown in size, scale, power and influence due to their increasing economic power and presence in many countries that it is practically nearly impossible to

monitor all of them. Cases like Enron, WorldCom, Union Carbide etc. are just some examples of what a multinational can do if left unregulated. Such events are proof that present day civil and criminal laws are just not enough to prevent unlawful activities. In term 'Corporate criminal liability' Liability is imposed so as to regulate the acts of a corporation. Corporate criminal liability or corporate crime is very difficult to define because this phrase in present day scenario covers wide range of offences. India is not unknown territory as far as corporate crime is considered. In fact, it is a serious contemporary concern, given the number of corporate scams emerging everyday and threatening the overall economy and welfare of the state. Including corporate criminal liability for any country globally is a good decision for two reasons. One, corporate are considered one of the most powerful and influential of all kind of associations in current day and secondly because given the present day scenario, it is only rational to realize that corporate can and indeed have the potential of indulging into criminal practices. Accordingly provisions must be made to prevent the same. A plethora of laws exists which govern "corporate" in its various functioning. Inspite of the fact that we have well developed criminal law, which deals with most of the crimes, however, the New Act unabated growth of Corporate Crimes has not yet fallen in line of National Criminal Law. The need of the hour is to carve a Uniform law, to enact new penal legislation connecting to corporate crime to resolve the conundrum of corporate criminal liability.

Contents

03. Arora (Belu Gupta)
Public Prosecution: Ailments and Remedies an Empirical Study in NCT of Delhi.
Supervisor: Prof. S. C. Raina
Th 22864

Abstract
(Not Verified)

One of the most important components of Criminal Justice System (hereinafter CJS) is the prosecution. Before 1973, the role of investigation and prosecution was being conducted by only one agency, the Police. After coming into force of Criminal Procedure Code, 1973 (hereinafter code), the prosecution has been separated from investigation based on the reasoning that, sufficient time is given to the prosecution to conduct the trial on behalf of the state and also to facilitate the investigation agency i.e. the police, to have exclusive time for investigation. The separation of prosecution necessitated the appointment of prosecuting officers having basic degree in law. Inspite of this scheme of separation, not much seems to have been achieved in terms of rate of conviction and satisfaction of the victim that justice has been done to him/her. These two things casts doubt on the efficacy of the institution of public prosecution as it exists today. Little doubt exists, that efficient prosecution can have the impact on the outcome of decision of a criminal court. Assessing the role of the institution of prosecution, the Criminal Justice Reforms Committee 2003, has also suggested that separation of prosecution from investigation was with the aim to improve the level of professional competence of the prosecution and to ensure that they function in coordination with the investigation agency. HYPOTHESIS The outcome of justice is directly proportional to the efficiency of prosecution. Faith of victim in prosecution is directly related to the method and performance of the prosecutor in prosecuting his case in court of law. Better the co-ordination amongst the prosecution and investigation, higher would be the rate of conviction.

Contents

victims of crime 6. Working of prosecution system in Delhi: Judicial officers perspective. 7. Summations and suggestions. Bibliography. Annexures.

04. CHADDA (Vidhi Madaan)
Abuse of Dominance: A Comparative Study of US, EU and Indian Competition Laws.
Supervisor: Dr. Sarbjit Kaur
Th 22837

Abstract
(Not Verified)

The present research delves into one of the prohibition provided under any of the competition law regime i.e. prohibition of abuse of dominant position by an enterprise. Dominance constitutes possession of significant power by an enterprise in the said market. A common thread across all modern competition jurisdictions, is agreement on the argument that mere possession of dominant position by an enterprise must not per se be taken as anti-competitive. Abuse of dominance is one of the most contentious competition issues, not only for the nascent jurisdictions but also for the developed ones. This area of competition law is considered as most controversial due to considerable differences in enforcement policies across jurisdictions while dealing with the unilateral conduct of dominant firms. This perplexity is owing to the difficulty to differentiate between exclusionary conduct which is generally anti-competitive in nature and the pro-competitive conduct beneficial for both market and consumer. It rests solely upon the enforcement agencies whether they want to err by under regulation or by over regulation. Across different jurisdictions, varied ideologies, beliefs and legal systems, affect the decision making patterns. But what is fascinating to note here is that how the adjudicating authorities by applying almost similar provisions in order to achieve the common goal of consumer welfare and protection follow different modus operandi. It also becomes significant to note that, a huge amount of time and resources are attributed towards the assessment of an alleged abusive conduct and in most of the cases, by the time the decision of the final authority arrives the damage is already done to the stakeholders concerned. Considering the gravity of the repercussions in abuse cases on both conceptual and procedural levels, it becomes incumbent under jurisdictions world over to devise appropriate enforcement actions against abuse of dominance.

Contents

05. CHOLARAJA M.
Study of Digital Rights Management in Copyright and Other Intellectual Property Rights.
Supervisor: Dr. V K Ahuja
Th 22838

Abstract
(Not Verified)

Recent years have seen the exceptional advancement in terms of both analog and digital technology, which offers content creators, owners and users, a new opportunity for distributing their works and consumers a new way of receiving and using the works. The advanced methods of sharing, reproduction, duplicating and copying have made it easy for anyone to obtain benefit from the work and at the same time it became a major threat to the creators. The digital rights management (hereinafter DRM) system has evolved in response to the developments that were introduced to the world where: (i) duplication became

easy and inexpensive, (ii) every copy made were perfect, and (iii) distribution to users around the world could be accomplished virtually cost-free and immediately over the Internet. The field of copyright consists of three main aspects: rights & its exceptions (what can be protected under copyright laws); enforcement of rights (sanctions for making illegal copies and for trading in circumvention devices); and management of rights (exploiting the rights). The management of rights were easily facilitated by the use of multiple technical systems called DRM systems. The DRM generally is used to protect the copyrighted works in electronic medium and it involves a number of technologies to ensure digital works available to the consumer as per the terms of usage. However, the DRM system has successfully managed to impose multiple restrictions to the end-users and enabled the content owners to give no room for any lawful exceptions. The methodology adopted for the purpose of this research is doctrinal.

Contents

06. GUPTA (Arun)
Role of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 in Treatment of Non-Performing Assets: Problems and Prospects.
Supervisor: Dr. Rajni Abbi
Th 22839

Abstract
(Not Verified)

Performance in terms of profitability is a benchmark for any business enterprise including the banking industry. Granting of credit facilities for economic activities is the main raison d'etre of banking. However, lending also carries an inherent risk with it that arises from the failure of the borrower to repay the amount lent. Non-recovery of loans along with interest forms a major hurdle in credit cycle. Loss in form of amount which is unpaid to the banks is known as Non-Performing Assets (NPA's). The last decade of twentieth century witnessed banks and financial institutions reeling under tremendous pressure because of growing NPAs. In the quarter ended 31st March 2015, gross NPAs of banks grew 28.8% to Rs.1.81 trillion from Rs.1.4 trillion in the year-ago quarter and grew 3.3% over the third quarter ended December 2015. The government banks, which are neck-deep in bad debt, require substantial amount of capital to revitalize their operations. Discouraged with the dismal performance of DRT's in recovering the dues of banks and financial institutions, the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act, 2002) was enacted. The study encompasses all matters related to NPA's including the definition of NPA, factors responsible for NPA's and the role of SARFAESI Act, 2002 in addressing the issue and challenges. The SARFAESI Act may be termed as a revolutionary piece of legislation. This Act is available to banks and FIs for recovery of their dues and has channelized NPA recovery in a right direction. Minimal judicial interference in this process, along with strong juridical framework would help regulate rise of NPAs. Concerted and multipronged actions to prevent NPAs are equally potent solutions along with other remedial measures.

Contents

security interest act, 2002: A critical analysis 6. Securitization, asset reconstruction and enforcement of security interest: international experiences 7. Mapping recent developments and the landmark cases 8. Governance issues and role of regulator 9. Conclusion and suggestions. Bibliography.

07. HARLEEN (Kaur)
Rights of the Surrogate Child with Special Reference to "The Commissions for Protection of Child Rights ACT, 2005".
Supervisor: Dr. B. K. Raina
Th 22840

Contents

1. Introduction 2. Surrogacy: Issues and complexities 3. Surrogacy: National and International perspectives 4. Homosexuals and their rights to surrogacy 5. Surrogacy and child rights: An Analysis 6. Role of child commissions in protecting the rights of the surrogate child the rights of the surrogate child 7. Conclusion and suggestions. Bibliography. Appendix.

08. JAIN (Payal)
Corruption and its Impact on Constitutional Rights in India: A Critical Analysis.
Supervisor: Dr. P. S. Lathwal
Th 23144

Abstract
(Not Verified)

Corruption has affected every nation of the globe. No Nation, human being is immune from the impact of corruption. The meance of corruption has numerous faces which has posed assorted challenges to the world. It has serious implications for both protecting the rule of law and ensuring access to justice. Corruption is pervasive in the system of governance in India, undermining the effectivness of all institutions of governance. It is adversely affecting the whole society and all aspects of their life such as social, political, economical, educational, spritiual and moral.It is our responsibility to make our country corruption free. Corruption is an abuse of Constitutional Rights. Constitutional Rights are important preventive tools against corruption because this demands the decent life of human rooted with dignity and equality. The fundamental problem of empowering the citizenry in the fight against corruption has been largely neglected in India, which virtually the acts are violating the Constitutional Rights in India. It is an act done by taking undue advantage of one's power, position or authority to gain certain advantages, rewards or favours. If we can minimize corruption to some extent it will be a positive sign of our success to realize our Constitutional Rights. Though judiciary has been playing its vital role to control such menace, but if all legislative, executive, media, NGOs, social activist, society join hands to make a mass movement against corruption, certainly it can bring extensive changes.We should make the Fundamental Right to corruption-free-services. It should have the potential to ensure that corruption will not be tolerated at any level of governance. Corruption can be curbed by the systematic changes in governance through participation, acccountability, transparency and integrity in administration. The right to transparent governance is an essential citizen's right that one can expect from the government.

Contents

1. Context and outline. Part I: Concept of Corruption 2. Corruption 3. Concept of constitutional rights in India. Part II: Corruption and its impact on constitutional rights 4. Conceptual link of corruption with constitutional rights. Part III: National and international approach 5. National and international scenario: Legislative approach to curb/control the corruption for the protection of constitutional rights 6.

Judicial approach for the protection of constitutional rights against the corruption. Part IV: Conclusion 7. Conclusion and suggestions. Appendix. References and bibliography.

09. JINDAL (Swati)
Exploitation of Women at Workplace; Assessing the Effectiveness of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 in the Health Sector.
Supervisor: Prof. S. C. Raina
Th 23145

Abstract
(Not Verified)

Sexual haassment of women at workplace is a menace that is raising its head with greater force as the participation of women in the workforce increases. The reason why women continue to bear such a situation is that they have only limited alternatives before them. Harassment against women throughout the lifecycle arises mainly from cultural patterns, particularly the harmful effects of certain traditional or customary practices and various acts of extremism linked to race, sex, language or religion that perpetrate the lower status accorded to women in the community and the society. It is further multiplied by social pressure, such as the shame of denouncing certain acts against women; women's ignorance about legal information, aid or protection; the lack of laws or effective prohibition of violence against women, failure to reform existing laws; inadequate efforts on the part of the public authorities to promote awareness of and enforce existing laws; and the absence of educational and other means to address the causes and conscequences of violence.the pproblem of sexual harassmen.The research has been made to study the aspect the aspect of sexual harassment of women and the efficasy of the act with special reference to the health sector. The researcher has tried to analyse the problem from all angles. The researcher has studied the effectiveness and adequacy of enacted laws in the country and policies framed at international level. Efforts have been made to find out the root cause of the problem and the loopholes in present legislative and enforcement systems so that perhaps one of the biggest threats faced by the woeking women today, that of sexual harassment at workplace can be eradicated/curbed.

Contents

10. KOUL (Rohin)
WTO Sanitary and Phytosanitary Measures: Assessment and Implications for Development Countries with Special Reference to Inida.
Supervisor: Dr. V. K. Ahuja
Th 22841

Abstract
(Verified)

WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) has imposed a comprehensive set of rules to regulate sanitary and phytosanitary (SPS) measures. The Appellate Body has stated that initially the burden of proof lies on the complaining party to establish a prima facie case. It then shifts to the defending party. The Appellate Body and panels have also interpreted provisions of standard of review, harmonization, risk assessment, precautionary principle, equivalency and transparency. The SPS Committee has facilitated the implementation and administration

of the SPS Agreement. Codex Alimentarius Commission, International Office of Epizootics and International Plant Protection Convention have assisted in establishing international standards with respect to SPS measures. The developing countries are of this view that the SPS Agreement has created impediments to their exports. The concerns of the developing countries are related to technical assistance, special and differential treatment, harmonization, equivalency, transparency, notification, dispute settlement, adaptation to regional conditions and mutual recognition agreements. India has enacted new laws and amended existing laws namely Food Safety and Standards Act, 2006, Livestock Importation Act, 1898 and Destructive Insects and Pests Act, 1914 for effective SPS protection. It has established Food Safety and Standards Authority of India (FSSAI), Department of Animal Husbandry, Dairying and Fisheries (DAHDF), Directorate of Plant Protection, Quarantine and Storage (DPPQS) to set SPS standards. India as a member of world trading regime has experienced problems in exporting products due to stricter SPS regulations in world markets.

Contents

11. NANCHAHAL (Urmi A.)
Live-in-Relationship: A Critical Analysis of the Emerging Marital Trends in India.
Supervisor: Dr. Kiran Gupta
Th 22842

Abstract
(Not Verified)

Marriage is the best institution, acknowledged in the world since ages. However, with the advancement of the society the present world is becoming more materialistic, because of which certain people want to draw undue advantage out of marriage and freedom of behavior. Needless to say that faith and understanding are the two pillars of a successful marriage. Respect for each other is the essence of the concept of marriage. But people have spoiled this sacred institution because of their selfish motives. Due to this reason sincere and faithful party to the marriage suffers, because, in these circumstances, it is very difficult to get rid of even a broken marital knot. This has caused a threat to this institution of marriage and people have started looking for other kind of alliance, wherein it is easy to get in and is equally easy to get out. Such a thought has brought into existence the concept of 'live-in-relationship', which till date is a very bold step as far as the traditional Indian context is concerned, wherein such a relationship is looked upon as a taboo and sin. However, slowly and slowly this approach of the Indian society is changing and Hindu marriage is changing from a sacrament to the contract of "Live-in-relationship". Accordingly, for Hindus the "marriage" has essentially become a kind of indenture in respect of reciprocal advantage for the marital-couple, appropriately acknowledged by the law as well by the society. At the same time, one should not forget that even aforementioned shift in the concept of "marriage" legal provisions would not have its own restrictions. It is submitted that not much can be achieved through the legislative effort or by way of judicial-activism in this field of instantaneous changes in the social as well as cultural values of the community.

Contents

and feasibility of "live-in relationship" in Indian socio cultural scenario 9. Conclusions and suggestions. Bibliography.

12. NEGI (Monika)
Data Protection in the Digital and Physical Space: New Imperatives and Dynamism in Legal Norms.
Supervisor: Prof. Ashwani Kumar Bansal
Th 23098

Abstract
(Not Verified)

In recent years, the issues of privacy and the protection of personal data have become increasingly prominent throughout the world. One of the reasons for this is that widespread use of advanced technologies is helping to facilitate the exchange of information, thereby also creating increased risks that personal information will be abused. Networks, including the internet, make the exchange of information, including personal data, easier and more rapid. At the same time, the use of such electronic networks, also heighten the possibility that data will be interfered with. Evereywhere that one goes on the internet, one leaves a digital trace. As more and more aspects of a person's daily life are conducted on-line, more of what he/she does, their choices, preferences, will be captured. Through obvious means of data collection, such as cookies, websites collect a large amount of personal information about the individuals who visit them. Private entities have been collecting information about individuals for a long time. Surely, such practices did not originate along with the internet. Nonetheless, as a result of the Internet, personal information is more available than ever before and it has become easier and less expensive to obtain access to such information. One result of this is that costs of collecting and obtaining personal information have become so low that services providing personal information, that was once limited to businesses, are now within the economic reach of individuals. Europe and the Western World have risen up and enacted specific legislations which protect both privacy and data protection. Currently, the Indian legal regime does not have specific legislation for privacy and data protection, although the Indian government has been considering the idea of enacting a detailed law on data protection soon.

Contents

13. RANA (Priti)
NRI Marriages and Harassment of Women: A Social-Legal Study in India.
Supervisor: Prof. Usha Tandon
Th 22843

Abstract
(Not Verified)

In this era of globalisation, transnational migration of people is on the rise. In the last few decades, due to the increased migration of Indians abroad a phenomenal increase in NRI marriages have been witnessed. Over the years the problems of harassment of Indian women in marriages with NRIs have been increasingly reported. The legal issues relating to the international dimensions of marriage and divorce have also increased. The problem is manifold and involves issues such as concealment of earlier existing

marriage of the husband before marrying an Indian woman, problems relating to maintenance, disputes related to the custody of the child, lack of social security faced by an Indian woman on the foreign soil. The most conspicuous problem is, in majority of these marriages the NRI husband obtains an ex-parte divorce decree in the country of their residence. Consequently, we come across the main issue i.e. the question of recognition of such decrees of divorces and judicial separations obtained in foreign countries by the Indian courts. To understand the magnitude of the problem an empirical study was done in the three districts of Punjab with high incidence of cases of harassment of women by their NRI husbands who have obtained ex-parte divorce decree. The selected districts are Jalandhar, Kapurthala and Hoshiarpur. This research has found that the existing Indian laws are deficient in dealing with the problem of recognition of foreign divorce decrees and the rising problem of limping NRI marriages. It recommends, inter alia, that the Indian legislature must seriously need to review the situation and must become a signatory to the Hague Convention on Recognition of Divorce and Legal Separation, 1970.

Contents

14. RUCHI LAL
Social and Economic Rights of Refugees in India: An Empirical Study.
Supervisor: Prof. J. L. Kaul and Dr. Kiran Gupta
Th 22844

Abstract
(Not Verified)

Each individual as a member of society has the right to live with human dignity and is entitled to realisation of social and economic rights which are indispensible for his survival, dignity and also for the development of his personality. For refugees,these entitlements assume primary significance since they are outside their country of origin,residing in a foreign territory where they are most vulnerable to the deprivation of minimum subsisitence rights like right to work,education, housing etc. Additionally, deprivation of social and economic rights to refugees, insofar as it forestalls them from realizing an adequate standard of living amounts to indirect refoulement. Furthermore,the search and effective implementation of the appropriate durable solution is not possible without the adequate enjoyment of social and economic rights by refugees. The research primarily focuses upon critically analysing the international and domestic legal standards protecting social and economic rights of refugees. The research examines the international human rights and refugee regimes, and national legal framework under which protection can be provided to refugees. Drawing on the empirical analysis of the socio-economic condition of the various refugee communities living in the country, this research highlights the ground realisities in terms of availability,accessibility and assertion of social and economic rights of refugees living in India. The issue considered includes response from sample population of the various refugee groups on work,education,health and housing which have a direct bearing on their socio-economic condition. The study concludes with some specific observations emphasising the need for national legal regime for the protection of social and economic rights of refugees, apart from institutional responses that accomodate the socio-economic requirements of refugees.

Contents

1. Introduction and research methodology 2. International legal framework for the protection of social and economic rights 3. International legal regimes for the protection of refugees with specific emphasis upon social and economic rights 4. Legal frameworks in India for protection of refugees and their social and economic rights 5. Response of Indian judiciary towards the protection of rights of refugees including social and economic rights 6 Empirical study on social and economic rights of refugees in India 7. Conclusion and suggestions. Bibliography. Annexure.

15. SINHA (Anju)
Open Prisons, their Working and Utility as Institutions of Reformation and Rehabilitation: An Empirical Study of Rajasthan Open Jail.
Supervisor: Prof. S. C. Raina
Th 22845

Abstract
(Not Verified)

The establishment and defects of prison are adverse to the process of reformation and rehabilitation. Mixing of prisoners, without any scientific classification leads to breeding of more criminals rather than reforming them. Overcrowding contributes to a greater risk of disease, higher noise levels, surveillance problems etc. Open prison serves a dual purpose of eliminating criminals from society and reformation of offenders under institutional treatment. It has undoubtedly open a new vista in the realm of correctional treatment, promising an offender greater freedom, natural surrounding and lesser tension which culminate in creating atmosphere more conducive to reform himself and to achieve social, moral and economic rehabilitation in the society. Rajasthan is the pioneer in the concept of open air camps. Open Air Camps for prisoners is a novel step taken by the state government in the process of social readjustment of the prisoners. The eligible convicted prisoners are sent to open air camps with objective of making them learn self-dependence by lawful means of livelihood and social interaction. There are twenty seven open air camps in the state. Prisoners are transferred to the camps as per provisions of the Rajasthan Prisoners Open Air Camp Rules, 1972. Rules have been framed by Government of Rajasthan for sending convicts to open air camps with a view to encourage good conduct, satisfactory performance of work and a life of self-discipline among the convicts of Rajasthan and to provide these convicts with a pre-release, opportunity to learn social adjustment and economic self- dependence. The study is divided into seven chapters and in the end hypothesis has been tested and suggestions to improve the system have been provided.

Contents

1. Introduction 2. Resocialization through prison; extent, effects and alternatives 3. History and development of open prisons: From custody of liberty 4. Methodology 5. Profile of prisoners (demographic) 6. Resocialization and success of open prison 7. Summations and suggestions.

16. TIWARI (Deepika)
Protection of Geographical Indication in the Realm of Law and its Development Potential for Developing Countries.
Supervisor: Prof. Ashwani Kumar Bansal
Th 23099

Abstract
(Not Verified)

Geographical Indication (GI) identifies a good as originating from a particular place. Based on the place of its origin, consumers may associate a good with a particular quality, characteristic or reputation. They are

egregious signs that permit the identification of products in the market. GIs add value to the physical riches of a country and to the skills of the population, and give local products a distinguishable identity. If they are well conserved, they can become an effective marketing tool of great economic value for developing countries. The research was to provide an analysis of protection of GI as an intellectual property right and it's potential to give economic boost to developing countries concerns. Some areas of the study were mainly to trace the origin of GIs, find out the nature of Geographical Indication and how it is protected, conceptual analysis of term of GIs, try to understand various terms related with GIs, to study the level of GI protection at both national and international level, study the economic rationale of protecting GI for developing countries, to analyze the provisions in Indian law relating to GIs and to determine its effectiveness in present scenario, to study relationship between GIs and traditional knowledge, role of GI in rural development and preservation of traditional knowledge, analyze conflict between GI and trademarks, to evaluate provisions and law relating to GIs under various international treaties under WIPO and TRIPs agreement and to analyze that a product to get benefit from GI protection what conditions need to be in existence. The focus is to ascertain how emergence of TRIPs has created more complexity for developing countries and to explore the inherent potential GI has to safeguard countries sovereignty and economic context.

Contents

17. VASHISHTHA (Archa)
Copright in Cinematograph Films and Sound Recordings: A Comparative Study of India, U.S. and E.U. Laws.
Supervisor: Prof. V. K. Ahuja
Th 22846

Abstract
(Not Verified)

Cinematograph films and sound recordings acquire a special place when it comes to copyright protection owing to their distinct nature. Also, the challenges posed by ubiquitous nature of the internet and its ability to swiftly and effortlessly transcend national boundaries and sovereign territories have presented a unique challenge for regulators and those expected to obey laws. On, the other hand protecting the rights of authors of underlying works incorporated in a sound recording and cinematograph films has also turned to be a challenging task for the law makers. The reasons are numerous, one and the most important reason being that the producers are generally at a position, where they can dominate them.Certain amendments were brought in the Copyright Act, 1957 in 2012 to meet these challenges. Though the major thrust of the amendment was eliminating unequal treatment given to lyricist, music composers etc. whose works are incorporated in cinematograph films and sound recordings, but nothing seem to have changed even after three years. Certain provisions have also been added by the amendmment to protect the copyright material over internet. These provisions were also criticized as being incomplete The 2012 amendments have also brought a set of safe harbours for the liability of internet service providers in Section 52. The provision does not seem to put any positive obligations on the ISP and they are mandated to act only if a complaint is registered against them. Some of the suggestions provided by the research. Certain suggestions have also been provided with the research. One of the suggestion is with respect to he

enforcement provisions under the Indian Copyright Act need to be improved as the producer to avoid their liability under the Copyright Act, enter into contract under foreign laws to avoid their liabilities.

Contents

1. Introduction 2. Ownership in cinematograph films and sound recordings 3. Rights of copyright owners 4. Commercial exploitation of copyrighted works 5. Infringement of copyright 6. International legal regime 7. Protection of cinematograph films and sound recordings in European Union 8. Protection of cinematograph films and sound recordings in United States 9. Conclusion and suggestions. Bibliography.

18. VIDA (Abdaly)
Legal Correlation of WTO and the OPEC: Examining OPEC Volume Production Quota Restrictions Under GATT/WTO and its Implications for OPEC Members.
Supervisor: Dr. Alka Chawla
Th 22834

Abstract
(Verified)

The significance of energy and its special characteristics requires comprehensive framework to regulate this sector efficiently. OPEC and WTO are two important organizations in this regard with different set of rules. This thesis contents include:Chapter 1: introduction Chapter 2:Organization of Petroleum Exporting Countries (OPEC)Chapter 3: World Trade Organization (WTO) law and energy/oil tradeChapter 4: WTO and OPEC: interaction and challenges Chapter 5: conclusions and suggestions

Contents

1. Introduction 2. Organization of petroleum exporting countries (OPEC) 3. WTO law and energy/oil trade 4. WTO and OPEC: Interaction and Challenges 5. Conclusion and suggestions. Appendix. Bibliography.