

CHAPTER 27

LAW

Doctoral Theses

01. GULSHAN KUMAR
Good Governance and the Role of Supreme Court : A Critical Appraisal.
Supervisor : Dr. Kiran Gupta
Th 24034

Abstract
(Not Verified)

Governance, as a process of managing affairs of an organisation, is as old as human civilisation. The adjective 'Good' in Good Governance is a value loaded term depending upon socio-cultural and political framework of a particular society. Despite ideological differences of international institutions like World Bank, UNDP etc. in conceptualising Good Governance, some universal principles can be culled out like transparency, accountability, participative decision making, strategic vision and rule of law. Supreme Court though refused to recognise Good Governance on the pedestal of Fundamental Right by relegating governance to the exclusive realm of executive but in practice it is Supreme Court who is constitutionally bound to secure justice to the aggrieved if there is violation of rights by the executive. Supreme Court being the guardian of rule of law is the vanguard of all governance institutions to ensure Good Governance through its judicially reviewable jurisdiction. Supreme Court has expanded the contours of rule of law through its judicially innovated mechanism of PIL. Supreme Court has reincarnated itself as guardian of constitutional democracy by upholding free and fair elections. Endeavours of Supreme Court in snubbing criminalisation from politics, eroding money power to retain probity in electoral outcome, curbing electoral corrupt practices, augmenting jurisdiction of Election Commission etc. are discernable. Supreme Court acts as a catalyst in overhauling anti-corruption institution to provide more teeth. Remedial measures like broadening jurisdictional sphere of public accounting agencies, liberal construction of public servant etc. deserve to be mentioned. While crafting Article 21 as repository of all social and economic rights by transposing Directive Principles into Fundamental Rights has broadened human right jurisprudence. Though intellectual critiques laments this proactive judicial intervention in legislative and executive sphere but such lamentation is more of apprehensive than real and role of Supreme Court in realising Good Governance deserves applaud..

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1. Introduction 2.Upholding rule of law: In Quest of good governance 3.Electoral democracy-supreme court as harbinger of change 4. Tentacles of corruption: A surgical operation by the supreme court 5. Role of supreme court in enrichment of human right jurisprudence with special reference to social and economic rights: A march towards good governance 6. Conclusion and suggestions. Bibliography.

02. HAMID (Insha)
Environmental Degradation and Issues of Human Rights : A Case Study of Dal Lake (Kashmir)
Supervisor : Prof. S. C. Raina
Th 24035

Abstract
(Not Verified)

Lakes are important part of our eco system. these water bodies whether man made or natural, fresh water or brackish play an important role in maintaining environmental sustainability particularly in urban environment especially when the cities are facing the challenges of unplanned rapid urbanization at present in India, lakes and wet lands are in extremely bad shape and are in varying degrees of environmental degradation .despite knowing their environmental, social and economic significance, city planners have ill fully neglected and destroyed these water bodies. today these water bodies are encroached, full of sewage and garbage .considering present bleak water scenario of Indian cities, today we need our lakes and wetlands more than ever , although there are plethora of policies and Acts for protection and restoration of lakes and wet lands, water bodies are in extremely poor condition. There number is declining rapidly .there are endless examples in India that shows such devastating state of water bodies such as Dal lake of Srinagar Kashmir ,which is at average of extinction. Considering this alarming situation of water bodies, the present study is aimed to conduct a detailed analysis of environmental degradation of dal lake of Kashmir with various national and international provisions in hand the theories and laws have been studied and efficacy of various judgements have been examined to bring out the current picture related to degradation. to corroborate the legal position an aspherical study has been carried out in Dal lake and in the periphery of the lake which have effectively called out the present position of the environmental .degradation .

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1. Introduction 2. Dal Lake: Profile and environmental status of the lake 3. International perspective on environmental law 4. Constitutional provisions for environmental protection and role of judiciary 5. Policies and laws for conservation and management of Dal lake 6. Degradation of Dal lake and its case study 7. Conclusion and suggestions. Bibliography. annexures.

03. RUHAL (Sanjeet)
International Maritime Security Laws with Special Reference to India : A Critical Appraisal
Supervisor : Dr.Pinki Sharma
Th 24033

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1. Introduction to maritime security law 2. New regime under the law of the sea and challenges to the freedom of navigation 3. Maritime piracy 4. Maritime terrorism 5. India's maritime security challenges 6. Conclusions and suggestions and bibliography.

04. UCHENNA (Okoronkwo, Hyginus)
Combating Terrorism in India and Nigeria Through their Respective Existing Laws : Some Human Rights Issues and Lessons for Emerging Democracies.
Supervisor : Dr. Anju Vali Tikko
Th 24036

Abstract
(Verified)

Though violent behaviour is not new, terrorism has emerged as one of the most disturbing feature of today's global contemporary life. India and Nigeria have been among victim-nations of the menace for decades now. This doctoral research comparatively examines certain links between counter-terrorism measures and fundamental human rights protection of terrorist suspects in India and Nigeria. It hinges on the States' responsibilities to strike a realistic balance between combating terrorism and prevention of all forms of human rights abuses. The States under attack usually grant unbridled powers to their respective law enforcement agencies to strictly deal with the challenges usually thrown by acts of terrorism. It is in the course of exercising these powers that the human rights of many citizens also come under attack. The growing notion that human rights violations are permissible in certain circumstances while combatting terrorism is unjustifiable and not correct. This is the major thrust of this research. This thesis argues that an effective national or international policy to counter-terrorism must use human rights as its base and guiding framework. It emphasizes that reckless approach towards human life and human dignity of terrorism suspects does not advance counter-terrorism measures. Rather, it seriously undermines it. In order to investigate the foregoing observations and find answers to the research questions and to achieve the objectives of the study, combinations of doctrinal (secondary) and exploratory empirical pilot study (primary) research methodology approaches were adopted. While the doctrinal sources of data included printed sources, the empirical research tool adopted is structured questionnaire. Respondents to the questionnaire are drawn from stakeholders in the implementation of the existing anti-terrorism legislations. Data collated were analysed using the analytical and comparative doctrinal research techniques. Suggestions proffered include better intelligence gathering, adoption of strategic counter-terrorism policy in place of anti-terrorism policy etc.

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1. Introduction and emergence of terrorism 2. Combating terrorism: International legal regime and the remote and immediate causes in India and Nigeria 3. Constitutional Perspectives of combating terrorism: India & Nigeria 4. Existing anti-terrorism legislative frameworks and their salient features: India and Nigeria 5. The role of the judiciary : India & Nigeria 6. Exploratory empirical pilot study: Data presentation, interpretation and analysis 7. Summation and suggestions. Bibliography. annexures.

05. VASHISHTHA (Namita)

Human Rights of Women Prisoners and Their Children: A Socio-Legal Study In Delhi and Haryana

Supervisor : Prof. Usha S. Razdan

Th 24037

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1. Introduction 2. Research methodology 3. Human Rights : A Conceptual analysis 4. Human rights of women prisoners and their children: A legal narrative 5. Judicial response vis-à-vis rights of women prisoners and their children 6. Empirical study of rights of women prisoners and their children 7. Summation and suggestions. Bibliography and annexures.