

# CHAPTER 25

## LAW

### Doctoral Theses

01. ABHINAV KUMAR  
**Exposition of the Preamble and Constituent Assembly Debates: Jurisprudential Insight Versus Contemporary Interpretation.**  
Supervisor: (Dr.) Seema Singh  
Th 27559

#### *Abstract*

With the passage of time, Indian judiciary too has established the contemporary interpretation and position of law of the various key terms that has been used in the preamble of the Constitution of India. On the 75th year of Independence, when we are talking about various aspects of constitution and its principle, today preamble has become the “talk of the town” as in an extraordinary reversal, people are owning it; they are the self-proclaimed, unacknowledged defenders of the letter and the spirit of the Constitution. Preamble is being read in several protests and social movement as well. Therefore, Statement of problem for this study is to examine the existing gap between jurisprudential insight of Preamble vis-à-vis Constituent Assembly Debates and its Contemporary Interpretation. The aim of this research is to study the jurisprudential development of the ideals enshrined in Preamble of the Constitution of India and whether their contemporary interpretation is in consonance with the core Constitutional Philosophy (as reflected in the Constituent Assembly Debates). In this chapter judicial analysis of the term Liberty and Justice has been done in the light of jurisprudential; insights regarding both the key terms used in the preamble. In this chapter, idea of socialism and secularism has been discussed in the light of theoretical construct and judicial pronouncements. In this part jurisprudential analysis and case laws pertaining to Equality and fraternity has been discussed to understand whether there exists a coherence in the interpretation of both the terms. In this part analysis of empirical study has been done in order to understand the popular perception of the people regarding the preamble at the grass root level.

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1. Introduction 2. History of The Preamble of Indian Constitution 3. Jurisprudential Analysis and Contemporary Judicial Interpretation of The Term Liberty and Justice 4. Jurisprudential Analysis and Contemporary Judicial Interpretation of The Term Socialism and Secularism 5. Jurisprudential Analysis and Contemporary Judicial Interpretation of The Term Equality and Fraternity 6. Analysis of Empirical Research on Popular Perception and Real Understanding of The Preamble 7. Conclusions and suggestions and Bibliography and Annexure.

02. DAS (Shilpa)  
**Criminalising the Abuse of Dominance: A Journey through the Competition Laws of India and Other Developing Countries.**  
Supervisor: Prof. Dr. Rajni Abbi  
Th 27560

*Abstract*

Dominance is always structurally prevalent in the market. Developed countries have a tendency to monopolize and abuse their dominant position over developing countries, for instance, Big Tech companies (Google) of developed nations enjoy a dominant position in the extensive market. And there is no criminal enforcement on them for abusing that dominant position, besides they continue to distort the competition in the market. Recent cases of infringement of the competition laws by those firms highlight that imposition of mere structural, behavioural and monetary remedies are not enough to generate a deterrent effect upon the perpetrators, and they continue with their abusive acts which result in colossal threat to the functioning of the free market. On the other hand developing countries emphasise criminal enforcement for those abusive anti-competitive acts to rescue their market. India being a developing country could by enforcing criminal sanctions and by holding the abuse of dominance unilaterally by the dominant firm as a criminal offence, entailing prosecution and imprisonment of the individuals operating behind the cloak of corporate personality, will able to establish the preferable sanctions which will strike a balance between appropriate remedies and objectives of competition laws and also at the digital platform to enhance the consumer welfare to the utmost.

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1. Introduction 2. Evolution of Competition Laws: National and International Perspectives 3. Abuse of Dominance and Market Power: An Analysis of The Concept 4. Abuse of Dominance in Various Countries: Remedies and Sanctions 5. Challenges Towards the Effective Enforcement of Abuse of Dominance Provisions: Study and Analysis of The Judicial Precedent 6. Propositions for Designing and Establishing Criminal Sanctions for Effective Implementation 7. Conclusions and suggestions and Bibliography.

03. DIPHUSHA (Priyanka)  
**Trafficking of Women: A Case Study of Human Rights Violation in Ethnic Conflict Areas of Assam.**  
 Supervisor: Dr. Suman  
Th 27561

*Abstract*

Women across the world endure significant violations of their human rights in various forms, with human trafficking being one of the most severe and egregious. Trafficking involves the exploitation of individuals, often through forced labour, sexual exploitation, and coercion, and disproportionately affects women. It is driven by multiple factors such as poverty, gender inequality, lack of education, and limited economic opportunities, making women particularly vulnerable. This study explores the trafficking of women in the Bodoland Territorial Region (BTR) of Assam, India, which poses a profound human rights challenge exacerbated by the region's unique socio-political and geographical vulnerabilities. It delves into the intricate dynamics of trafficking within the BTR, where factors such as poverty, ethnic conflict, displacement, and porous international borders significantly intensify the risks faced by women. Through an analysis of the socio-economic and demographic profiles of rescued victims, the study highlights key patterns, including the manipulation of vulnerabilities by traffickers and the recruitment of women from marginalized groups. Additionally, the research critically examines the efforts of law enforcement agencies, Non-governmental organizations (NGOs) and lawyers in combating trafficking,

focusing on both the successes and limitations of these interventions. The study also includes case studies of rescued victims, providing insights into how the collaborative efforts of the police and NGOs have yielded encouraging results. The study aims to provide a comprehensive critical assessment of India's legal and policy framework, concentrating specifically on the Bodoland Territorial Region of Assam. The analysis seeks to examine the effectiveness of these frameworks in addressing the challenges of trafficking in the region. The findings highlight the need for a more comprehensive and victim-centered approach, which integrates criminal justice with preventive measures and effective rehabilitation. Furthermore, the study advocates for strengthening legal frameworks by aligning them with international standards, fostering collaboration between stakeholders for improved coordination, and implementing stronger rehabilitation and reintegration programs tailored to the region's unique socio-cultural context.

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1. Introduction 2. Understanding Trafficking of Women: A Conceptual Framework 3. International Legal Framework of Trafficking of Women: A Comprehensive Analysis 4. National Legal Framework and Policy Initiatives Combating Trafficking of Women in India 5. Indian Judiciary against Trafficking of Women 6. Assessing the Plight of Rescued Victims in Bodo Territorial Region of Assam 7. Conclusion, Summary of Key Findings & Recommendation. Bibliography and Annexure.

04. GOYAL (Vivek)

**Dispute Resolution in Sports: A New Challenge for India.**

Supervisor: Prof. (Dr.) Kiran Gupta

Th 27562

### *Abstract*

The realm of sports law, as a specialized legal field, has been largely neglected in India. There is a substantial gap that needs to be bridged for sports dispute resolution studies in India to approach the level of scrutiny and research undertaken in Europe and several other Western nations. Presently, individuals involved in sports disputes in India are faced with a limited range of options. They can either approach the relevant sport governing body or resort to initiating a civil or criminal lawsuit in a court of law. However, courts, given their lack of specialization in sports matters, are not ideally equipped to handle such disputes efficiently. Further, many sports organizations in the country possess unique characteristics, reflecting a diverse approach to resolving sports disputes effectively and accordingly, due to the absence of a common framework for such varied situations, when dealing with sports disputes, they formulate their own rules and regulations. This fragmentation leads to a lack of uniform standards in substantive and procedural law, resulting in conflicts of jurisdiction and legal conflicts. The evolution of sporting landscape in India has resulted in surge in disputes within the realm of sports which has emerged as a novel challenge. The rise in contractual disagreements, disciplinary issues, and conflicts related to performance and governance poses a distinctive set of challenges for the Indian sporting community. The existing mechanisms for dispute resolution are not fully equipped to address the unique dynamics of this ever expanding sports milieu. ADR mechanisms can contribute to the development of effective and adaptive strategies for resolving disputes, ensuring the integrity and sustainability of sports in India. Drawing from existing sports laws and arbitration laws worldwide, this thesis strives to offer insightful recommendations for the current state of sports arbitration, considering the unique characteristics of sports-related disputes.

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1. Introduction 2. A Primer to Sports Law 3. Understanding Disputes in Sports 4. Range of Disputes in Sports 5. Arbitration & Mediation in Sports 6. Development of Sports Law in India 7. Conclusions and suggestions and Bibliography.

05. GUPTA (Jyotish Kumar)

**Flesh Trade: An Attempt to Examine Its Impact on Sexual Violence in India.**

Supervisor: Prof. (Dr.) Vageshwari Deswal

Th 27563

*Abstract*

This study aims to contribute to interdisciplinary initiatives examining sex work, human trafficking, and violence. It critically analyzes research on prostitution in India, focusing on socio-legal aspects and the connection between the flesh trade and sexual violence against women. It also explores the link between prostitution and its impact on sexual violence. The study investigates various forms of violence, including sexual violence, experienced by women in prostitution. It examines the effects of stigma on their mental health, socio-legal relationships, well-being, access to justice, and integration into society. Ethical considerations guiding actions in this context are discussed. Prostitution is a prevalent form of sex trade in India, exploiting prostitutes for financial gain. This paper reviews its history in India and emphasizes the role of human trafficking. Prostitution and sex trafficking attract various felonies, necessitating harsher punishments for purchasing sexual acts. The paper examines the demand for sexual services and factors that make individuals vulnerable to becoming victims, traffickers, or consumers. Prostitution involves the exploitation of women by men and has been viewed as deviant or as a matter of choice and empowerment. However, recent observations reveal high rates of rape and battery by buyers, pimps, and partners. The paper reviews the impact of sexual violence on women in prostitution and considers it a form of male sexual violence. Globalization has intensified the debate on prostitution as impoverished women and children face pressure to enter the sex trade. Addressing trafficking requires human rights instruments. The Philippines, a significant source of prostitution, has organizations aiming to combat exploitation. The need for a convention criminalizing abuse against women is discussed, aligning with feminist human rights perspectives. This study documents the daily sexual violence faced by women in prostitution. Interviews were conducted with male clients and female prostitutes in Delhi/NCR using a questionnaire. Qualitative and quantitative data were gathered on experiences of abuse, intimidation, and harassment. Women working indoors and on the streets faced higher levels of abuse compared to those exclusively on the street or indoors. Both sectors experienced higher rates of crime and intimidation. Sexual violence against women in prostitution was found to be prevalent. Efforts should focus on educating women to prevent harmful situations while selling sexual services.

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1. Introduction 2. An Overview of Prostitution in India 3. Jurisprudential Analysis of Prostitution: A Demand Reduction Focus on Sex Trafficking 4. Understanding Prostitution: Coercion, Choice, and the Interplay of Sexual Violence therein 5. The Global Phenomenon of Prostitution and Its Implications on Women's Rights and Human Dignity 6. Perception of „Buyer of Sex“ v. Experience of Victims: Exploring Sexual Violence upon Women Working as Prostitute 7. Conclusions and suggestions and Bibliography.

06. KAMBOJ (Shikha)  
**Protection of Personal Data of Consumers with Respect to Online Content: A Comparative Study of Laws in India, United States and European Union.**  
 Supervisor: Prof. (Dr.) Rajni Abbi  
Th 27565

*Abstract*

In the dynamic landscape of digitalization, safeguarding personal data within online environments has emerged as a global concern. This study delves into the efficacy of consumer personal data protection laws in India, juxtaposed against the regulatory frameworks of the United States of America and the European Union. India's existing legal provisions for protecting consumers' personal data are insufficient to effectively address the emerging privacy challenges. Central to this research is the hypothesis that the integration of consumer protection rights with robust data protection laws can significantly address these inadequacies. By aligning these two legal frameworks, India can potentially enhance its regulatory landscape to better protect personal data in online transactions and interactions. This thesis seeks to explore how India, with its evolving legislative framework, can learn from the established privacy laws of the United States and the comprehensive data protection regime of the European Union. The USA's approach, rooted in sectoral laws and historical precedent, contrasts with the EU's unified regulatory framework under the General Data Protection Regulation (GDPR). Comparative analysis with these jurisdictions aims to identify effective strategies & best practices in balancing consumer rights with stringent data protection measures. Moreover, this study examines the intersectionality of consumer protection and data protection rights within the Indian context. It considers how synergizing these rights could lead to a more coherent and robust legal framework that addresses both privacy concerns and consumer rights violations effectively. By analyzing existing legislation, judicial interpretations, and enforcement practices in India, the USA, and the EU, this research aims to provide recommendations for India to harmonize its data protection laws with global standards. Ultimately, this thesis endeavors to propose policy initiatives that integrate consumer protection and data protection rights, thereby fortifying India's stance on personal data protection in consumer informatics amidst the complexities of online content.

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1. Introduction 2. Legal Status of Personal Data Protection of Consumers in European Union and United States 3. Comparative Analysis of Personal Data Protection of Consumers Laws in India With European Union and United States 4. Qualitative and Quantitative Analysis of Data Privacy Laws in India 5. Conclusion and Suggestions. Bibliography. Annexure.

07. KARKI (Hira Bahadur)  
**Refugees and Problem of Protection of Their Rights: A Study of Rohingya Refugees in India and Nepal.**  
 Supervisor: Dr. Suman  
Th 27566

*Abstract*

The refugee issue has now become a universal question. It has developed from those contemporaneous challenges that have disoriented global society in search of an enduring solution. The twenty-first century, by many, is referred to as the century of

the uprooted and the homeless. Many of them are escaping the terror of their native land and seeking a new life in a foreign country. Worldwide, in the first decade of the twenty-first century, the number of refugees has significantly increased. Consequently, fleeing people are incompetent to assert their recognizable status and access to protection as a subject of right. Their natural rights remain tenuous. Millions of peoples are obligated to seek asylum and protection of their life and liberty outside their country of origin. From a theoretical viewpoint, comprehensive causal reasons are responsible for refugees' creation, namely: anti-colonial wars, selfdetermination activities, international struggle, insurgency, coups and government changes, racial, communal and faith wars, the formation and restructuring of the state boundary and populace transferal. Human rights breach is one of the major cause in generating refugees. A person becomes a refugee because of some forced event on which he has no control. Refugees have been normally depicted as „vulnerable persons“ a label which is applied to them in recognition of the fact that they do not enjoy national defence as well as diplomatic protection. Human beings are migratory creatures and have been for centuries. The transborder movement of individuals can be attributed to myriad reasons. With growing poverty, the increase in conflict situations, better employment opportunities, environmental degradation, climate change, repression, the systematic breaches of human rights by a government itself and so on, the issue of mass migration is more relevant now than ever before.<sup>1</sup> Persecution, alienation, and forced migration are amongst the most profoundly troubling human experiences.<sup>2</sup> Documented over several years, the traumas of mass flights confront those who are excluded from societies at times of acute political disasters or rapid fundamental redefinition of their social, economic, ethnic and cultural identity. But in the current century, it is the term „refugee“ which has gradually been deployed to explain the millions of uprooted people who have been compelled into exile or displaced within their own nations because of intolerance, war or other human reasons. Refugee constitutes one of the most powerful labels, currently, in the repertoire of humanitarian concern, national and international public policy and social demarcation.

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1. Introduction 2. Refugees and Human Rights: Conceptual Dimensions 3. International & Regional Instruments Relating to Protection of Refugees 4. Role of International Organizations in Protecting Refugees' Rights 5. Refugees in Nepal: Legal Framework and Judicial Response 6. Refugees in India: Legal Framework and Judicial Response 7. Conclusion and Suggestions and Bibliography.

08. KHAN (Aarif Muhammad)  
**Internal Dimension of the Kashmir Conflict and Its Impact on Children's Rights: A Socio-Legal Study of The Kashmir Valley.**  
 Supervisor: Dr. Nitesh Saraswat  
Th 27564

#### *Abstract*

This study examines the situation of children in the Kashmir Valley during the recent phase of separatist resurgence, marked by increased involvement of children in protests, stone-pelting, or recruitment by militant groups, raising concerns about child protection and gaps in juvenile justice provisions. To highlight how complexities of the conflict exacerbate vulnerabilities of children, this study undertakes a socio-legal analysis of its impact on children, their rights, and the effectiveness of existing legal frameworks, while proposing actionable measures to enhance their protection. This research combines doctrinal and empirical

methodologies to examine the far-reaching effects of the conflict, driven by separatist insurgency and unrest, on children. The empirical component employs a mixed-methods approach, with qualitative aspect based on fieldwork conducted primarily in South Kashmir—the epicenter of violence since 2013—exploring the individual and collective experiences of children through observations, interviews, and focus group discussions. The quantitative analysis, utilizing data from both official and unofficial sources, provides a broader understanding of the conflict’s impact on children across the region. The study also examines international child rights frameworks, with a focus on the UN’s work regarding children affected by armed conflict, specifically in J&K. It also discusses regional legal developments, including the changes brought about by the abrogation of Article 370, analysing how these shifts impact children’s rights and protection within the region. Through an analysis of the specific contexts, dynamics, and consequences of various repositories of conflict related violence, the research highlights the multifaceted impact on children. Both non-State violence and State-driven counter-violence are explored, each contributing uniquely to the adverse conditions children face. By amplifying the voices of children raised in violence and insecurity, this research highlights the need for more effective legal protections, as well as targeted interventions to mitigate the consequences of conflict on their lives.

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1. Introduction 2. Understanding J&K: Demographics, History, and Conflict Dynamics 3. The Rights of a Child: International Legal Framework 4. UN Framework CAAC: Evolution, Significance, and Impact in J&K 5. Child Rights in J&K: Legal Framework Pre and Post Article 370 Abrogation 6. Impact of Conflict on Children in Kashmir Valley: A Socio-Legal Analysis 7. Conclusion: Summary of Findings and Suggestions. Bibliography. Annexure.

#### 09. KM REKHA

#### **Use of Religion in the Guise of Secularism: An Impact of Religion on Socio, Political, Legal and Economic Affairs of State: A Comparative Study.**

Supervisor: Dr. Seema Singh

Th 27573

### *Abstract*

This research delves into the intricate phenomenon of utilizing religion under the veneer of secularism for private gains and its consequential effects on the socio-political, legal, and economic dimensions of a state. It scrutinizes the multifaceted impact of the misuse of religion on the social fabric, political landscape, legal framework, and economic policies of nations, acknowledging contextual nuances that contribute to diverse outcomes. The research employs a multi-dimensional approach, delving into historical contexts, legal frameworks, and contemporary socio-political landscapes to illuminate the multifaceted relationships between religion and state in both the USA and the UK. Employing a comparative study, the paper aims to unravel the complex interplay between religion and the various facets of state affairs. The paper critically evaluates the effectiveness of legal measures and constitutional provisions aimed at curbing the misuse of religion, drawing comparisons between different jurisdictions. The study also analyses the role of Indian judiciary to evaluate its contribution in curbing use of religion in the name of secularism. It discusses the existing legal framework in India, including constitutional provisions and subsequent laws, to curb the misuse of religion. However, it also highlights challenges such as misinterpretation, communal politics, and the need for effective implementation of laws. It addresses contemporary

challenges, including communal tensions and the role of religion in politics, calling for renewed efforts to address the misuse of religion in political arenas. The study concludes by advocating for a comprehensive re-evaluation of legal frameworks and definitions to ensure the effective protection of religious freedom and the preservation of a truly secular society. Despite commendable efforts through legal provisions, technological interventions, and judicial activism, the research contends that existing gaps necessitate a thorough re-examination of legal frameworks to prevent the misuse of religion in the guise of secularism.

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1. Introduction 2. Meaning and scope of freedom of religion and secularism 3. Constitutional Jurisprudence of Freedom of Religion and Secularism in India 4. Electoral Democracy in Secular India: A Comparison with United States and United Kingdom 5. Impact of religion on socio, legal, political and economic affairs of India 6. Conclusion, Findings and Suggestions and Bibliography.

#### 10. MEHPARA

#### **Hindu Women's Right to Inheritance in Agricultural Land: A Detailed Study Post Hindu Succession (Amendment) Act, 2005.**

Supervisor: Prof. (Dr.) Manju Arora Relan

Th 27568

#### *Abstract*

In this thesis, the researcher attempts to examine the role of law in perpetuation of discrimination against women while inheriting the agricultural land. Hindu Succession Act, 1956 (HSA) was passed after much discussion and deliberations yet, the legislation suffered from bias against women. Hindu Succession (Amendment) Act, 2005 (2005 Amendment) brought remarkable changes in the inheritance rights of Hindu women by making daughters coparceners. Unfortunately, the 2005 Amendment did not remove the anomalies and ambiguities; rather it created confusion by deleting section 4(2) of HSA without discussing the reasons for deletion or the impact of such deletion. Since the Parliament has not expressly made the 2005 Amendment applicable on the agricultural land the difference in opinion with respect to the interpretation is bound to follow in a patriarchal society. Though the 2005 Amendment is highly appreciated as a major step towards removing gender inequality, the impact of deleting section 4(2) from HSA is not topic of discussion. The impact of deleting section 4(2) is not that simple as the power to legislate on succession of agricultural land is not expressly given to the Parliament under the Constitution. Many authors believed that after removing section 4(2) from HSA, the act is now applicable on the agricultural land. Land still is a state subject and the land reform laws were passed by the state legislatures. The substantial question involved in the present work is to find out reasons and impact of deleting section 4(2) from HSA and to find out if Parliament under the constitutional distribution of power has the authority to enact law that has application on agricultural land. Finally, the researcher has given suggestions to remove this confusion in the interest of women.

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1. Introduction 2. Hindu Women and Personal Law Reforms on Property Rights: Focus on The Hindu Succession (Amendment) 3. Section 4(2) of the HSA: Exploring the Reasons for Inclusion and Demand for Omission 4. Legislative Competence to Make Law on Succession Rights in Agricultural Land 5. Land as A Distinct form of Property: Agrarian Reforms and The Constitutional Amendments



6. Conflicting Judicial Opinion on Omission of Section 4(2) By the Hindu Succession (Amendment) Act, 2005 7. Conclusions and Suggestions and Bibliography.

11. MISHRA (Vasavadutta)  
**From Humanitarian Intervention to Responsibility to Protect: An Analysis of the Practices of The United Nations Security Council and Its Five Permanent Member States.**  
 Supervisor: Prof. (Dr.) K. Ratnabali  
Th 27567

*Abstract*

The study commences by tracing the historical origins of humanitarian intervention and the Responsibility to Protect (R2P). It delves into the emergence and elements of the philosophy of just war in the second chapter. The evolution of humanitarian intervention until the 20th century is then examined. Subsequently, the principle of R2P is explored, focusing on its inception, components, and the international community's response to it. A comparative analysis is conducted to highlight the similarities and differences between just war, humanitarian intervention, and R2P. The study also explores related concepts such as humanitarian assistance and peacekeeping. Moving forward, the third chapter extensively discusses the existing international legal framework for the protection of human rights. The fourth chapter delves into the authority of the United Nations Security Council (UNSC) as outlined under Chapter VII of the UN Charter. Chapter five outlines UNSC resolutions pertaining to humanitarian intervention and R2P. These resolutions cover a range of countries including Iraq, Former Yugoslavia, Bosnia Herzegovina, Somalia, Angola, Haiti, Rwanda, The Great Lakes Region, Croatia, Sierra Leone, Liberia, Sudan, Central African Republic, Kosovo, Democratic Republic of Congo, Cote d'Ivoire, Burundi, East Timor, Libya, and Syria. Chapter six specifically examines the practices of the permanent members of the UNSC. The study concludes that there is generally a consensus within the UNSC regarding R2P, especially its first pillar, which emphasizes the primary responsibility of states to protect their populations.

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1. Introduction 2. Humanitarian Intervention and Responsibility to Protect: Emergence and Development 3. International Legal Framework for Human Rights Protection 4. Authority of The UNSC Outlined Under Chapter Vii of the UN Charter 5. Practices of The UNSC Within the Framework of Humanitarian Intervention and R2P 6. Practices of The Permanent Member States of The UNSC Within the Framework of Humanitarian Intervention and R2P 7. Bibliography and Appendices.

12. MOHD. JAKIR  
**Cyber Stalking Laws in India with Special Reference to Women: A Critical Analysis.**  
 Supervisor: Dr. Poonam Dass  
Th 27571

*Abstract*

This research explores the issue of cyber stalking, with a special focus on its impact on women and the legal framework surrounding it. It starts by defining cyber stalking and outlining its significance. Then, it examines how different countries,

including the US, UK, and India, address cyber stalking within their legal systems. It also explores international efforts to combat cyber crimes. The study then shifts its attention to India's laws pertaining to cyber stalking and their specific provisions for protecting women. A comparative analysis with other countries sheds light on similarities and differences in legal approaches. Additionally, the challenges associated with handling cyber stalking cases, such as jurisdictional complexities, are discussed. Through the analysis of empirical data, the research provides insights into the prevalence and effects of cyber stalking, particularly on women. By understanding these realities, the aim is to develop strategies to mitigate the impact of cyber stalking. Finally, the study concludes by summarizing key findings and offering suggestions for further research. By shedding light on cyber stalking and its consequences for women, this research aims to contribute to the creation of a safer online environment.

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1. Introduction 2. An Overview of Cyber Stalking 3. International Legal Position of Cyber Stalking 4. Legal Position of Cyber Stalking in India 5. A Comparative Study of Cyber Stalking Between India And Other Countries 6. Cyber Stalking: Jurisdictional and Evidential Issues 7. An Empirical Study of Cyber Stalking 8. Conclusions and Suggestions. Bibliography and Appendices.

13. NEHA

**Land Reforms Laws vis-à-vis Rights of Scheduled Castes in India: A Critical Appraisal.**

Supervisor: Dr. Kshitij Kumar Singh

Th 27572

#### *Abstract*

In a country like India where a large section of population is dependent on agriculture, land is a significant source of livelihood and provide access to various democratic and basic human rights. Access to land continues to be unequal and disproportionate which creates conditions for large number of Poor to be discriminated against and denied their basic rights. This situation is even more harrowing for the marginalized sections of society like the Scheduled Castes who have been historically deprived of their share in the material resources. The dismantling of the caste system is not impossible unless the material foundation it stands upon is not tackled with. It is the duty of the State, by the mandate of Constitution of India, to create conducive conditions where everyone enjoys their Fundamental Rights. After independence, land reforms laws were enacted with the popular slogan 'land to the tiller' and as a part of the State's commitment to implement economic and social justice. However, access to land as a means of production still hasn't been implemented fully and social and economic justice policy of the State, in terms of distribution of land, has weakened consistently. The research endeavors to examine the constitutional provisions, laws, and policies while also focusing on the obstacles in the effective implementation of the land and livelihood rights.

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Laws in India 5. Land Reforms Laws in Punjab 6. Access to Land and Livelihood Rights: Issues and Challenges 7. Conclusions and Bibliography.

14. PATEL (Vartika)  
**Issues of Jurisdiction in Cyberspace: A Need for Harmonization.**  
 Supervisor: Prof. (Dr.) Kiran Gupta  
Th 27894

*Abstract*

Issues of Jurisdiction in Cyberspace: A Need for Harmonization Technology affects almost every aspect of our lives; from morning until night, we are dependent upon it. These days, having internet connectivity has become a prerequisite for a comfortable stay. The internet has made many things convenient; we can shop, order food, learn a skill, invest, communicate with family and friends, and entertain ourselves online—the list is endless. In fact, the role of the internet in our lives has significantly increased since the COVID-19 pandemic. However, this dependence on the internet also exposes us to threats such as malware attacks, cyber frauds, phishing, password sniffing, and digital arrest. The lack of borders in cyberspace deprives sovereigns of the legitimacy that stems from consent and hinders them from exercising their control over certain populations and regions. Additionally, the absence of borders in cyberspace prevents users from recognizing when they have entered a different jurisdiction, thereby complicating cases of cyberspace jurisdiction, particularly when the parties and the victim may reside in different sovereign states. In this scenario, where does the cause of action originate? The response comprises numerous sites. The defendant, a cybercriminal, will raise a preliminary objection in any affected jurisdictions, citing a lack of territorial jurisdiction. Formulating a definitive standard that provides legal certainty in addressing the intricate issue of courts exercising jurisdiction over disputes stemming from online activity is exceedingly challenging. Our heavy reliance on e-commerce, cloud computing, blockchain technology, etc., exacerbates the jurisdictional issues. Only a limited number of issues in cyberspace are covered by the present cyber legislation. Consequently, enacting new legislation and revisions to current legal requirements, recognizing international treaties to conform to global legal frameworks, and engaging in international collaboration are imperatives, along with a reevaluation of the approach to cyberspace and its internal regulations.

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1. Introduction 2. Revisiting Jurisprudence of Cyberspace and Its Effect on Jurisdiction 3. Emerging Technologies and Their Impact on Jurisdictional Issues 4. Judicial Approach to Challenges of Jurisdiction on Cyberspace: A Comparative Analysis of Case Laws 5. Jurisdictional Challenges in Cyberspace: An Analysis of Indian Law and Judicial Decisions 6. The Role of International Law in Addressing Cyber Threats 7. Conclusion, suggestions and bibliography.

15. RAJPUT (Bhavna)  
**Freedom of Speech and Expression on Social Networking Websites: A Critical Study of Regulatory Mechanism with Special Reference to India.**  
 Supervisor: Prof. Alok Sharma  
Th 27574

*Abstract*

Social Networking Websites (SNWs) have emerged as a powerful platform for exercising free speech and expression. They have revolutionized and redefined the

landscape of global communication in unprecedented ways, especially by allowing people to access and share information across geographical boundaries. However, the growing use of social media platforms has raised several concerns, primarily due to the increasing prevalence of illegal and harmful content that users encounter while using these platforms. In response, governments are exploring ways to make these platforms safer, including expanding the criminalization of specific forms of speech by amending laws and introducing new policies. This thesis explores the content-related regulatory challenges posed by SNWs, focusing on their role in shaping users' rights to free speech and expression and the need for its regulation. It critically examines the legal and regulatory frameworks that govern SNWs in India, specifically the Information Technology Act of 2000 and the Information Technology Rule 2021, which serve as the foundation for content regulation. Additionally, it examines the shortcomings of these frameworks, particularly their lack of clarity in defining illegal and harmful content and platform providers' responsibilities. Further, it explores a comparative analysis of content regulation in the U.K. and U.S.A. and offers insights into more developed legal frameworks, which India can draw from to refine its own regulatory mechanisms. The study also delves into judicial responses, particularly *Shreya Singhal v. Union of India* and *Avnish Bajaj v. State (N.C.T.) of Delhi*, which redefined the scope of freedom of speech and expression online and the liability of platform providers in India. The findings of the thesis highlight the need for specific legislation for SNWs in India that balances content regulation with free speech protections, offering clearer guidance for platform providers and ensuring that users' rights are safeguarded in the ever-evolving digital landscape.

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16. SHANGH (Yailiwon)  
**The Administration of Juvenile Justice in Manipur: A Socio-Legal Study in Ukhrul District.**  
 Supervisor: Prof. K. Ratnabali  
Th 27575

#### *Abstract*

The administration of juvenile justice in Ukhrul district is affected by the prevailing legal pluralism where the formal law co-exists with the customary laws that the people have practiced since time immemorial. On one hand, it can be said that the JJ Act has been implemented in Ukhrul district as the authorities JJB and CWC have been established for more than a decade now. On the other hand, the people including the police are unaware of the rights of children under the Act and this has resulted in the violation of children's rights on several occasions with heavy consequences on the juveniles. This research aimed to understand the manner in which juvenile delinquents were dealt with under both justice systems through in-depth case studies and compared them to evaluate which justice system serves the better interest of the child. The findings confirmed that every juvenile case is unique and should be addressed individually within the given context thereby avoiding any generalisation. The good practices found within the provisions of the JJ Act should

be effectively implemented to promote ‘the best interest of the child’ while effort should be made to address the lacunas in the Act. Simultaneously, the unhealthy customary practises in dealing with juvenile delinquency must be eliminated but best practises must be promoted and replicated in the future particularly the restorative justice model for systematic rehabilitation of juveniles.

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1. Introduction 2. The Evolution of Juvenile Justice Jurisprudence 3. The Traditional Youth Dormitory System and its Role in Disciplining Young People 4. Case Studies of CCLs Under the JJ Act and Restorative Justice in Ukhrul District 5. Children in Need of Care and Protection: A Case Study of Ukhrul District, Manipur 6. Conclusion: Findings and Recommendations. Suggestions, recommendations and conclusion.

17. SHILPA  
**The Insolvency and Bankruptcy Code, 2016 Has The Potential To Revitalize Economic Development - A Myth Or Reality.**  
 Supervisor: Prof. (Dr.) Anu  
Th 27576

#### *Abstract*

Capital infusion is the most important part of any industrial activity. The public and private sector Banks/Non-Banking Finance Companies (NBFCs) /Financial Institutions (FIs) usually fund this starting capital or finance assistance on mutually agreed terms. Financial assistance is provided in the form of credit /loans or debts. The servicing of debt to these companies is dependent on the regular revenue generation from the continuous operation of the project/plant/company with a non-stop supply of raw material/fuel and timely consumption by distribution companies and ultimately the end-consumers. If any of these factors are affected due to a change in law, availability of substitute goods, and other market forces, then the revenue stream of the companies gets impacted and may face difficulty in timely servicing of its debt obligation and may become stressed assets or Non-Performing Assets (NPA). This will also impact the health of Banks/FIs in terms of an increase in their NPA ratio and provision for loss assets in their balance sheet. Thus, hindrance in the manufacturing of goods & services would result in insolvency and bankruptcy of the company/debtor which in turn affects the ability of Banks/FIs to provide credit/loans at low-interest rates, thereby retards economic growth and development. To mitigate this situation the Insolvency and Bankruptcy Code 2016 (the Code) was enacted in May 2016. The present study evaluated the impact of the Code, 2016 on the economic development for the period (Dec. 2016 - Mar. 2023) using different economic development indicators (GDP, HDI, NPAs, Entrepreneurship, Job generation, etc.) and compared the situation pre (2012-16) and post IBC regime. This study also attempts to correlate these indicators with the measurable outcome of the Code with its desired objectives.

#### *Contents*

1. Insolvency and Bankruptcy: An Introduction 2. Genesis of The Insolvency and Bankruptcy Code, 2016 3. The Insolvency and Bankruptcy Code, 2016, Proposition for Resolution or Liquidation of Companies 4. Impact of IBC Regime on Economic Development 5. Socio-legal Issues of The Insolvency and Bankruptcy Code 2016 6. Conclusion: Findings and Recommendations. Bibliography.

18. SINGH (Ashutosh)  
**Significance of Net Neutrality in Digitally Dependent Commercial Activities: A Comparative Study of USA And India.**  
 Supervisor: Prof. Dr. Rajni Abbi  
Th 27577

*Abstract*

In an era marked by burgeoning digital dependency, the concept of net neutrality has emerged as a crucial pillar shaping the landscape of commercial activities worldwide. This comparative study delves into the significance of net neutrality in the context of digitally dependent commercial endeavors, with a specific focus on the United States (USA) and India. Drawing upon comprehensive research methodologies, including qualitative analysis and comparative frameworks, this study elucidates the intricate interplay between net neutrality regulations and the dynamics of commercial activities in both nations. The analysis juxtaposes the regulatory frameworks governing net neutrality in the USA and India, unraveling the divergent approaches and their implications for digitally reliant businesses. By examining case studies and empirical data, this study underscores the pivotal role of net neutrality in fostering a level playing field for businesses operating in the digital sphere, while also addressing the potential challenges and controversies surrounding its implementation. Furthermore, this study explores the socio-economic ramifications of net neutrality policies, shedding light on their influence on innovation, competition, consumer welfare, and economic growth in the respective contexts of the USA and India. Through a nuanced comparative lens, this research contributes to a deeper understanding of the nuanced intersections between net neutrality and digitally dependent commercial activities, offering insights that are pertinent for policymakers, businesses, and stakeholders navigating the evolving digital landscape in both nations and beyond. Keywords: Net Neutrality, Commercial Activities, Digital Dependency, Comparative Study, USA, India.

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1. Introduction 2. History and Evolution of the Concept of Net Neutrality 3. Net Neutrality: A Dynamic Issue 4. A Threat to Digital Commercial Activities and Start-ups Ecosystem 5. Net Neutrality in India: The Competition Act, 2002 & Other Laws 6. Comparison Between Indian and American Laws on Net Neutrality 7. Conclusion, suggestions and bibliography.

19. SINGH (Nand Kishor)  
**Water Laws and the Role of Gram Panchayats in Water Conservation in the Bundelkhand Region of Uttar Pradesh.**  
 Supervisor: Dr. Shabnam Mahlawat  
Th 27578

*Abstract*

The right to life in India was once restricted to mere physical existence and it was very narrowly interpreted. But over time, the Court recognized that the right to life is inclusive and includes everything which is required to lead a dignified life. This research is an attempt to comprehend the problem of water-related issues and devise a solution by evaluating the current National as well as State of Uttar Pradesh legal regime which deals with water conservation. The researcher has critically reviewed the existing legal mechanism, and water policy adopted by the central as well as state governments to conserve water. The institutional framework established

so far and corrective measures after identifying gaps in the existing framework have also been recommended. It has been asserted that if we do nothing, to conserve water, water scarcity will become evident and the situation become grimmer. With the help of primary data which has been collected by the researcher, an attempt has been made to analyse, the role of Gram Panchayat in the Bundelkhand region in the conservation of water. This work has been divided into six chapters ie., Chapter 1: Introduction, Chapter 2 Historical Aspect: Concept, Origin and Evolution, Chapter 3: Water Laws and Policies In The State Of Uttar Pradesh, Chapter 4: Role Of Gram Panchayat, Civil Society, and NGOs in Water Conservation, Chapter 5: Data Interpretation and Testing of Hypothesis, Chapter 6: Conclusion and Suggestions

#### *Contents*

1. Introduction 2. Historical Aspect: Concept, Origin and Evolution 3. Water Laws and Policies in The State of Uttar Pradesh 4. Role of Gram Panchayat and Ngo's In Water Conservation 5. Analysis of the Role of The Gram Panchayat in Water Conservation 6. Conclusion, Findings and Suggestions. Bibliography and Annexures.

20. SINGH (Shourie Anand)

**Diplomatic Immunity: Interaction Between Immunity of Diplomats, Violation of the Law and Liability of the State to Protect Its Citizens.**

Supervisor: Prof. (Dr.) Rajni Abbi

Th 27579

#### *Abstract*

The ancient craft of Diplomacy has always been a topic of awe and wonder wrapped around the shroud of mystery, power, secrets and wonder for the common man. The position of the diplomat is one which many would consider as a gold standard of success in the world. In modern times as, diplomacy became more organised and the concept of career diplomats grew it came within the reach of many and not only people from aristocratic pedigree. The age-old idea of diplomatic immunity and the powers and privileges attached with it has created an exclusive category of people in the world who are a class apart from others. Diplomats play an extremely important role in maintaining the world order as we know it today. Diplomats enjoy immunity for various reasons and it is necessary too. But what happens when they tend to misuse their immunity or commit a crime in the receiving state and then invoke their immunity to get away with it? This leads to lot of problems for the receiving state and especially for the victims in the receiving state who are left high and dry because of the concept of diplomatic immunity. This research looks into this aspect and tries to find answers for the same

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1. Introduction 2. Research Methodology 3. Diplomatic Missions: Functions and Obligations of Diplomats 4. Immunities and Privileges of Diplomats 5. Diplomatic State Practices: Position in India, USA, UK 6. Exploratory Study of Violation of Municipal Law by Diplomats and Response by Police Personnel 7. Conclusions and suggestions. Bibliography and Annexures.

21. YADAV (Sneh)

**Legal Regime Relating to Plastic Waste Management in India: A Critical Analysis.**

Supervisor: Prof. (Dr.) Manju Arora Relan

Th 27581

*Abstract*

Plastic has become an inevitable part of our lives. Plastic came as a boon and contributed in the development of economy and infrastructure. However, with the increase in production of plastic, the problem of plastic waste management became grave. There are three major methods of plastic waste disposal, incineration, being dumped in landfills or throwing it in water bodies. All these methods pollute the environment and cause great harm to the human and animal health. Single use plastic is the most problematic, where a thing is used only for few minutes but it stays in the environment for hundreds of years. Plastic waste like, used carry bags and other single use plastic when thrown away in water eventually breaks down into tiny particles called as microplastics. These microplastics are found in salt that we eat, in human blood and even in human foetus. To tackle the problem of plastic waste, Government of India enacted Plastic Waste management Rules which were amended from time to time, the latest amendment to the rules came March 2024. In my research, I have critically analysed rules relating to plastic waste management in India, with special focus on rules for Extended Producer Responsibility, Single Use plastic and plastic carry bag. The implementation of rules would be tested by analysing the annual report issue by Central Pollution Control Board. I have carried out empirical research to find out the reasons for violation of ban on plastic carry bags. Suggestions would be given for effective implementation of the rules.

*Contents*

1. Introduction and Research Design 2. Legal Framework to Regulate Plastic Waste in India 3. Extended Producer Responsibility Under Plastic Waste Management Rules 4. Single Use Plastic - Law and Its Implementation 5. Empirical Study on Plastic Carry Bags 6. Conclusions and Suggestions. Bibliography and Annexures.