



PANJAB UNIVERSITY LAW REVIEW



LAW AND UNMET SOCIAL NEEDS: AN AGENDA FOR LAW STUDENTS

CSR INITIATIVES DURING COVID-19 PANDEMIC: A SELECT STUDY OF INDIAN COMPANIES

CRIMINALITY AND SEXUALITY AMONG CHILDREN: SOCIO- LEGAL PERSPECTIVE

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**LAW AND UNMET SOCIAL NEEDS: AN AGENDA FOR LAW
STUDENTS****

Prof. (Dr.) Ranbir Singh*

Abstract

Ideals enshrined in the Indian Constitution can be achieved by legal education as well as legal profession. The legal profession, on one hand crusades against injustice and exploitation and on the other hand, assists in the development of law. The paper suggests that before entering into the legal profession, how the students in law colleges need to be sensitized for their responsibility as a lawyer towards society. The paper advocates the importance of law schools where the 'frontier men' of legal education can be nurtured so that the gap that exists between privileged and underprivileged class in the society can be fulfilled through these budding lawyers. The paper highlights how the legal services (legal aid) clinics in law schools can go a long way in improving legal education and providing a platform to law students in dealing with the real problems of the society.

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CSR INITIATIVES DURING COVID-19 PANDEMIC: A SELECT STUDY OF INDIAN COMPANIES

*Prof. (Dr.) Arvind Jasrotia**

*Ms Rohini Sharma***

Abstract

Corporate Social Responsibility (hereinafter, CSR) is a dynamic concept which changes with the changing needs and requirements of the society. Traditionally, it was practiced in the form of charity and philanthropy but with new societal developments it became more strategized, planned and organised concept. To balance the increasing expectations of the stakeholders starting from employees, investors, consumers and society at large, a wider connotation has been given to CSR. From time to time, either through international instruments or governmental directions, new perspectives have been added to CSR paradigm.

In the backdrop of declaration by World Health Organisation of COVID-19 as pandemic and consequent declaration of it as notified disaster by the Government of India, number of circulars and notifications has been issued to the Indian companies with regard to their CSR initiatives. Through these circulars, Government tried to expand the ambit of CSR concept by giving it a liberal interpretation. The main intention was to ask the Indian companies to extend their help in strengthening India's fight against COVID-19 pandemic. This helped in providing proper medical care, food and other essential commodities to corona victims and other poor and needy people during the pandemic. In this paper, researchers endeavour to discuss the CSR initiatives of the select Indian companies during COVID-19 pandemic period and analyse the impact of governmental directions in providing new dimension to the concept of CSR during the pandemic.

Keywords: *COVID-19 pandemic, Indian companies, CSR activities, CSR expenditure, Frontline workers, PM CARES Fund.*

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CRIMINALITY AND SEXUALITY AMONG CHILDREN: SOCIO-LEGAL PERSPECTIVE

*Prof. (Dr.) Supinder Kaur **

*Manveer Kaur ***

Abstract

Children are the robust citizens of the future. They are the most vulnerable group in the society and because of this vulnerability, the child easily becomes the subject of exploitation by other members of the society and the children are abused, the children are forced to engage in anti-social activities. There are a number of reasons or issues involved in rising the cases of juvenile delinquencies, for example - illiteracy, poverty, lack of awareness, loopholes in legal system, lack of moral value, family disputes, easy access of technology (pornography, violent video games). In order to safe guard the future of juveniles, the governments and authorities should work towards providing a legal system, which should ensure not only implementation, but also creating awareness about rights of juveniles, problems of juveniles, duties of juveniles and law for juveniles. In the given research paper, researchers have attempted to unravel the root causes and consequences of juvenile delinquency and for this purpose, the analysis of data released by NCRB has been used to know the ground reality of juvenile delinquency. This will help in understanding the problem of "criminality and sexuality among children" with special reference to the provisions of law in this regard.

Keywords – *Children, Criminality, Delinquency, Offences, Sexuality.*

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MATCH MANIPULATION IN CRICKET: IS THERE A WAY TO PREVENT IT?

*Prof. (Dr.) Aman A. Cheema **

*Ankur Taya ***

Abstract

Match-manipulation has been designated as a new scourge of sport at the beginning of the twenty-first century, and sports organizations as well as other stakeholders have started to fight against it as they did against doping a few decades ago. Betting and fixing match outcomes, through corrupt practices, have tainted the game of cricket. Star players and even the club executives are involved, and key matches, including the World Cup, have been tampered with. The introduction of underworld crime syndicates, rigging games and outcomes in order to make large gambling profits has resulted in huge corruption scandals in turn raising questions about the sport itself. Recent cases of match manipulation have shocked the fans worldwide. The article addresses a number of incidents, including the infamous Hansie Cronje case, Pakistani players' spot-fixing at Lords and the Indian Premier League match-fixing scam, among others. In the second part the Indian Legislative framework to curtail and prevent match manipulation and betting has been examined. The third part of the paper analyses the Indian Judicial perspective and reforms suggested in Justice Mudgal committee Report the Lodha Committee report. This part of the paper also scrutinises the private member Bills introduced by Shashi Tharoor and Anurag Thakur to combat match fixing, that could not see the light of the day. The paper concludes with certain suggestions to combat the evil of match manipulation.

Keywords *Match manipulation, sports fraud, betting, gambling, spot-fixing.*

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SOCIO-ECONOMIC ASPECTS OF GLOBALIZATION: IN REFERENCE GREEN ECONOMY AND INCLUSIVE GROWTH

Dr. Virender Negi & Dr. Monika Negi***

Abstract

The era of globalization has witnessed mega expansion of economic activities booming across the globe. The major effect of this globalization is on our Environment. Which is one of the dimensions of sustainable development? Since the early 1970s, when the Stockholm Conference was held in 1972, sustainable development had been a hot topic at the international level. Although the globalization has caused rise in national and per capita income of the developed, developing and underdeveloped countries, But, it failed to keep a pace with keeping the environmental damage within a tolerable limit so that the future generation will get equal benefits in terms of output and congenial environment. The Stockholm Declaration stressed the value of the human environment and identified States and organization's responsibilities for preserving and maintaining that environment. It necessitates the incorporation of economic, social, and environmental factors in a balanced manner. As, the widening gap of income and other inequalities in society, the breach of planetary borders, puts civilization at risk, the basic challenge before international community is to integrate the three dimensions i.e. socio-economic and cultural growth with the parameters of sustainable development. This require an urgent change in policy approach. In this perspective, the worldwide global society is confronted with a slew of issues that make sustainable development a challenging aim. The paper discusses the Socio-economic aspects of globalization in reference to the concept of green economy and inclusive growth; as main agenda for Sustainable Development in the world's largest development framework.

Keywords- *Globalization, Cross-National Conflicts, Sustainable Development, Natural Resources, Green Economy.*

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LEGAL FRAMEWORK AND CHILD LABOUR IN INDIA

Dr. Monika Sharma^{*} & *Ajitabh Mishra*^{**}

“Child labour perpetuates poverty, unemployment, illiteracy, population growth, and other social problems”

-Kailash Satyarthi¹

Abstract

The basic rule for testing any country's progress is to check the laws made for protection of the vulnerable sections of society and its implementation and child is considered as the vulnerable section of the society and because of this reason the Child needs to be protected by government so that they cannot be exploited by anyone in the society. No doubt India has made good laws to protect the child labour and Judiciary is also playing active and equal role in protection of child from child Labour but the implementation of those laws is still in question and due to this every time, the legal framework questioned for the proper implementation of the laws made to protect child rights in India. Hence, the entire object of the research paper is to study the legal framework including Policies related to child rights protection and Laws regarding child labour and discuss the relevant judgement through which the courts gave the precedents and the observation in child rights and their protection and to provide the suggestions to eradicate the problem prevailed in our society as the children are the future of our country and apart from it the focus is also to make the research study helpful to public, legal expert, research scholars and authorities at public level by giving some suggestions and to achieve this objective the method that will be adopted is doctrinal.

Keywords- *Child Labour, Child Rights, Legal framework, Judicial Activism, Poverty, hazardous activity, Rehabilitation, Vocational training.*

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¹ Kailash Satyarthi, *Kailash Satyarthi Quotes*, REGISTRATION PRIVATE (May 24, 2022, 10:45 PM), https://www.brainyquote.com/quotes/kailash_satyarthi_686608.

FIXING A LIABILITY REGIME FOR THE INTERNET INTERMEDIARIES

*Dr. Deepak Kumar Srivastava**
*Piyush Chakravarty***

Abstract

Every day there is some or the other news regarding the usage of internet intermediaries such as Facebook, Twitter, YouTube, and Snapchat for committing some crime that affects a single individual to millions of people. With the technological changes taking place on a day-to-day basis, it is becoming more and more difficult for the law to catch up. The core function of these intermediaries is moderation of content and not just neutral face value hosting of content. They also perform legislative, executive, and administrative functions while moderating the content. The existing laws in place are too slow or inadequate when dealing with the offences committed due to the intermediaries. Apart from it, there is a lack of secondary liability for the platforms, which continue to act wearily towards implementing strong checking mechanisms. A robust mechanism on the part of the intermediary platform is the need of the hour and the current legal regime also needs to take steps for the same. The policy should bring the input of all the stakeholders, so the intermediaries are not as dangerous as they have become now.

Keywords-: *Internet Intermediaries, Algorithm, Artificial Intelligence (AI) And Machine Learning (ML), Liability, Policy.*

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**THE ROLE OF NATIONAL GREEN TRIBUNAL IN
ENVIRONMENT PROTECTION WITH REGARD TO THE
AFTERMATH OF HYDRO POWER PROJECTS IN INDIA**

Dr. Jai Mala*
Shivanshi Thakur**

Abstract

The hydro power generation sector is in trend because of its renewable energy production mechanism. It is not only financially viable but is also considered as highly profitable for the companies. That is why the detrimental impacts of producing this so called “clean energy” are often ignored by the corporations and sometimes by the state as well. These hydro projects may have aims like uplifting poor mountain people, developing the backward areas, afforestation, socio-economic transformation of the local area but this growth cannot be termed as sustainable growth if attention towards the rejuvenation of environment is not paid. An alarming manifestation of exploiting, depleting and over using the environment is reflected in setting up these uncountable hydro power plants across the globe. Therefore, this paper aims at studying the impacts which hydro power plants have on environment and also discusses the importance given to sustainable coexistence by United Nations through its goals for sustainable development in this regard. For a more comparative analysis, benefits and drawbacks of the hydel power plants and the regulatory mechanism for the same has also been listed in the paper. This research has also elaborated the motive behind establishing National Green Tribunal in the country. By means of some landmark decisions this paper seeks to uncover how NGT has played a noteworthy role in safeguarding the environment from ill-effects of hydro projects in India.

Keywords- *Environment Protection, Clean Energy, Hydro Power Projects In India, Impact Of Hydro Power Projects, NGT On Hydro Plants, Sustainable Development Goals.*

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**OWNERSHIP OF COPYRIGHT IN WORKS DESIGNED IN THE
COURSE OF EMPLOYMENT: COMPARATIVE STUDY OF THE
LAWS OF INDIA AND THE UNITED STATES OF AMERICA**

Dr. Balwinder Kaur*

Abstract

Most of the copyrighted workers around the world are formed in the course of employment. Employment creates a legal link between employers and employees. It happens when an employee performs his work under contract for remuneration. There are reciprocal rights and duties which are formed because of the employer and employee relationship. One of such rights is an Intellectual Property right. Intellectual Property is a formation of the mind. According to law, its ownership lies in the person which fetches it into existence unless there is a contract to the contrary. Intellectual Property (herein referred to as Intellectual Property) protects the creation of the human intellect. The creation includes literary and artistic works, images, music, design, inventions, and names, etc. The rightful ownership of intellectual property and transfer of rights to the rightful owner is vital in the eyes of law. The ownership of copyright works formed in the course of employment has been regulated in different ways by the national laws of each country. This paper will focus on the employment relationship to understand the expression 'Contract of Service' in the context of copyright. Secondly, the paper will compare existing Copyright laws of India and the United States of America taking into account the position of copyrights created in the course of employment. Lastly, the author will analyze the similarities and dissimilarities in the laws of both countries regarding the ownership of the copyright in the employer-employee relationship.

Keywords- Copyright, Contract of service, Work for hire, Employee.

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JUDICIAL REVIEW OF TREATY MAKING IN INDIA

*Dr. Vishal Sharma**

Abstract

Treaty-making is one of the most important sovereign powers of any State. Traditionally, treaties are a mechanism by which States deal with each other; however, after the formation of the United Nations, the domain of international treaties has much expanded. Now due to human rights jurisprudence treaties have covered almost every aspect of human life. In such a scenario control over the States' power to conclude treaties has become important. In monist States executive signs and legislature ratifies all international treaties. But, in dualist States like India where the executive and legislature overlap each other, the role of judicial review becomes more crucial. This paper has tried to locate the government's power to make international treaties in the constitution of India and tried to assess how the judiciary has responded to questions related to this power of the Indian executive. The paper has also tried to ascertain whether the Indian judiciary is bold enough in implementing an international treaty while questioning it. It has also compared the attitude of the Indian judiciary with the judicial bodies of other foreign States; especially, in the matters of overseeing adherence to the extradition agreements. At the end, the paper has provided some practical suggestions also to make judicial review of treaty-making in India more constructive.

Keywords- *Monist, Dualist, Treaty-Making Power, Judicial Review, Diplomatic Immunities, Extradition Agreements.*

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**ROLE OF SUPERVISOR IN SUPERVISION AND CONDUCT OF
RESEARCH: A NOTE FOR RESEARCH SCHOLARS**

*Bhavana Rao**

“A person’s conceptions of academic supervision affect practices as a supervisor. I use my conceptions and experiences of the supervision process to draw conclusions about the ‘best practice’ of supervision.² These conclusions about best practice are partial in the sense that they are justified by past experiences, mine and those of others.”³

- Jacquelin Mackinnon

Abstract

Research requires careful and dispassionate investigation and no research institute should admit a candidate unless it has able and willing people to supervise the candidate.⁴ A research has to be guided for making it certain, clear and coherent and therefore a good guide is an important part of a good conclusion. The kind of research carried on may be the guide to choosing a good supervisor and conduct the research accordingly. The choice of Supervisor therefore depends upon the knowledge which a person might possess to guide another. So, in case of empirical studies a person adept at guiding through the samples and the statistical methods would be an ideal choice. In case of legal doctrinal research, the person chosen should be able to guide the researcher about the theories and case laws in legal field and in any other case the theories and related prepositions. This paper delves into the role of supervisor in research.

Keywords- Supervisor, Supervisee, Conduct of Research, Intervention, Guide, Investigation, Progress, Bias.

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² Jacquelin Mackinnon, *Academic Supervision: Seeking Metaphors and Models for Quality*, 28(4) JOURNAL OF FURTHER AND HIGHER EDUCATION (2004).

³ *Ibid.*

⁴ DR. S R MYENI, LEGAL RESEARCH METHODOLOGY 5 (Allahabad Law Agency 2011).

**ROLE OF INTERNATIONAL CRIMINAL TRIBUNAL FOR
RWANDA IN INTERPRETATION OF INCITEMENT TO COMMIT
GENOCIDE AS DISTINCT CRIME UNDER ICL**

Kulwinder Singh Gill & Nivedita Ghosh***

Abstract

Incitement to commit genocide is an inchoate, and continuous offence which has been recognised as a distinct crime under international criminal law. International criminal law has developed especially after World War II playing very significant role to bring perpetrators to justice especially for the punishment of crime of genocide which is crime against humanity. The incitement to commit genocide is the first step towards genocide if incitement can be prohibited then prevention of commission of genocide itself can be prohibited. This article explores the incitement to commit genocide as a distinct crime by invoking jurisprudence of International Criminal Tribunal for Rwanda. The article signifies the methods and tools invoked by the ICTR in respect of interpretation of incitement as a distinct crime. ICTR has considered the incitement and its forms at common and civil law systems to compare and reach at a conclusion to consider it as a separate crime. This article explores that rationale behind the incitement jurisprudence and paving way for the other international courts and tribunal to invoke it from different aspect and consider how it violates Human Rights Law.

Keywords- *Incitement, Genocide, Rwanda, Criminal law and Tribunals.*

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**ENVIRONMENTAL MORTIFICATION & URBANISATION: ARE
SMART CITY PROJECTS A MOVE TOWARDS ENVIRONMENT
SAFETY & SUSTAINABLE DEVELOPMENT GOALS?**

Neha Dewan & Prof. (Dr.) Ashish Virk***

Abstract

Environmental Pollution is a wide spread problem and it has deep impact on the health of human population as well on the economic prosperity of the nation. In order to protect the environment and make it sustainable, the innovative initiative of formation of Smart Cities has been taken by the various countries. This paper provides insight view about the efforts made by the developed nations throughout the world in Smart City Projects specially in the area of environmental protection and its impact on the fulfilment of Sustainable Goals set by the United Nations to be attained till 2030. Further, an analysis of strengths, weaknesses, opportunities and threats of India's Smart City Mission has also been discussed in the present paper. Apart from this, a comparative analysis has also been done of the smart city projects in the top Smart cities in the world with those of India's. However, there are still many components of environmental preservation which have not been elaborately dealt with by the Smart City Mission. The research work will try highlighting those aspects of Smart Cities in India.

Keywords *Environmental Pollution, Smart City, Sustainable Goals, Environmental Preservation and Environmental Protection.*

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**TRANSITION OF MARKET TO DIGITAL PLATFORM:
ITS IMPACT ON COMPETITION**

Shefali Singh & Dr. Dinesh Kumar***

Abstract

Goods and services are being provided by various companies which has benefitted the customers with good quality of goods and services, its promotional schemes and its competitive price. But since the platforms of conducting business has shifted to e-commerce, it is a concern to look into if there will be impact on the general conduct of the business. Since other countries have recognised the need to regulate business transactions taking place at online platform, it is time for India as well to look into the existing laws. The paper has addressed the issues pertaining online platform, its impact on the competition in the market and has emphasised upon maintaining the healthy competition practices irrespective of the platform for conducting business which can be achieved with intervention.

Keywords- *Market Players, Competition Commission Of India (CCI), E-Commerce, Abuse Of Dominance.*

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DISTRIBUTIVE JUSTICE AND AFFIRMATIVE ACTION IN INDIA

*Rohtash**

Abstract

The Constitution of India carries the ideas, visions and aspiration of socio-economic and political justice. Justice is difficult to define. Literature is vast, theories are voluminous and definitions are numerous but not single definition that can defined the term justice. Justice is a multi-dimensional phenomenon i.e. socio-economic and political justice, gender justice, transformative justice, distributive justice and environment justice. The affirmative action means the protective and preferential treatment to the targeted groups in the form of the formal and informal action of the State. This research work is an attempt to analysis the mainstreaming of the Scheduled Casts, Scheduled Tribes, Other Backward Classes and Economic Weaker Section through the lenses of the distributive justice. The Preamble of the Constitution of India carries the concept of Distributive justice. The Preambular idea of distributive justice is one of the visions of the Constituent Assembly. Therefore, the Constitution of India carries the numerous provisions related to the distributive justice. The distributive justice in the border sense includes the fair allocation of the resources, political and social equality in restricted sense and economic justice in fully recognised as the core of the distributive justice. These research works further an attempt to find out the Indianisation of the theory of distributive justice by examining the mainstreaming of the disadvantage sections of the Indian society. This research work is an attempt to find out the Constitutional provisions and their applicability in the mainstreaming of the disadvantageous groups. The compensatory discrimination is the policy framework as it is affirmative and authoritative actions of the State.

Keywords- *Distributive Justice, Socio-Economic & Political Justice, Constitutional Equality, Socially and Educationally Backward Class, Reservation, Affirmative action*

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CUSTODIAL VIOLENCE AND HUMAN RIGHTS: AN ANALYSIS
Niveksha & Ravneet Kaur***

Abstract

Human existence cannot be celebrated until and unless full autonomy and freedom is given to live the life to the fullest, without any unreasonable restrictions. For this, a person has to be vested with certain fundamental rights without which his human existence would reduce down to a mere physical existence. These rights are the proof of a human existence. There have been continuous violations of Human rights in India in spite of the fact that India is the world's largest democracy having the world's lengthiest constitution providing for the Fundamental rights and the mechanisms for enforcing such rights. A person is entitled to these fundamental rights simply by the fact that he is a human being. These rights are neither granted by the State nor by the law. The only purpose of the State and the law is to protect these rights against any violations. But when the state itself or the officials working subordinate to it violate these fundamental rights this becomes one of the greatest threat to human existence. Custodial violence is one such imminent threat that puts the fundamental rights into peril. The Police turns a blind eye to the set procedures of law and go on to violate the rights in the name of Justice, which in fact extirpate the notion of justice enshrined in the Constitution of India. India has been subjected to international condemnation for the continuous and ever rising cases of custodial violations. This paper endeavours to put forward the legal safeguards, nationally and internationally and highlights the factors responsible to custodial violence in India, especially for the rising cases of violence during the Covid-19 times.

Keywords-: *Violence, Democracy, custody, human rights, legal safeguards*

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