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Criterion 3 - Research, Innovation and Extension

Key Indicator 3.3.2 – Research Publication and Awards

QnM 3.3.2.1 - Number of research papers published per teacher in the Journals as notified on UGC CARE list during the last five years. (05)

List of Publications

Sr. No.	Particulars
1	Acharjee Shovonita (2023), Rehabilitation and Reintegration for Child In Conflict with Law in the State of Delhi - A Sociological Analysis, Journal of The Asiatic Society of Mumbai
2	Rao Rajwant (2023), Price Fixing Agreement In Different Jurisdictions: An Analysis (2023), International Journal of Advance & Innovative Research
3	Acharjee Shovonita (2023), Internet and Data Privacy- Need of the Hour: analysis and Implication of Trans-border Governance and the Indian Initiative, CPJ Law Journal
4	Rao Rajwant (2022), International Arbitration: An Antipode To State Power Or A Need In The Globalized World? International Journal of Advance & Innovative Research
5	Chauhan Urmila (Dr.)(2021), Evaluate Modes, Variables and Government Initiatives for Participation of Women in India, International Journal of Political Science and Governance.
6	Chauhan Urmila (Dr.), Evaluating present condition of barriers and tackling violence for women in politics, International Journal of Applied Research (2021)
7	Sanyal Amrita, Analyzing The Effectiveness of 74th Constitutional Amendment in Empowering women in Urban Governance (2020) Ajanta Journal
8.	Chauhan Urmila (Dr.), Analyzing The Effectiveness of 74th Constitutional Amendment in Empowering women in Urban Governance (2020) Ajanta Journal
9.	Kharat Moonam, (2020) Legal Education in India and Educators (2020), Ajanta Journal

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10	Irani Shazia, (2020) Constitutional Protection of Schedule Caste and Schedule Tribes in India, 2020, Ajanta Journal
11	Kapoor Ankita, (2020) Constitutional Protection of Schedule Caste and Schedule Tribes in India, 2020, Ajanta Journal
12	Qadri Hassana, (2020) Developing Countries: A Breeding Ground for MNC's to Exploit Human Rights, 2020, Ajanta Journal
13.	Rao Rajwant (2018), Ambiguity in the Definition of Control: An Analysis Through Jet Etihad Deal, The NUSRL Law and Policy
14	Singh Kumar Anil (Dr.) (2018), Legitimacy of Children under Hindu Law: A Critique, Paripex Indian journal of research
15	Singh Kumar Anil (Dr.) (2018), Changes under Marriage Phenomena and Concepts of Divorce: In Indian Perspective, Paripex Indian journal of research

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3.3.2: Number of papers published per teacher in the Journals notified on UGC website during the last five years (05)

3.3.2.1. Number of research papers in the Journals notified on UGC website during the last five years

Sr. No.	Title of paper	Name of the author/s	Department of the teacher	Name of Journal	Year of publication	ISSN number	Link to the recognition in UGC enlistment of the Journal		
							Link to website of the Journal	Link to article/paper /abstract of the article	Is it listed in UGC Care list/Scopus/Web of Science /other, mention
Year 1: 2022-23									
1	Rehabilation and Reintegration for Child In Conflict with Law in the State of Delhi - A Sociological Analysis	Shovonita Acharjee	Law	Journal of The Asiatic Society of Mumbai	2023	ISSN : 0972-0766	https://www.asiaticsociety.org.in/journal/	Research Papers.pdf	UGC-CARE Group 1
2	PRICE FIXING AGREEMENT IN DIFFERENT JURISDICTIONS : AN ANALYSIS	Rajwant Rao	Law	International Journal of Advance & Innovative Research	2023	ISSN 2394 - 7780	https://iaraedu.com/about-journal/iair-volume-10-issue-1-january-march-2023.php	https://iaraedu.com/about-journal/iair-volume-10-issue-1-january-march-2023.php	Other
3	Internet and Data Privacy- Need of the Hour: analysis and Implication of Trans-border Governance and the Indian Initiative	Prof. Shovonita Acharje	Law	CPJ Law Journal	2023	ISSN 0976-3562	https://www.cpi.edu.in/law-journal/	chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.cpi.edu.in/wp-content/uploads/2023/01/CPJ-LAW-JOURNAL-Jan-2023-Issue-2.pdf	UGC-CARE Group 2
Year 2: 2021-22									
4	INTERNATIONAL ARBITRATION: AN ANTIPODE TO STATE POWER OR A NEED IN THE GLOBALIZED WORLD?	Prof. Rajwant Rao	Law	International Journal of Advance & Innovative Research	2022	ISSN-2348-2397	https://www.kaharjournals.com/	https://www.kaharjournals.com/ijme-vol7-issue-jan2022part2.php	Scopus , UGC-CARE Group 2
5	Evaluate Modes, Variables and Government Initiatives for Participationof Women in India	Dr. Urmila Chauhan	Law	International Journal of Political Science and Governance	2021	P-ISSN: 2664-6021, E-ISSN: 2664-603X	https://www.journalofpoliticalscience.com/	https://www.journalofpoliticalscience.com/archives/2021.v3.i2.A	Other
6	Evaluating present condition of barriers and tackling violence for women in politics	Dr. Urmila Chauhan	Law	International Journal of Applied Research	2021	ISSN Print: 2394-7500 ISSN Online: 2394-5869	https://www.allresearchjournal.com/	https://www.allresearchjournal.com/archives/?year=2021&vol=7&issue=7&part=E	Other
Year 3: 2020-21									

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7	Analyzing The Effectiveness of 74th Constitutional Amendment in Empowering women in Urban Governance	Prof. Amrita Sanyal	Law	Ajanta Journal	2020	ISSN - 2277-5730	https://ajantaprakashan.in/ajanta-journal.html	Research Papers.pdf	UGC-Care
8	Analyzing The Effectiveness of 74th Constitutional Amendment in Empowering women in Urban Governance	Dr. Urmila Chauhan	Law	Ajanta Journal	2020	ISSN - 2277-5730	https://ajantaprakashan.in/ajanta-journal.html	Research Papers.pdf	UGC-Care
9	Legal Education in India and Educators	Prof. Moonam Kharat	Law	Ajanta Journal	2020	ISSN - 2277-5730	https://ajantaprakashan.in/ajanta-journal.html	Research Papers.pdf	UGC-Care
10	Constitutional Protection of Schedule Caste and Schedule Tribes in India	Prof. Shazia Irani	Law	Ajanta Journal	2020	ISSN - 2277-5730	https://ajantaprakashan.in/ajanta-journal.html	Research Papers.pdf	UGC-Care
11	Constitutional Protection of Schedule Caste and Schedule Tribes in India	Prof. Ankita Kapoor	Law	Ajanta Journal	2020	ISSN - 2277-5730	https://ajantaprakashan.in/ajanta-journal.html	Research Papers.pdf	UGC-Care
12	Developing Countries: A Breeding Ground for MNC's to Exploit Human Rights	Prof. Hassana Qadri	Law	Ajanta Journal	2020	ISSN - 2277-5730	https://ajantaprakashan.in/ajanta-journal.html	Research Papers.pdf	UGC-Care

Year 4: 2019-20

Sr. No.	Name of the author/s	Department of the teacher	Department of the teacher	Name of Journal	Year of publication	ISSN No.	Link to the recognition in UGC enlistment of the Journal		
							Link to website of the Journal	Link to article/paper /abstract of the article	Is it listed in UGC Care list/Scopus/Web of Science /other, mention
	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil

Year 5: 2018-19

13	Ambiguity in the Definition of Control: An Analysis Through Jet Ethiad Deal	Prof. Rajwant Rao	Law	The NUSRL Law and Policy	2018	(ISSN: 2349-9982	https://nusrlnagpur.ac.in/index.html	Research Papers.pdf	Other
14	Legitimacy of Children under Hindu Law: A Critique	Dr. Anil Singh	Law	Paripex indian journal of research	2018	ISSN: 2250-1991	https://www.worldwidejournals.com/paripex/article/legitimacy-of-...	Research Papers.pdf	Other
15	Changes under Marriage Phenomena and Concepts of Divorce: In Indian Perspective	Dr. Anil Singh	Law	Paripex indian journal of research	2018	ISSN: 2250-1991	https://www.worldwidejournals.com/paripex/article/changes-under...	Research Papers.pdf	Other

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REHABILITATION AND REINTEGRATION FOR CHILD IN CONFLICT WITH LAW IN THE STATE OF DELHI – A SOCIO-LEGAL ANALYSIS

Dr. Manvendra Singh[±], Ms. Shovonita Acharjee[±]

Abstract:
It is widely acknowledged that children are the wealth of any nation and, as such, require special care and protection at all times in order to provide them with opportunities for holistic development. Those children who are abandoned in society, on the other hand, become easy prey in the vicious circle of crime, and are commonly referred to as "children in conflict with the law." Unfortunately, our current legal framework prioritizes the concerns of impoverished children while ignoring adolescents who are in confrontation with the state. The major goal of the Juvenile Justice Act 2015 is to provide children in conflict with rehabilitation and reintegration. Section 39 of the Juvenile Justice (Care and Protection of Children) Act 2015 describes the system of rehabilitation and reintegration centered around individual strategies, restoration, supervision, and advertising, sponsorship, which typically occurs in Observation Homes, Special Homes, Foster Care, and Section 53 describes the 'services' that can be provided' for rehabilitation and reintegration in institutions. However, the Act does define the procedure and services for rehabilitation and reintegration, but it falls short of mediating the process. Even the Model Rule does not provide a comprehensive or clear explanation of how to make the rehabilitation and rehabilitation process efficient. Given the absences in scientific structure, lack of clarity in law, and the bare minimum implementation towards Rehabilitation and Reintegration, all key informants find it difficult to apply the same in various child care institutions, resulting in inefficiency and implementation. As a result, in response to the aforementioned issue, the current study examines the impact of rehabilitation and reintegration on children in conflict with the law in the state of Delhi, as well as the initiatives undertaken by the judiciary to facilitate the procedures for rehabilitation and reintegration for children in conflict with the law.

Key Word- Rehabilitation, Reintegration, Children in Conflict, Juvenile Justice Act 2015, Implementation

Introduction

Every child is unique in some way and has the inherent capacity to grow up as an individual and contribute to the growth of the country and society in his or her own way. India's Constitution, as amended The Directive Principles of State Policy lays forth some essential principles of the country's administration and also puts an obligation on the state to make the Preambular dictum a reality, while also giving specific prioritised priority to the welfare of children. The principal role of the state is to fulfil its international treaty responsibilities.

In contrast to the geriatric challenges that other nations confront, many beneficial initiatives are being done on a regular basis to provide a healthy environment for children, who do and will continue to comprise a large portion of the Indian population in the coming years. Certain legislations in the sphere of Children in Conflict with the Law and Children in Need of Protection are

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This certificate is proudly presented to Prof./Dr./Ms./Mr. Shovanita Acharjee

for presenting his/her paper titled Rehabilitation & Reintegration of child & conflict with Law in the state of Delhi - A socio-legal Amand *being the Best Presenter in the Technical Session*

T.S. - 2.3

at the ***1st Annual International Conference on "Law and The Contemporary Trends"*** *held on 31st March – 1st April, 2023 organised by Sharda School of Law, Sharda University, Greater Noida, in collaboration with Adelaide Law School, University of Adelaide, Australia.*

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PRICE FIXING CARTEL AND ROLE OF CCI TO PREVENT ANTI-COMPETITIVE PRACTICE: AN ANALYSIS

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ABSTRACT

One of the key elements that affects a product's consumability in a competitive market is price. Both consumers and the industry benefit from a symbiotic relationship in an ideal competitive society. However, it has been held that in a perfect scenario.

Since industries are driven by profit, which may be attained through increased sales, businesses strive to succeed in their specialised fields in order to offer high-quality goods at reasonable rates in a competitive market caused by the abundance of similar products.

However, it has been discovered that industries use unfair trade tactics to increase their profits.

In order to control these unfair business activities, the Indian Parliament created the Competition Act in 2002. This law's main goals are to encourage fair competition in the market and to punish businesspeople who engage in anti-competitive trade activities. The creation of cartels is one such tactic. A cartel is considered to be created when two or more businessmen get into a formal or informal agreement to further their own interests and obstruct fair competition in the market. Cartels can stifle free competition by setting prices for goods and services or by influencing non-price elements like manufacturing. In order to maintain market competition and provide customers with as many options as possible at lower prices, the present article focuses on the examination of price cartels and the role that competition law plays in regulating these cartels.

Keywords: *Cartels, India, U.S.A, C.C.I., D.O.J,*

INTRODUCTION

The cost of various things on the market is a crucial component of public policy. Our legislators have a responsibility to advance fair competition and safeguard consumers' interests in the marketplace. In addition to allowing fair entry into the market, competition law also assures healthy market competition so that the interests of consumers are well-served. "Cartelization" is one of the numerous restraints or unfair trade practises that the law names as impeding competition in an economy. It is a tool employed by businessmen to control the market to their advantage.

Under this scenario, the industrialists engaged in similar types of products or services typically form a group, either formally or informally, and agree to either set a fixed price for the products or to control the production of specific products. They may also agree to divide the market, either geographically or by product, among themselves in order to maintain control over the market and prevent new competitors from entering it. These agreements are made in order to give a select few industries a monopoly. A cartel can typically form at any step of production, including the manufacturer, distributor, wholesaler, and retailer. These agreements are also known as anti-competitive agreements because they limit market competition. The Competition Act of 2002 states:

"Cartel is defined includes an association of producers, sellers, distributors, traders or service providers)who, by agreement amongst themselves, limit, control or attempt to control the production, distribution, sale or price of, or, trade in goods or provision of services"

The Supreme Court has defined the word cartel saying that:

"cartel, therefore is an association of producers who by agreement among themselves, attempt to control production, sale and price of the product to obtain a monopoly in any particular industry or commodity. It may be any combination the object of which is to limit or control trade or production, distribution, sale or price of the goods or services."

Cartels' Origins:

Any economy must contend with cartel formation, which is not a new issue. The "Arthashastra" of Kautilya contains the earliest indications of cartels. In his book, he advocated for stiff penalties to be imposed on cartel agreements in order to prevent their formation. Distinct nations have different antitrust laws, but "Cartelization" is one concept that all antitrust laws have in common. Monopoly is the antidote to healthy competition, and creating cartels is one strategy that is seen to be harmful to it. Eight decades after the United States approved the

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first modern antitrust law, the Indian Parliament passed its own antitrust law for the first time after independence in 1969, known as the Monopolistic Restrictive Trade Practices (MRTP) Act. However, due to the licencing Raj, which severely constrained and regulated Indian economy, these efforts did not yield any fruitful results until 1991. India's economy first experienced economic liberalisation in 1991. Following the implementation of the New Economic Policy, a number of market restrictions were lifted, including those relating to product price, production, and diversification restrictions. It might be claimed that after 1991, our formerly closed economy became accessible to the rest of the globe. Additionally, the licence regulations were relaxed.

Many new businesses entered the market at this time, and the economy began to transition from a socialist to a capitalist structure. MRTP commission ruled on seven cartel instances between 1991 and 1978, according to data. However, due to a lack of funding for thorough investigations, the commission was forced to reject the majority of the complaints. As a result, the MRTP Act utterly fails to expose and punish India's cartels. The Competition Act of 2002 was passed as a result of the MRTP Act's failure to exert control. The act creates the Competition Commission of India (CCI), which is given more authority and better resources to look into and prosecute cartels.

Different kinds of cartels:

According to research by Cuts International, there are four different types of cartels:

a) Price-fixing cartels: These are groups of industrialists who have agreed to control the price of a product.

Market sharing

(b) Cartels: These are the cartels in which the existing industrialists divide the geographical or product market in order to lessen competition.

c) Cartels that regulate the outputs: These are cartels in which merchants restrict the production of commodities to artificially deplete the market and maximise profits by limiting the flow of goods or services.

d) Bid rigging: "Bid-rigging" is defined as an agreement among parties engaged in the trade of comparable products or services where they band together to exclude a rival bidder or attempt to manipulate the bid.

Price Cartel:

Increasing market competition is one of the main goals of competition legislation. It made colluding among rivals to manipulate the price of products or services illegal. Due to the fact that this hinders healthy competition and limits the options available to end consumers. Price When rivals get together and agree on a price for goods or services, a cartel is formed. Typically, they come to an unofficial accord and fix things together. Due to collusion among the rivals, this agreement essentially decreases the level of market competition. The following are the basic characteristics of price cartels:

It is an association of independent enterprises, it is a horizontal trade disruptive element developed between competitors in the same industry, and it causes the industries to control prices as a result of lessening competition through these agreements.

d) The consumers are impacted since the price of the goods is unfairly increased to increase profit.

e) When there is an inelastic demand for the items, cartel formation is simple.

How does market cartelization impact consumers?

Cartel is a disruptive and extremely risky trade practise. In a constrained economy, the likelihood of cartel formation increases. as oligopoly predominates in the closed market. Cartel formation lessens producer competition, which has a long-term impact on the overall health of the economy. In nations where cartels hold a dominant position, consumer welfare suffers significantly as well. In accordance with OECD reports, cartels that are successful will actually drive up the cost of items on the market and prevent consumers from purchasing them at a price that is competitive. In the end, the consumer has two options: either refuse to pay and avoid purchasing the product altogether, or give the cartel operator his hard-earned cash. Second, the cartel protects its members from the effects of the market, which has increased prices and reduced spending on innovation. The demand-supply equation does not hold true in a cartel-dominated market. According to competition law specialist Bruce Wardhaugh, cartels "may extract a bigger social cost than even monopolies." He does so in the following way:

"given that innovation would require the expenditure of research and development costs (which would be unnecessary due to a cartel-wide agreed 'stand-still' on innovation), such investment would not be undertaken.

Since the monopolist, unlike the cartelist, must be concerned with other firms developing goods which may be less expensive substitutes for its goods, the monopolist may have greater incentive for research and development expenditure. Thus, these social costs of reduced product innovation may be greater with cartels."

The only method to control cartels, according to an OECD policy brief, is through severe penalties because money is also a factor in their formation.

Presence of a Cartel: A Classification of Evidence

A cartel's existence may be proven through direct confirmation, erroneous (fortunate) proof, or a combination of the two. Direct evidence includes written agreements between cartel members, an explanation from a cartel member who attended a meeting and reached an understanding with competitors, a reminder written inside an organization to report a meeting with competitors where an understanding was reached, records of phone conversations with competitors, or an announcement from a man who was persuaded to join the cartel.

However, cogent evidence is rarely produced since members of cartels frequently disagree verbally rather than in writing. Direct confirmation might be supported by backhanded (conditional) proof. Without anybody else's help, it might also show that a cartel exists, hence it's important to exercise caution when interpreting ambiguous evidence " Fortuitous proof is a different type of confirmation. Henry David Thoreau, an American academic, said that serendipitous confirmation can persuade, like when you find a trout in the milk. He suggested that the only explanation for this occurrence is that someone accidentally mixed trout and milk. When there is only one and only one explanation for an event, conditional confirmation is at its most useful. It is possible to use this principle when studying cartels. Only in cases when there is a cartel should one look for behavior that is encouraging. For instance, it would be suspicious behavior if all of the competitors in a certain industry announced at the same time that their prices would increase by the same amount. It makes one think that they all approved of the expense increase. However, there are other possible explanations as well, such as a data cost build that affected all of them similarly, a sudden shift in the demand for their product, or a quick rise in the price of a substitute item. The other potential explanations might be eliminated with more investigation. The straggling remnants, as the fabled English detective Sherlock Holmes put it, "must be reality" when the unimaginable has been eliminated. The only constant explanation for the abrupt identical price increase announcements, if all other intelligent explanations are eliminated, is that the competitors all discussed and agreed upon the price increases. That would be conditional approval of a cartel agreement in a deceptive manner ". In this vein, the various procurements under the Competition Act are shown. The MRTP Act's issues are examined to determine whether the Act resolves them. On the basis of two nation papers arranged by advisers working on this project, references are made to the experiences of two other large economies, the US and Brazil, as often as possible for correlation and in order to draw the necessary conclusions. The study concludes with a few recommendations regarding the CCI's strategy and operational issues as it relates to executing its mandate under the Competition.

Price fixing is an agreement (written, verbal, or derived from direct) between rivals that increases, decreases, or resolves costs or aggressive terms. The majority of the time, antitrust rules mandate that each organization establish prices and other terms alone, without consulting a rival. When consumers make choices regarding the goods and services they will buy, they anticipate that the price will have been determined purely on the basis of supply and demand, not by collusion among rivals. When rivals agree to restrict competition, the result is typically greater costs. Price regulation is unavoidably a significant concern for government antitrust regulation.

Whether expenses are agreed upon at the very least, at the most, or within a range, a simple agreement among competitors to adjust costs is frequently illegal. When two or more rivals agree to produce action with the effect of increasing, decreasing, or balancing out the cost of any good or service without any legitimate justification, this is known as illegal price-fixing. Price fixing schemes are frequently developed in secret and are challenging to disclose, yet an agreement can be discovered via "fortunate" proof. For instance, illegal price settling may be the cause if related competitors have a case of unexplained same contract terms or price behaviour combined with various features (such as the absence of legitimate business clarity). Concerns can also be raised by offers to organise prices, such as when a competitor declares openly that it is willing to terminate a price war provided its rival is also willing to do so, and the conditions are so explicit that rivals can interpret this as an offer to fix prices jointly.

Not every price similitude or price change that takes place in the interim is a result of a price settlement. Actually, they frequently result from common economic circumstances. For instance, prices for commodities like wheat are typically the same since the commodity is essentially equal, and the prices that ranchers charge

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all rise and decrease together without communication. Each and every affected rancher will pay more if a dry season results in a decline in the availability of wheat. An increase in consumer demand can also result in continually high prices for a limited-supply good.

Price fixing concerns both costs and various terms that affect costs to customers, such as shipping fees, guarantees, markdown initiatives, or financing rates.

Price cartel regulation under THE MONOPOLIES AND RESTRICTIVE TRADE PRACTICES ACT (MRTP) of 1969:

The MRTP Act is legally the first law in India that tries to prevent the exploitation of monopolistic corporate practises. Prior to this, an illegal agreement was addressed by the Indian Contract Act of 1872. Sec. 27 of the Contract Act states that "subject to the specific exception provided therein, every agreement by which any person is restrained from exercising a lawful profession, trade, or business of any kind, is to that extent void." Sec. 23 of the Contract Act states that "the consideration or object of an agreement is unlawful if the court regards it to be contrary to public policy and is void."

The need for competition law was really mandated by the Indian constitution. The Directive Principle of State Policy, which places an unique obligation on the future government to further the welfare of the people, is found in Part IV of the Indian Constitution. The primary goals and objectives of our first competition law are thus:

"to encourage fair play and fair deal in the market besides promoting healthy competition. They seek to afford protection and support consuming public by reducing Monopolistic, Restrictive and Unfair Trade Practices from the market."

Prior to 1991, the MRTP Act was a crucial piece of legislation that guaranteed Indian industries' independence while also advancing social justice. However, since the introduction of New Economic Policies in 1991, the emphasis of our economy has shifted from policing monopolies to encouraging competition. The MRTP Act is rendered ineffective by this change in the object.

The MRTP Act does not include a specific definition of cartels with regard to its requirements. The Act impliedly applied to cartels. The Act's ambiguity on the matter makes it difficult to prevent the creation of cartels.

MRTP Commission, in contrast to CCI, lacked extraterritorial jurisdiction.

Therefore, it could not apply to global cartels. The MRTP Commission was a more reforming organisation. Even though it could conduct investigations on its own, awards "can only be given on an application by the central government, state government, or a party suffering the loss or damage once the type and extent of loss or damage have been determined through an inquiry."

MRTP was therefore unable to stem the threat of cartels. International cartels were also a worry, particularly after 1991 when our economy became more globalised, but the Act lacked extraterritorial authority.

Provision under Competition Act 2002 to regulate price cartel:

For the first time, the term "global cartels" was specifically defined in the Competition Act because it recognises the shortcomings of the MRTP Act, 1969.

The Competition Act of 2002 was created with the following as its primary goal:

"An Act to provide, keeping in view of the economic development of the country, for the establishment of a Commission to prevent practices having adverse effect on competition, to promote and sustain competition in markets, to protect the interests of consumers and to ensure freedom of trade carried on by other participants in markets, in India, and for matters connected therewith or incidental thereto."

Under the Competition Act, cartels are viewed as anti-competitive practises. The board can issue a ruling against a foreign entity if it engages in any activity that has an appreciable adverse effect on competition (AAEC) in India, in addition to acting in cases of domestic cartels. The Act establishes the Director General (DG), COMPAT, and CCI as the three main enforcement agencies. CCI and its investigative wing, DG, have the authority to conduct investigations. The CCI may initiate an investigation into a cartel either suo moto, based on information or knowledge already in its possession, or upon receiving information or a referral from the government or a statutory entity. According to the Act, the Commission shall direct the DG to conduct an investigation if it appears to the Commission that there is a prima facie case of an anti-competitive agreement (cartels being one of them). The DG must do the tasks outlined in Chapter V of the Act while looking into the

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case. The commission must receive the DG investigation's report following completion. Based on this study, if the commission determines that a cartel has been formed, anybody who is expressly or implicitly a part of this agreement will face severe punishment. Section 27(proviso)'s states that

"Provided that in case any agreement referred to in section 3 has been entered into by a cartel, the Commission may impose upon each producer, seller, distributor, trader or service provider included in that cartel, a penalty of up to three times of its profit for each year of the continuance of such agreement or ten percent. of its turnover for each year of the continuance of such agreement, whichever is higher".

As far as cartels are concern the Act provided a very stringent provision when compared to penalties provided for other anti competitive agreement. Appeal from CCI would lie in COMPAT.

Provision under Competition Act 2002 to regulate price cartel:

The MRTP Act, 1969's problems are noted in the Competition Act, which makes it the first time that the Act itself clearly defines global cartels. The Competition Act of 2002 was created with the following stated as its primary goal: "An Act to provide, in consideration of the economic development of the country, for the establishment of a Commission to promote and sustain competition in markets, to protect the interests of consumers, and to ensure freedom of trade carried on by other participants in markets, in India, and for matters connected therewith."

Under the Competition Act, cartels are viewed as anti-competitive practices. The board can issue a ruling against a foreign entity if it engages in any activity that has an appreciable adverse effect on competition (AAEC) in India, in addition to acting in cases of domestic cartels. The Act establishes the Director General (DG), COMPAT, and CCI as the three main enforcement agencies. CCI and its investigative wing, DG, have the authority to conduct investigations. The CCI may initiate an investigation into a cartel either on its own initiative, in reliance on knowledge or information already in its possession, or in response to information received or upon receiving a referral from the government or a statutory authority. According to the Act, the Commission shall direct the DG to conduct an investigation if it appears to the Commission that there is a prima facie case of an anti-competitive agreement (cartels being one of them). The DG must do the tasks outlined in Chapter V of the Act while looking into the case. The commission must receive the DG investigation's report following completion. Based on this findings, if the commission determines that a cartel has been formed, anyone who is a part of it whether directly or implicitly will face severe punishment. Section 27(proviso)'s reads as follows: "Provided that, in the event that any agreement referred to in Section 3 has been entered into by a cartel, the Commission may impose upon each producer, seller, distributor, trader, or service provider included in such cartel, a penalty of up to three times such producer's profit for each year of the continuance of such agreement or ten percent of such producer's turnover for each year of the continuance of such agreement, When compared to the penalties established for other anti-competitive agreements, the Act provided a fairly strict provision against cartels. CCI's appeal would be heard under COMPAT.

Many experts believe that preventing cartel activity is the most important function of an opposition office. They believe that since cartels harm customers the most, finding and proving these claims should be one of the main priorities for competition authorities. As cartels are envisioned and carried out in secrecy, arresting them may be the most difficult task given to rival governments. Administrators of cartels refrain from actively collaborating with competition authorities during investigations since they are aware that their behavior is illegal. As a result, obtaining evidence to show the existence of cartel understandings involves specialized investigative tools and skills. The following list illustrates the various types of evidence that can be used to identify cartels

CCI decisions on price cartel cases:

The MRTP Commission, created by the MRTP Act of 1969, has been succeeded by CCI. To ma[illegible] unfair practises have been used in the market, this commission has been given greater authority and resources. According to the Supreme Court, the CCI was authorised to take notice of agreements made before May 20, 2009. According to certain sources, CCI did extraordinary work in addressing the cartel issue. According to data from the CCI up until 2018, 63% of all cases that were looked into involved cartelization. The commission has assessed fines in five cartel proceedings since April 1, 2019.

Several current instances: Case of ACC Cement: Since it began operating in 2008, the Competition Commission of India has fined 11 significant cement makers a total of Rs 6,307 crore for cartelization, which is the largest penalty the agency has ever levied.

Modi Alkali and Chemicals Limited versus DG: There has been a criticism that some of the biggest companies in northern India have banded together to increase the cost of their goods. In 1992, the cost of chlorine gas and

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Internet and Data Privacy - Need of the Hour: Analysis and Implication of Transborder Governance and the Indian Initiative

Dr. Manvendra Singh & Shovonita Acharjee***

ABSTRACT

The rapid development of science and technology has revolutionized the cyber space and taking the lead into the rapid growth of Internet. Today, Internet is not only a means of communications and information flow but is also a medium of conducting business. The huge penetration of technology in 21st century in almost all walks of society right from corporate governance and state administration, up to the lowest level of retailers computerizing their billing system, we find computers and other electronic devices pervading the human life. Like every other technology, computers and various electronic gizmo has pervaded as a part of human life, however it do have certain advantages and problems such as cybercrimes, breach of online contracts, issues of jurisdiction due to its anonymity, issues of pornography due to varied standards in different countries etc. One of the most pertinent issues of law in combating cybercrime is that of jurisdictional uncertainty. Due to the decentralized nature of internet, parties residing in different jurisdictions are in contact with each other and which court will acquire the authority to try the case is always a question to be determined. In the light of this issue, the present paper attempts to look in to the concepts of jurisdiction, the basic principles for determining the jurisdiction, the drastic change the internet has brought in the conventional concept of jurisdiction, the problematic issues of anonymity and the appropriate remedies. Further, the paper discusses the international conventions on cybercrimes and acute need for a universal legal regime to tackle jurisdictional issues in cybercrimes effectively. The paper also explores how the traditional principles of jurisdiction are being adapted to jurisdiction of cyberspace-origin cases. Jurisdiction in cyber space requires clear

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principles rooted in international law. The traditional approach to jurisdiction solicits a court in order to inquire whether it has the territorial, pecuniary, or subject matter jurisdiction to entertain the case brought before it. With the internet, the question of 'territorial' jurisdiction gets complicated largely because of the fact that the internet is borderless. Hence, while there are no borders between one region and the other within a country there are no borders even between countries and Cooperation by countries is the basis for any of the current methods of tackling jurisdiction.

***Keywords**: Cyberspace, Jurisdiction, Trans-border Access, Internet, International Law, Cybercrimes.*

INTRODUCTION

Access to trans-border data for the state's law-and-order-related functions is an integral piece of the law enforcement puzzle. State agencies' ability to access data for such purposes is, however, shaped not only by domestic laws and practices but also by the laws of other countries and the state's international commitments. In the case of India, the use of international cooperation mechanisms to balance efficient data access with protections for citizens' privacy remains a relatively underexplored facet of its digital strategy. With its growing digital market, economic relevance for large global businesses, and strategic relationships with countries like the United States and those in the European Union (EU), India is well placed to not merely participate in but rather to lead the discussions on international data agreements on behalf of the developing world. India houses the second largest population in the world at approximately 1.35 billion individuals. In such a diverse and dense context, law enforcement could be a challenging job. Networked technologies have changed the nature of crime and will continue to do so.[1]

In addition, the Information technology is playing a pivotal role in almost all fields of life like education, politics, society, business, science and technology etc. It has its own advantages as well as disadvantages. The substantive source of cyber law in India is the Information Technology Act, 2000 which came into force on 17 October 2000. The main object of the Act is to provide legal recognition to e- commerce and to facilitate storage of electronic records with the Government. The IT Act also penalizes various cybercrimes and provides strict punishments. There is certain provision under this Act which gives the idea of jurisdiction for the trial of cases related to cyber-crimes in India as well as outside India.In domestic laws of civil procedure in each nation's legal system there are certain rules on Jurisdiction. The Personal Jurisdiction, Choice of law and the recognition and enforcement of judgments are the areas of conflict under the international law applicable to the cyber world. Internet connectivity globally and network-based commerce and communications cut across territorial boundaries, thereby creating a new area of human activity and undermining the feasibility and legitimacy of applying laws based on geographic

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INTERNATIONAL ARBITRATION: AN ANTIPODE TO STATE POWER OR A NEED IN THE GLOBALIZED WORLD?

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ABSTRACT

In this article researcher has examined whether international arbitration can pose a threat to state sovereignty. Arbitration is a form of alternatives dispute resolution where its existence is embrace either with law or without law.Therefore, it is clear that the pre-basic in every arbitration process is the involvement of at least two parties without resort to regular process litigation under a set up law rather invokes the adjudication of impartial third parties, and apparently it is a method of dispute resolution outside the court of law. Further needs of international arbitration in globalize world set its roots due to the assertion of the schemes of jurisdiction where many a time national court base their jurisdiction on different principles of law or different sources that are quite conflicts, and the concept of international arbitration portrait the idea that there is an involvement of different parties from different countries who are govern by totally different legal mechanism.

Now, speaking about the antipode to state sovereignty then we can undoubtedly say that a state holds a vested interest in its state because it exercises supreme control over it. This confer one point that –as the state is supreme over its territory than the State is the supreme legislator in its territory than it will be no wrong to say that a State is its own legislator. And here the problem lies.

Keywords-Arbitration, state, sovereignty, court, litigation etc.

INTRODUCTION

In general parlance the term arbitration is a process to resolve a dispute which have a binding force between the parties involves be it in national and international level depend on the compulsion of circumstances. Arbitration is a form of alternatives dispute resolution where its existence is embrace either with law or without law. For instance, even in the absent of legal mechanism merchant cannot be forbid from resorting arbitration in order to enforce their bargaining contract. Therefore, it is vivid that the pre-requisite in every arbitration process is the involvement of at least two parties without resort to regular process litigation under a set up law rather invokes the adjudication of impartial third parties, and apparently it is a method of dispute resolution outside the court of law. Also Arbitration can be either mandatory or voluntary, here the words mandatory denotes the existence of prior contract may be either binding or non-binding voluntarily entered agreed to arbitration for the purpose of any future contingent dispute that will or is likely to occur without necessarily knowing the specific nature, and the nature of non-binding arbitration is similar to mediation decision where the decision are more or like a suggestion to the parties and on the contrary which cannot be impose to the parties concern. In the primitive period arbitration was more or like a method to resolve a domestic petty dispute, however globalization has great impact even in this method of dispute resolution and now it is often used as a mechanism to resolve a dispute in the contextof commercial particularly in international commercial transaction.Every arbitration requires consent of the concern parties and it is important to note that national legal system supervised arbitration with relates to international commercial and is called the "Seat of arbitration".[1]

It is never ending question as to how arbitration process is address by the courtseparate from the nature of the process itself,though the two have been understood by the best of mind as blended, mingle and joined[2].When the assert duty to arbitrate is ignores in one side, judicial intervention is invoking in order to compel the continuation of arbitration or to enforce awards against the loser assets by virtue of arbitration. And it is in this instances that another question arise as a concern of the agreed parties involves to arbitrate the dispute that whether the proceeding is as expected or thus it meets the end[3]. A way is pave by arbitration agreement

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hydrochloric acid rose by 277% and 200%, respectively, during the course of six and four months. As a result, the parties came to an agreement to feign a scarcity in order to raise the price of their goods. Since the cost of power and sodium chloride as raw materials remained essentially unchanged, this would be a made-up crisis intended to manipulate the market and drive up the cost of their goods.

Flashlight Case The court, in this case, held that "there was no violation of Section 3 of the act even when the information had been exchanged between the competitors. The commission in this case noted that as there is no fixation of prices in their agreement, thus, the presumption of appreciable adverse effect on competition (AAEC) did not apply". Rajasthan Cylinders case: The Supreme Court in this case held that "despite the identical fixation of prices by the bidders and a trade association meeting, the court found out that there was no involvement of any collusive bidding. The parallel pricing fixation is the nature of the market and not the collusion". Madhya Pradesh Chemists and Distributors Federation V. Madhya Pradesh Chemists and drug association : The court, in this case, held that " any agreement which causes an adverse effect on competition but is not actually covered under section 3 of the Competition Act, 2002. However, in such concerning cases, the onus to prove the guilty side of the cartel is on Commission". Jeetender Gupta V. Competition Commission of India: In this case, the Appellate tribunal stated that "the legal machinery under the Competition Commission Act, 2020 cannot certainly be moved by a person who actually has no interest in whatsoever the subject matter of the information is."

In the matter of Rajasthan Cylinders, the Supreme Court reached the conclusion that there was no involvement of any collusive bidding, despite the fact that the bidders had fixed their pricing identically and that there had been a meeting of a trade group. The parallel pricing fixing is not the result of cooperation but rather the inherent nature of the market.

Chemists and Distributors Federation of Madhya Pradesh vs. Madhya Pradesh Chemists and Drug Association: Regarding this particular instance, the court came to the conclusion that "any arrangement which creates a detrimental effect on competition but is not genuinely included under section 3 of the Competition Act, 2002." In spite of this, the burden of proving which side of the cartel was responsible lies with the Commission in situations of such concern.

The Competition Commission of India v. Jeetender Gupta: In this particular instance, the Appellate tribunal made the following statement: "the legal machinery under the Competition Commission Act, 2020 cannot absolutely be moved by a person who truly has no interest in whatever the subject matter of the information is."

CONCLUSION:

Price cartels are an extremely risky business phenomenon. The wellbeing of the populace is put at risk when cartels are formed, although this is difficult to identify. The Competition Act of 2002 contains strict regulations that will prevent cartel formation. Data from the last ten years indicate that businesses are still participating in cartel formation. But at the same time, CCI's strict actions give us hope that the law will prevent the creation of this anti-competitive pact. enabling the market to operate freely.

Additionally, this would guarantee the buyer greater options and a better price, attaining the goal of citizen welfare set down in Part IV of the Indian Constitution.

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Evaluate modes, variables and government initiatives for participation of women in Indian politics

Urmiladevi Chauhan, Dr. Madhu Gupta and Dr. Pratima Pareek

Abstract
Women participation of politics has constantly been a problem concerning modern day political professionals. Traditionally, they played second fiddle to the male counterparts of theirs for no faults of theirs. Gender issues based on social and gender equity are actually cross-national and interdisciplinary in nature. India that is provided in the world's largest democratic nation, in which participation of politics of females & males is actually a good attempt. There's considerable study on political empowerment as well as participation of females in politics. In order to secure female's rightful place in society as well as in order to allow them to determine the own destiny of theirs and for the progress of sustainable and genuine democracy, female's participation in politics is actually essential. In this paper we try to discuss modes, variable as well as government initiatives of political participation for women in India.

Keywords: Government, political, participation, variables

Introduction

Women in Indian politics: An overview

'It is quite hard for a female to make up the mind of her to get into politics. As soon as she will make up the personal mind of her, next she's to prepare the husband, kids, and the family of her. As soon as she overcome all these obstacles and also applies for the ticket, then the male aspirants against whom she's putting on cosmetics all kinds of stories about her. And after all this, when the name of her goes to the party bosses, they don't choose her title since they fear losing that seat [1].

The above-mentioned quote of Sushma Swaraj (Union External Affairs Minister) offers a glimpse of truth that just how females have to face a lot of issues as well as criticisms while putting in the politics. India, being probably the largest democratic state on the planet has really low representation of females in politics. Lesser females are observed in holding decision as well as positions key making roles in the political area. The marginalization of Indian females in politics is as old as the Indian society. The great representation of theirs in political sphere is actually among the primary factors for the exclusion of the interests of females in governance as well as growth paradigms. They've been held besides political discourse after the youth of theirs.

Men as well as females have often likewise shared the dedication of theirs towards the improvement of the nation. They've worked shoulder to shoulder with the male counterparts of theirs in pre independent also as post impartial India. Contribution of Rani Laxmi Bai, Durga Bai Deshmukh, Savitribai Phule, Sarojini Naidu, Annie Besant, Madam Bhikaji Cama, Begum Hazrat Mahal, Aruna Asaf Ali, Kasturba Gandhi, Kamala Nehru, Vijaylaxmi Pandit, Sucheta Kriplani. Padmaja Naidu, Kalpana Dutta, Raj Kumari Amrit Kaur, Sarla Bhen, Meera Behn, Mira Alphonse, Margaret Nobel, Sister Nivedita, Kamaladevi Chattopadhyay, etc. in the Indian independence struggle is extremely noticeable. Though the job of theirs was constantly kept unnoticed.

According to a report of the Inter-Parliamentary Union (IPU, 2020), India ranks 143th globally in terms of representation of women in Parliament. India is a large country in South Asia. Let us look at our South Asian neighbors country, India (12.39 percent) is far behind Pakistan (19.70 percent) in terms of representation of women in Parliament.

Table 1: Status of Women in South Asia in 2020

Rank	South Asia country	Total seats (Both Houses)	Seats held by women	% of women	% of male
145	India	543	78	12.41	87.59
106	Pakistan	342	69	19.71	80.4
88	Bangladesh	348	73	20.93	79.10
182	Sri Lanka	225	12	12	88
45	Nepal	275	90	35.02	64.98
138	Bhutan	47	7	15.43	84.58
184	Maldives	87	4	4.6	95.5

Female's participation in politics of any land provides a good message globally not just in phrases of independence and equality of liberty but additionally in the area provided for women of the democratic framework of electoral politics. India has one of probably the strongest laws that offer females a lifetime with total honor and dignity. But the customs, patriarchal set ups as well as societal norms have often addressed them as subordinate to males. They're constantly trained to be submissive. Due to unequal distribution of resources, females don't have adequate online resources, whether it is economic, human or material. Ladies are anticipated to operate in private sphere just and are commonly barred from doing work outside the homes of theirs. The financial dependency of theirs over males additionally keeps them out from strong political affiliations.

It's the demand of the hour at a nation as India to have identical participation of females in mainstream political exercise. Society must deconstruct the stereotype of females as restricted to home tasks just. The characteristics of modern society has an important effect on the extent as well as effectiveness of female's political participation. The great representation of theirs of decision-making institutions indicates deep flaws in the political framework of nation. Historical, cultural and social variables have restricted females from enjoying the rights of theirs of participation in political tasks.

Modes of political participation

The conceptualization of political participation entails reformations to a significant degree. This kind of changes as well as transformations are going to have an immediate influence after various modes of political participation. The citizens take part in alternative and different methods to affect the government and also the political system. Until recently, nearly all almost all of the survey studies of political participation conducted their enquiry as well as study to a small set of political acts. Nevertheless, the alternative modes of political participation depend on the groups as well as backgrounds of the citizens, who participate. The methods of participation and also the quantity of stress which may be exerted upon the ca, have the main objective of placing into training, different jobs as well as activities in the ideal way. Hence, political participation is actually referred to much more than voting and much more than the exercise in the electoral system. In the majority of cases, questions are actually put forward in phrases of attendance at political meetings or maybe rallies, working for a party, creating a monetary contribution or even looking for a public office.

Nevertheless, the alternative methods of political participation depend on the kinds of citizens, who participate. At this time there are actually 10 kinds of tasks which are provided, these're, holding or functioning public or maybe party offices, belonging to a party or any other political organization, doing work in an election, attending rallies or meetings political, making financial contribution to the party or even to the applicant, contacting a public official, expressing an opinion publicly to persuade others, taking part in political discussions, exposing and voting oneself to political stimuli. Political participation makes politics. Put simply, politics takes place to the state or maybe land, through the political participation of the people. The former makes as well as establishes politics, hence, it's of utmost significance, both for the nation as well as the people. The politics of the nation is actually driven, consequently, by the political participation and all the processes of its.

Variables of political participation

Political participation seems to be an intricate occurrence. The people are going to be in a position to augment the understanding of theirs, when acquiring good info in phrases of the variables.

Mental Environment

Political participation allows in relieving seclusion as well as loneliness of the people, by meeting one is emotional requirements. To be able to render a good political participation, the people have to develop the mental surroundings of theirs. When an individual participates in politics, next they not just are in a position to improve their capabilities and capabilities, but likewise relieve loneliness, by socializing as well as maintaining correspondence links with others. In each and every society, you will find people, that are a lot of concerned and keen on political affairs and at exactly the same time, there are actually persons, whom aren't keen on political affairs. This particular distinction is due to the mental attitudes of theirs. The mental surroundings of the people is created on the foundation of the mind sets of theirs. People develop a concern and take part in various jobs as well as activities on the foundation of their capabilities and passions. It's mentally thought that males tend to be more involved in politics as compared to females.

Socio-economic Environment

There's an immediate connection between the participation of the people as well as socio-economic setting. Whenever the people are setting improved political activities & capabilities, then the socio-economic variables have an impact upon the businesses of theirs to a significant degree. The socio-economic variables include, gender, religion, ethnicity, race, creed, caste, age, income, occupation, education, place of residence and so forth. Political participation is likely to be higher in phrases of much better educated members of higher occupational and income groups, middle aged, dominant, religious and ethnic groups, people with political and family history, settled residents, urban dwellers as well as members of the voluntary organizations. Nevertheless, the correlation between the political participation as well as the socio-economic atmosphere might be completely different in phrases of culture, societal values, norms, standards and principles. They're completely different in phrases of political contexts as well as the effect of theirs impact on political participation might not be regular. Hence, the

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Evaluating present condition of barriers and tackling violence for women in politics

Urmiladevi Chauhan, Dr. Madhu Gupta and Dr. Pratima Pareek

Abstract
Women's political involvement regarded as an important aspect in all of types of development, however, gender equality policies of India stay under scrutiny. To make sure equal rights for females, legislation must be successfully enforced. It's essential to confirm economic independence as well as female's higher involvement in political areas. Collectively work have to produce female's participation by linking the elected representatives with growth officials. Findings from the study reveal that there's a lot of improvement of female's equality in the leadership role; however, you will find certain essential obstacles continue to exist for women to be productive in the political realm.

Keywords: Violence, politics, leaders, women

Introduction
The participation of women as well as the involvement of theirs in electoral procedure is actually a crucial marker of the maturity of democracy in any nation. It may be described as freedom as well as equality with which females talk about political power with males. Regardless of different provisions of the constitution, females in the Indian subcontinent keep on to be under represented in the legislatures, both at the national and the state levels. The number of female reps in legislative bodies in the Centre and in the majority of the states of India is actually under twenty %, reflecting a pan Indian gender exclusion from electoral involvement as well as quality representation.
Women are legally on equal terms with men, but their participation in active politics does not seem to be encouraging in practice. They are extremely marginal to represent both nationally and state wise in legislatures and in various decision-making bodies. Even though data collection on this particular matter is actually in the infancy of its, the accessible research suggests in unambiguous terms that female political actors all over the world have encountered some violence, with implications for their willingness and ability to participate actively in the political process.

Different types of barriers to political participation of women
Regional differences regarding regime sort, political corruption and socio-economic marginalization separate, both nation-specific and comparative scientific studies reveal a set of common elements which prevent the participation of females in representational politics. Scholars have identified several problems which range from duties for kids and family; conventional gender division of labour; socialization processes; job of political parties; cultural and religious doctrines; and monetary barriers as obstacles to female's political involvement. Nevertheless, these barriers are actually overlapping as well as intertwined as well as differ throughout nations.

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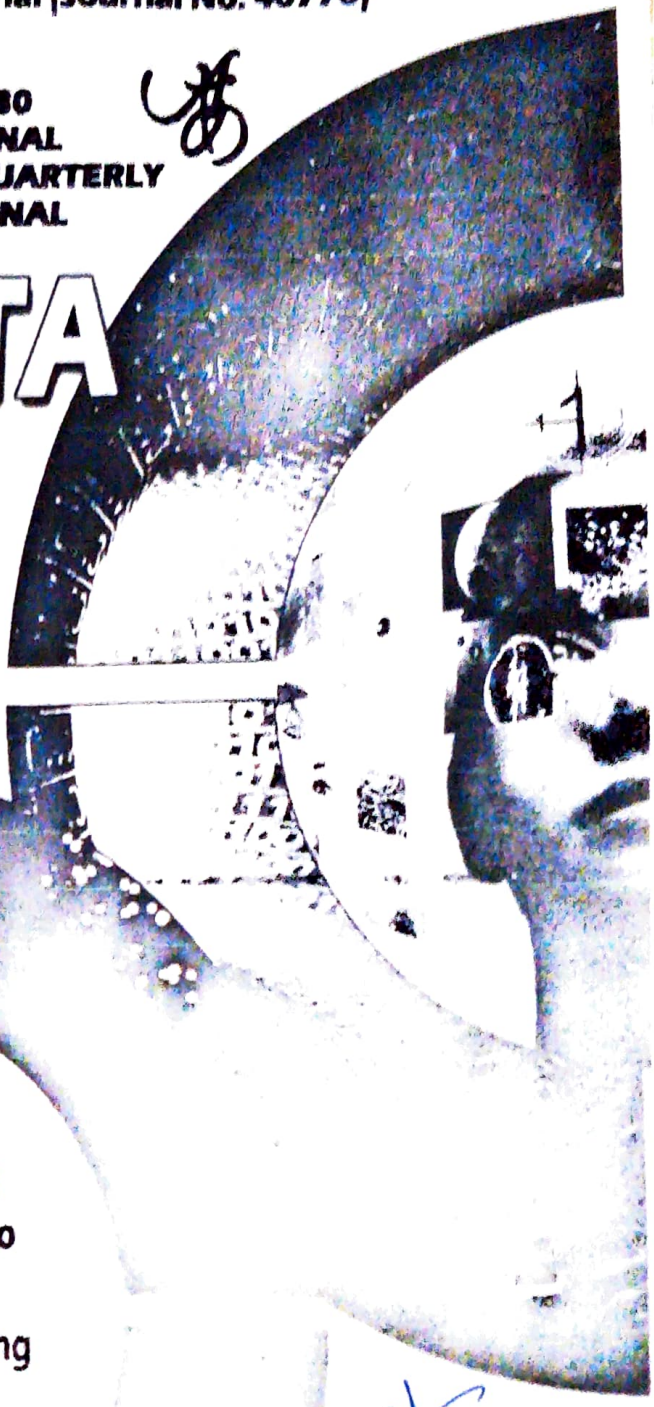

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14. Analyzing the Effectiveness of 74th Constitutional Amendment in Empowering Women in Urban Governance

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Abstract

The 74th constitutional amendment brought in the year 1992 in order to strengthen the system of municipal bodies and as a step towards the decentralization and gender equity in political participation was hailed as being revolutionary. The provision that was expected to play a positive role in women empowerment was Article 243(T), which provides for reservation of seats for Schedule Caste and Schedule Tribe on the basis of their population in municipal area. Of these seats, seats are to be reserved for women belonging to SC's & ST's. Of the total number of seats to be filled by direct election, not less than one third shall be reserved for women (including the number of seats reserved for women belonging to SC & ST's). Offices of chairperson were also to be reserved for SC's, ST's and women in a manner as the legislature of the state may, by law, provide. After almost three decades of the amendment it is imperative to examine the success of the provisions in bringing real reforms.

In this paper an attempt has been made to study the implementation and effectiveness of 74th constitutional amendment in Mumbai Metropolitan region in democratization of the politics at the level of local self-government.

Key Words : Urban Governance, 74th Constitutional Amendment, Gender Equity, Political Participation, Maharashtra elections.

Introduction

The share of women population in the world is 49.6%, in India it is of 48.20%of the total population,of the 34.03 % is in urban area and 15.5 % are in rural. As such any developmental goals cannot be planned or achieved if this substantial population is not taken into account.Gender equality and empowerment has been the goal of many national and

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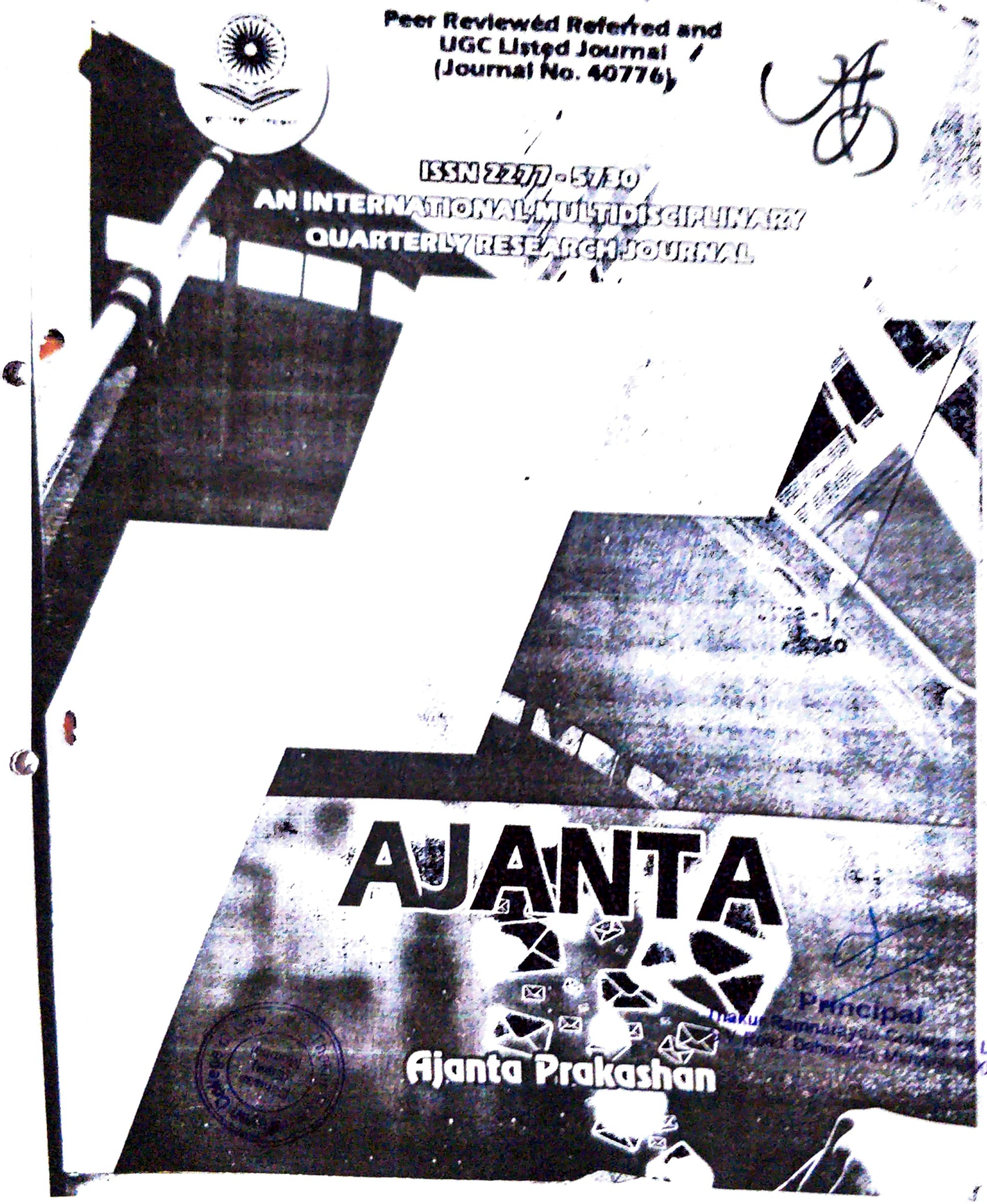

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16. Developing Countries : A Breeding Ground for Mnc's to Exploit Human Rights

Prof. Hassana Quadri
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Introduction

Human rights, a much talked about yet a less informed and learnt subject inevitably finds its place in our day to day life in numerous ways. Recognition and acknowledgement of human rights is paramount for a state to efficiently survive and deliver to its maximum potential. Human rights have a widespread umbrella and cannot be exhausted by defining it with just a few connotations. These rights though present with every individual, must be explored and protected from time to time. The study of human rights cannot watertight but it needs deep and sensitive understanding of rights stated or unstated. For the overall development of an individual in a state it's essential that these rights are safeguarded.

Multinational corporations or transnational corporations are corporate bodies' with foreign subsidiaries that extend production and marketing operations in several countries that have come to be widely recognised as important international actors that can exert political and economic influence. These multinational corporations have direct impact on the human rights of the subjects associated or disassociated with these corporations. There exist different factors that lead to this effect on human rights invariably. This paper shall focus on these aspects vis-à-vis their safeguard and violation.

Developing countries to say so are like a blank canvas to foster to the interests of these corporations. developing countries act like humble hosts for these multinational corporations to grip and burgeon at the cost of exploiting the human rights of the subjects in the host state. Though the outcomes of these corporations are alluring, the effect on the human rights cannot be overlooked. The very purpose of welcoming these corporations in these developing nations is to earn equitable economic benefits but if by such policy the human rights are being compromised, the whole purpose stands defeated. This paper shall enlist the problems faced by the developing countries vis-a-vis to the working and growth of these multinational corporations and submit

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10. Constitutional Protection of Scheduled Castes and Scheduled Tribes in India

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Prof. Ankita Kapoor
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Abstract

The Constitution of India provides safeguards to certain vulnerable groups that include women, children, scheduled castes and scheduled tribes. From time to time, the Government of India has enacted various legislations and policy measures for the upliftment and empowerment of these vulnerable groups, particularly the scheduled castes and scheduled tribes. The most notable enactment in this regard is the ***Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989*** as amended, including the prominent amendment made thereto in 2015. Even the Supreme Court of India has, through plethora of verdicts, highlighted the need to undertake effective legal, policy and implementation measures for the empowerment of the members belonging to scheduled castes and scheduled tribes. Despite these extant legal provisions and safeguards, there continues to remain certain challenges that prevent the successful implementation of the legislations that aim to empower these groups. This paper makes an analysis of the constitutional provisions protecting the rights of the scheduled castes and scheduled tribes along with a critical analysis of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, as amended. This paper also identifies the loopholes that hinder the effective implementation of the legal provisions and safeguards provided for their betterment, due to which their conditions have not been completely improved in the way it had been intended and envisioned at the time of the enactment of the laws. Certain recommendations and suggestions have been put forward towards the end of the paper so as to secure a better implementation of the laws and policies for the empowerment of these groups.

Keywords: Constitution, Scheduled Castes, Scheduled Tribes, Rights, the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, Challenges, Empowerment.

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19. Legal Education in India and the Educators

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Abstract

Every society in different phases, at different times, faces specific kinds of violations of either Natural laws or State laws. State law being a means to achieve entitled natural laws, has to enforce certain monitoring and control mechanisms to attain conformity with social order; attainment of which requires effective and conscience contribution.

Legal education is an ancient concept in India and have existed in the form of the study of Dharma and Nyaya[1] in ancient India; as concept of legal representatives in medieval India during Mughal period and as legal professionals, Judges and Lawyers, in modern India. Due to country's pluralistic nature, the complexity of cultures leads to diverse requirements of the different sections. With the fluctuating (generally found to be increasing and disturbing) crime rate[2], the identification of methods and nature of crime committed, is also changing, which requires comprehensive scrutinization.

This is where the need for trained legal professionals comes in context.

'He who opens a school door, closes a prison'

With reference to the quote by Victor Marie Hugo, a French poet, novelist, and dramatist of the Romantic movement, the role educators in the field of legal education and challenges faced by them considering the requirements of future legal professionals, needs to be explored, analysed and further extended in symbiotic direction.

Keywords: Legal Education, Indian Context, Character building, challenges, scientific temper, qualitative educators.

Introduction

Since the beginning of human civilization, different desires have controlled as well as directed human actions. Change is permanent; being the essential principle, society evolves through the state of stagnant existence to chaos, conflict for power, barbarianism etc., ultimately settling to the state of control, peace, revolution, progress and growth. In this process of development, the control initiated through codified or uncodified set of rules and regulations

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This is to certify that

Dr. /Mr./Ms. Prof. Moonam Kharat

has participated in SGB Amravati University Sponsored Interdisciplinary National Conference

NECTAR-2020 on the theme of "Progressive Law & Welfare State"

and contributed / presented a research paper on the topic

"Legal Education in India and the Educators"

In witness whereof this certificate is issued on this day of 29th Feb. 2020.

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Ambiguity in the definition of CONTROL : An analysis through Jet Etihad Deal

Rajwant Rao*

Introduction

In the parallel working of the multi-regulator rule of India, coordination amongst the regulators is indispensable to ensure certainty and transparency in the law, to provide a certain degree of comfort , reliability and certainty to investors and market players in matters of outcome of transactions and extent of liability for their day-to-day business conduct. The necessity for coordination comes from the overlap in the governing legislations of such controllers and contrasting legislation in the enactments .To guarantee that such absence of coordination between various controllers does not bring about superfluous and unnecessary delay, it is imperative to organize parallel regulatory approval process.Corporate legal advisors and venture financiers who are included in transnational or we can say cross outskirt mergers and acquisitions (M&A) bargains say absence of consistency in the meaning of control in Indian regulations and markets make outside speculators terrified and somewhat watchful. It likewise hails issues around corporate governance practices at the board level, say intermediary counseling firms.

With respect to M&A, there are varioussimilarities amongst the governing legislations of the SEBI and the CCI, i.e. the "SEBI Act, 1992 and the accompanying SEBI (Substantial Acquisition of Shares and Takeovers) Regulations, 2011 ("Takeover Code") on the one hand" and the " Competition Act, 2002 ("Act") and the accompanying Competition Commission of India (Procedure in regard to the transaction of business relating to combinations) Regulations, 2011 (as amended) ("Combination Regulations") on the other."

Under these two legal administrations, there are corresponding triggers for the requirement to make an open offer, as well as the requirement to file a merger notification with the CCI.[1]

Difference in definition of EFFECTIVE CONTROL under CCI and SEBI and their analysis through the case will be discussed in the project in context of

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1 See the requirements to file for an open offer,http //www.firstpost /business/decoding-the-jet-etihad-war-entitlement-controversy-9217277.html (last visited on 7th march 2016)

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ORIGINAL RESEARCH PAPER

Law

LEGITIMACY OF CHILDREN UNDER HINDU LAW: A CRITIQUE

KEY WORDS: Marriage, Void, Children, Illegitimate.

Dr. Anil Kumar Singh — Principal, Thakur Ramnarayan College of Law, S. V. Road, Dahisr (East), Mumbai – 400 068

ABSTRACT

Prior to enactment of Hindu Marriage act in the year 1955, unlimited polygamy was permitted. However, it was a very rear practice among Hindus to marry more than one wife. The marriage was a sacrament which every Hindu was supposed perform to have a son, who continues his blood line. After the passing of the Hindu Marriage Act 1955 a prohibition was imposed on the Hindus to enter into second marriage during the life time of the spouse. Second marriage during life time of other spouse is void and children born to void marriage or voidable marriage which is annulled by decree of nullity are illegitimate. Children born out of unlawful wedlock were considered void and deprived of their rights available otherwise. Therefore, some provisions are made under the various laws to overcome injustice to such children.

Introduction

Under Hindu Law eight forms of marriages were recognized out of which four were approved and four were unapproved. *Brahma, daiva, arsha* and *prajapatya* were approved forms, whereas *paishacha, asura, rakshasa* and *gandharba* were approved form. Twelve types of sons were recognized under ancient Hindu law. According to Manu twelve types of sons were divided into two categories. In first category the *aurasa, kshetraja, dattak, krtima, gudhotpanna* and *apaviddha* were kinsmen as well as heirs, *aurasa*, in second category the *kanina, sahodha, krita, putrikaputra, svayamdatta* and *shudra* were only kinsmen. Prior to the Hindu Marriage Act, 1955 there was no prohibition for a Hindu to have more than one wife, all the children born to the wives were treated as legitimate children and members of joint family or coparcenery, except a child born to concubine was treated as an illegitimate child. Each one of these legitimate children had a right to maintain a suit against their father for partition and separate possession of their legitimate share either in the joint family property or in the co-parcenery property.

In almost all the societies premarital sexual relationship and extramarital sexual relationship are considered to be a sin, and as the resultant child of such offensive relationship is also kept in a state illegitimately. "Legitimacy of a child, that is, the father-child relationship, is entirely based on the lawfulness of the wedlock between both parents." In common law, legitimacy is the status of a child born to parents who are legally married to each other, and of a child conceived before the parents receive a legal divorce. Certainty of paternity has been considered important in a wide range of eras and cultures, especially when inheritance and citizenship were at stake, making the tracking of a man's estate and genealogy a central part of what defined a "legitimate" birth.

Legislative Approach

Hindus are governed by four codified laws and amendments made therein from time to time. So far marriage is concerned, a Hindu Marriage Act, 1955 is applicable, which has overriding effect. Though unrestricted polygamy was permitted among Hindus prior to 1955 i.e. commencement of Hindu Marriage Act, 1955, it was a rear practice among Hindus of having more than one wife, as marriage was considered as a sacrament to repay the debt of ancestors by having a son who continues their bloodline. However after enactment of Hindu Marriage Act, 1955, polygamy was abolished and strict monogamy is allowed.

Thus, after the passing of the Hindu Marriage Act 1955 a prohibition was imposed on the Hindus to enter into second marriage during the life time of the spouse. Section 11 of Hindu Marriage Act, 1955 lays down that any marriage solemnized after commencement of the Act in contravention of section 5 (i) i.e. marrying during life time of spouse is void. A son born to the void marriage was deprived of a right under the traditional Hindu law since the provisions of the Act excluded the application of personal law in this regard and under the Hindu Succession Act, 1956, because he was not a legitimate son.

Initially when Hindu Marriage Act was passed in the year 1955, children of a void marriage were illegitimate, irrespective of whether the marriage was declared null and void or not and children of voidable marriage become illegitimate when the marriage is annulled by decree of nullity. However, by virtue of the Marriage Law Laws (Amendment) Act, 1976 the children of void marriage and annulled voidable marriage are legitimate children. "The Parliament after realizing this injustice done to an illegitimate child for a folly of its parents thought of introducing Section 16 of the Hindu Marriage Act." It is pertinent to note that the status of legitimacy is conferred on children of the void marriage only under section 11 of Hindu Marriage Act. If the marriage is void for the reason other than under section 11, children will be illegitimate.

In case of voidable marriage, which is not annulled by decree of nullity, would be a valid marriage, thus the children would be legitimate. However, if the marriage is annulled at the instance of either party to the marriage, nonetheless children born of such marriage would be their legitimate children by virtue of section 16 (2) of the Act for all the purposes including the succession of the property of their parents. Sub sections (1) and (2) of section 16 confer legitimacy to the children even in case of a marriage void or voidable. However, sub section (3) of the said section states that by virtue of relying on the status of legitimacy conferred on them by sub sections (1) and (2) such children cannot claim any right in or to the property of any person other than the parents. "The object of section 16 is to confer a protective cover to the children and to save them from the stigma of illegitimacy and also to give them proprietary rights in the property of their parents."

Section 6 Sub-section (b) of Hindu Minority and Guardianship Act, 1956 deals with the guardianship of illegitimate children and provides that the guardianship of an illegitimate boy or an illegitimate unmarried girl first lies with the mother and in absence of mother, the father. Thus, father of illegitimate children has no preferential right and is the natural guardian only after the mother.

Earlier the illegitimate son of a Hindu belonging to one of the three higher classes by a *dasi* was entitled only to maintenance and not to any share of the inheritance, whereas, illegitimate son of a Shudra by the *dasi* was entitled to a share after his father's death in the separate property of his father. Now section 20 of Hindu adoption and Maintenance Act, 1956 makes no difference between legitimate and illegitimate so far as maintenance is concern and provides that a Hindu father or mother is bound to maintain his or her illegitimate children during his or her life time so long as the child is minor. In *Kaila Mistry v. Kanniammal*, Madras High Court held that a claim for maintenance under this section can be made by an illegitimate child of adulterous intercourse.

The purpose of section 16 is to provide social protection to such children who are born to the parents whose marriage is either void under section 11 or voidable under section 12 and annulled by decree of nullity at the instance of either party to the marriage. That is precisely what is sought to be done under Section 16(1).

ORIGINAL RESEARCH PAPER

Law

KEY WORDS: Marriage, Divorce, Dissolution

CHANGES UNDER MARRIAGE PHENOMENA AND CONCEPT OF DIVORCE: IN INDIAN PERSPECTIVE

Dr. Anil Kumar Singh Principal, Thakur Ramnarayan College of Law.

ABSTRACT

Since marriage is no more indissoluble as it was in earlier days. All the personal laws now permit to dissolve the marriage. Therefore, it becomes necessary to dissolve the marriage with minimum bitterness, distress and humiliation to the parties. Further, keeping in mind the sanctity of the marriage and protecting the family interest by keeping intact, the divorce should not be made so liberal that the on each and every trivial ground, the parties to the marriage should not be allowed to take divorce.

Marriage implies attachment and union, whereas divorce implies separation. Marriage is necessarrily the basis of social organisation and the foundation of important legal rights and obligations. The right to marry is also protected under international instruments. Article 9 of EU Charter of Fundamental Rights states, that right to marry and right to found a family is a fundamental right. The right to marry and the right to found a family shall be guaranteed in accordance with the national laws governing the exercise of these rights. "Men and women of full age, without any limitation due or race, nationality or religion have the right to marry and to found a family. They are entitled to equal rights as to marriage during marriage at its dissolution." Marriage is an institution, based not only on sex satisfaction services but starts on unbreakable ties of two families and evolves the foundation of a new family out of those existing ties. The right to marry is an integral part of the right to life under Article 21 of the Constitution of India, which says, 'No person shall be deprived of his life and personal liberty without due process established by law. This right has been recognized even under Article 16 of the Universal Declaration of Human Rights 1948. In Lata Singh v State of Uttar Pradesh, the Supreme Court opined that the right of marriage as a component of right to life under Article 21 of the Constitution of India.

Hindu marriage resembles the features of both, sacrament and contract. It is a sacrament since there is emphasis on the performance of the customary rites and ceremonies including saptapadi, wherever it is treated as an essential ceremony for the completion of the marriage. It is contract because Section 5 of Hindu Marriage Act, 1955 deals with the capacity of the spouses to inter into an alliance of a marriage. Marriage is undoubtedly a social institution in which the State is vitally interested. If, therefore, a State compels Hindus to become monogamists, it is a measure of social reform and the State is empowered to legislate with regard to social reform under Article 25 (2) (b) of the Constitution notwithstanding the fact that it may interfere with the right of a citizen to profess, practice and propagate religion freely.

Under Muslim Law, a marriage is considered as a civil contract for the purpose of legalizing sexual intercourse and procreation of children, since bride groom makes an offer of marriage; the bride may or may not accept the offer. The consideration is the dower, which the husband is required to pay to his wife, before, at the time or after the marriage. There are divergences of opinion with regard to the nature of Muslim Marriage. Some jurists are of the opinion that the Muslim marriage is purely a civil contract while others consider the same as a religious sacrament. Another view is that that marriage is not purely a civil contract but a religious sacrament too. No religious ceremonies are required for solemnization of a Muslim marriage. "Whatever religious ceremonies are appended to the civil ceremonies are merely to give it sanctity; their performance or non-performance does not affect it legality."

Parsi marriage is also a contract; however, a religious ceremony 'Ashirwad' (means blessing) is compulsory for its validity. A priest solemnizes Parsi marriage in presence of two Parsi witnesses. Marriages among the Indian Jews are regarded as contracts. For the valid marriage of a Jew, written contract called 'Katuba' is necessary in addition to religious ceremonies. A Christian marriage in India is also regarded a contract, which is solemnized by a Minister of Religion, licensed under the Indian Christian Marriage Act or by the Marriage Registrar.

Irrespective of the fact that in some communities marriage is considered as a sacrament, whereas in another contract, it confreres the status of husband and wife upon the parties to the marriage. The children born out of such marriages get the status of a legitimate child. Hence, marriage is the foundation of establishing a family. Marriage is a sacred institution; it is the very foundation of a stable family and civilized society. There are, however, certain perquisites for a valid marriage. All personal laws lay down some or other conditions, which need to be complied with to inter into or solemnize a legal marriage. "Institution of marriage is the foundation of peace and order of the society and considered as sacred even by those who view it as a civil contract."

Divorce

Under the general uncodified Hindu Law divorce was not recognized; it was rather unknown to the old textual Hindu law of marriage. The reason is very simple that the marriage was an indissoluble tie between husband and wife. Vedic text as well as Smithies contains no advertence at all to divorce. Manu declares "Let mutual fidelity (between husband and wife) continue till death: this in brief may be understood to be the highest dharma of man and wife. Divorce was thus not recognized unless it was allowed by custom. Section 13 therefore, introduces a vital and dynamic change in the marriage law of Hindus. Thus, Hindu marriage Act, 1955 has brought about drastic changes in the institution of marriage, destroying the sacramental aspects of marriage.

Divorce is the legal cessation of a matrimonial bond, therefore, in India; all the matrimonial laws provide for divorce and lay down certain conditions. Though there are different Acts for different religions, nonetheless the conditions and ground of divorce are more or less similar, except under Muslim law it differs. Earlier marriage was considered as indissoluble union among Hindus and Christians and one even could think of the divorce. However, due to fast changing socio-economic conditions marriage is no more indissoluble, which is now an accepted fact; therefore, divorce law came in existence. "Not before a few decade back, divorce was abhorred as an evil; the grounds for divorce were very limited and it was sought only under compelling circumstances. Things have, however, changed now." Therefore, a comprehensive law which is applicable to all Hindus was passed in the year 1995 in the form of Hindu Marriage Act, 1955, which was based on English Matrimonial Causes Act, 1950. In English law, a valid marriage may be terminated only by the death of one of the parties or by a decree of dissolution or divorce pronounced by a court of