

## FUTURE OF ADR: TRENDS AND DEVELOPMENT AROUND THE WORLD

### Introduction

**F**air, economic, reasoned and quick deliverance of justice is the aim of every legal system. Disputes are inevitable part of every society. It blocks development and disturbs peaceful conduct of human life; hence, it becomes necessary to find a quick and easy method of resolution of the disputes. As we all know, ADR, the acronym for Alternative Dispute Resolution, has come to mean those systems of dispute resolution that are an alternative to the court system, viz. litigation. ADR systems became an integral part of the Court system in India with the introduction of Section 89 in the Code of Civil Procedure.<sup>1</sup>

The enactment of the Arbitration Act of 1949 leads to the repeal of the provisions of the CPC which dealt with arbitration and subsequently, the 1940 Act was replaced by the Arbitration and Conciliation Act of 1996. This Act was designed on the format of the UNICITRAL Model Law as recommended by the General Assembly of the United Nations in 1985. In spite of these existences, a need was felt for a more comprehensive method of dispute resolution where parties have sufficient autonomy and flexibility to design the outcome of their disputes. With the introduction of Section. 89 mediation and conciliation came to be recognized as the processes that could be

fill this vacuum. The Supreme Court in *Salem Bar Association v. Union of India*,<sup>2</sup> held that:

"It is quite obvious that the reason why Section. 89 has been inserted is to try and see that the cases which are filed in Court need not necessarily be decided by the Court itself. Keeping in mind the law's delays and limited number of judges available, it has now become imperative that resort should be had to ADR mechanisms with a view to bring to an end litigation between the parties at an early date."

However, the words "mediation" and "Conciliation" were used separately both in Section 89 as well as in the 1996 Act.<sup>3</sup> Another factor is that, there is no separate statute defining mediation<sup>4</sup> and providing the procedure to be followed in mediation, unlike conciliation<sup>5</sup>, which is dealt with in the 1996 Act. This compelled the Supreme Court to distinguish between these two as mediation being the process that takes place under a court-annexed scheme pursuant to Section 89 and conciliation as that which takes place under private agreement between the parties under the provisions of the 1996 Act.<sup>6</sup> Of all the above ADR system, mediation has turned out to be the most popular as evident from the establishment of the court-annexed mediation centers at State, district and Taluk levels

\* Research Scholar, Department of law, Kariyavattom Campus

<sup>1</sup> Section-89(1) of CPC(Amendment) Act, 1999(wef-2002): Settlement of dispute outside Court: Section-89(1) reads- where it appears to the Court that there exist elements of settlement which may be acceptable to the parties, it shall formulate the terms of such settlement, give them to the parties for their observation and after receiving the observations of parties, the Court may reformulate the terms of settlement and refer the same for (a) Arbitration, (b) Conciliation, (c) Judicial settlement including settlement through Lok Adalats or (d) Mediation

<sup>2</sup> AIR 2003 SC 189

<sup>3</sup> Section 30 of the Arbitration and Conciliation Act, 1996

<sup>4</sup> STEPHEN B. GOLDBERG, FRANK E.A. SAND AND NANCY H. ROGERS, DISPUTE RESOLUTION NEGOTIATION, MEDIATION AND OTHER PROCESSES (1999)

<sup>5</sup> Brown And Marriott, in the ALTERNATIVE DISPUTE REDRESSAL METHODS PRINCIPLES AND PRACTICE (1999)

<sup>6</sup> *Arcos Infrastructure Ltd. & Another v. Cheryan Varkey Construction Co. (P) Ltd. & Others*, 2010 (8) SCC 24.

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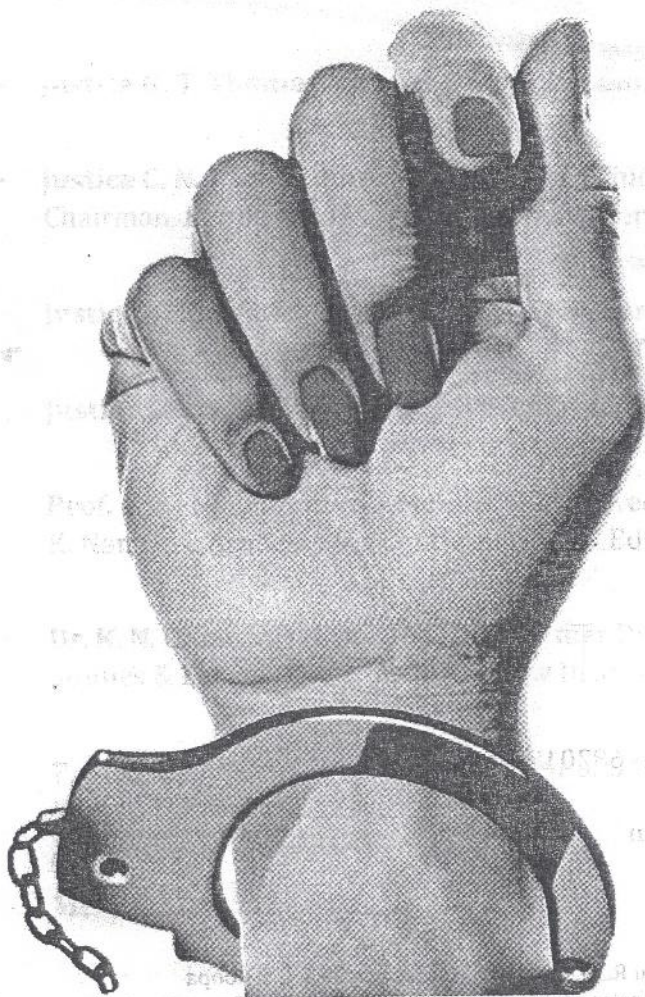
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GOVERNMENT LAW COLLEGE  
ERNAKULAM  
2017**

HIS HIGHNESS MAHARAJA'S  
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ERNAKULAM

# CRIMINAL WOMAN

## Introduction

It is believed that crime is basically a male phenomenon. Just like other usual activities, paternal dominance was there in criminal activities also. Moreover, the view that women are not capable for criminal activities was gained momentum during early days. There is wide acceptance that the female mind for reasons of biologic necessity is particularizing, realistic, practical and concrete, being pervaded by desire for a settled working security.<sup>1</sup> They were fully engaged with home bound roles and were, in a sense, tied up within four walls of their home. Though they were poetically elevated, their rights and freedoms were curtailed. With the achievement of education, they slowly entered into male dominated professions including employment in crime.

In the earlier period, women were accorded with low status, and this is reflected in the laws of several nations. Manu states that, a woman is never fit for independence, because her father protects her in childhood, her

husband in youth and her sons in old age.<sup>2</sup> Kautilya says that, the aim of taking a wife is to beget sons.<sup>3</sup> The Aitereya Brahman says that, the wife is indeed friend, a daughter is distress, and the son is light in the highest heaven.<sup>4</sup> Inheritance of property by women was difficult in earlier period. The practice of sati and female infanticide are examples of low status of women in the society.

The advent of Muslim rule replaced the Hindu law of crimes by Muslim law of crimes. But, unfortunately it did not alter the position of women. The colonial administration, in fact, brought certain changes and thereto the status of women started changing. The English education and women liberation movements were instrumental in the change of the status of women from home maker to the maker of her own identity. This actually paved way for increased criminal opportunities.

## Reasons for Criminality

The following are some of the reasons for the involvement of women in criminal activities:

\* LL.M. (CUSAT), Ph.D. (MG), Associate Professor, Govt. Law College, Ernakulam.

1 Val Beyer Satterfield, "Criminal Responsibility of Women", 43(6) *Journal of Criminal Law and Criminology* 756(1953).

2 Laws of Manu (IX, 3, vol.15, Sacred Books of the East Series, 1964), quoted in Sivaramayya B., *Inequalities and the Law* 4 (Eastern Book Co., Lucknow, 1964).

3 Kautilya, *The Arthashastra*, L. N. Rangarajan (ed.), 65 (Penguin Books, New Delhi, 1992).

4 *Supra* note 2.

# Policing in The Accusatorial System

CHALLENGES AND PERSPECTIVES—  
A COMPARATIVE APPROACH

by

**Dr. John P C**

Assistant Professor  
Government Law College  
Thiruvananthapuram, Kerala

**Foreword**

by

**Dr. KN Chandrasekharan Pillai**

Former Director, Indian Law Institute, New Delhi  
and Former Director, National Judicial Academy, Bhopal.



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**SELECTED ESSAYS ON**  
**CURRENT LEGAL ISSUES**

**JUDICIAL INTERVENTION IN ARBITRATION-A  
COMPARATIVE STUDY OF UK AND INDIAN  
ARBITRATION LEGISLATIONS**

**GIGIMON V S**  
**AUTHORS COPY**

**EDITED BY**  
**AMRITHNATH SB**

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# **JUDICIAL INTERVENTION IN ARBITRATION-A COMPARATIVE STUDY OF UK AND INDIAN ARBITRATION LEGISLATIONS**

Gigimon V.S.

Assistant Professor,

National Law School of India University, Bangalore

The objective of this study has been to examine, evaluate and compare the legislative frameworks of judicial intervention in arbitral process in UK and India with reference to UNCITRAL Model Law. Arbitration grew out of the need to settle disputes in an efficient and specialised manner, as an alternative to litigation. It is widely perceived to serve this purpose in contemporary dispute settlement and retains that pre-eminent status as the dispute resolution mechanism of choice in international commerce. This is the prism through which the present study has been conducted. Likewise, one should be mindful of arbitration's defining characteristics, particularly that of party autonomy. The latter is one of the theoretical foundations on which arbitration is based and constitutes an attractive feature for many parties. In short, arbitration is an effective method of settling commercial disputes, often in a tailored way, and its utility in this respect should be preserved and enhanced.

An analysis of the UK Arbitration Act reveals a rich and defined jurisprudence with minimal judicial intervention having a highly developed rules and principles governing all aspects of arbitration, which is one of the reasons why the country has been and still is a world's preferred seat of arbitration. Thus secured London's reputation as the world's leading arbitral hub. As Arbitration Act of India is concerned the adoption of the Model Law became increasingly widespread, the deficiencies in arbitration law were exposed and felt the need for a systemic overhaul. Foreign users were dissatisfied with such delays, high costs and intervention of courts. They wanted less delay, less cost and speedy remedy. They wanted their disputes resolved with certainty.

The Indian Arbitration Act of 1996 has many novel features to arbitration and there was a strong feeling that our arbitral system should take account of the needs and wishes of the commercial and trading community is apparent once more and renewed thinking is certainly required.

A critical analysis of the Law Commission Reports in light of contemporary developments in international commercial arbitration has much normative value. Its findings are based on the analysis of the functioning of arbitral tribunal and taking view of stakeholders involved in the process of arbitration. The report, in particular, provides the importance of harmonisation with the increasing globalisation of trade, given the present importance of inward foreign investment.

The objective and comparative analysis of certain key provisions of both the Arbitration Act 1996 and UNCITRAL Model Law was engaged in with a view to determining which offers the optimal legislative framework for arbitration to thrive as a method of settling disputes. The specific broad objective of the study may be summed up as follows:

- to contribute towards reducing obstacles to business caused by legal differences concerning interference of courts in arbitration and towards promoting fuller mutual understanding between India and UK through greater knowledge of each other's legal system and history.
- to understand the issues involved in the arbitration due to court intervention.
- the court should take an approach to be in a supervisory role not active participatory role in arbitral matters
- to highlight on the concept of party autonomy and to minimize judicial intervention in arbitration proceedings and the areas for its improvement so as to reach the objectives of the Arbitration Legislation.

This doctrinal study is based on secondary data collected from various sources. These, *inter alia*, include books, law journals and periodicals, articles and research papers, case laws and various other primary and secondary sources. A comparative study is also done with the help of Indian and English case laws relevant to the subject of study. The study also involved active discussion regarding the topics to a few specialized arbitrators, whose valuable input helped to clear out certain doubts of in



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# Transgressing Child Rights

A RETREAT OF CULTURAL SOCIAL AND MORAL VALUES



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## WHOSE RIGHTS? AND DOES IT REALLY MATTER?

- Aruna B.K.<sup>250</sup> & Abhaya B.K.**Introduction**

Child abuse including sexual exploitation of children is a phenomenon happening from time immemorial. Even the mythologies of ancient cultures has a story of child marriage and different forms of child abuse to tell. But with the development of modern democracies and the concept of welfare state, human rights got new dimensions and child rights began to be specially recognized and taken care of. Nations of the world tried to combat different forms of child abuse through national legislations and joint international efforts. But prevalent in almost all societies, practiced secretly and reported scarcely it bloomed unnoticed under legal orders that tried to establish children as right holders. Physically tortured, mentally destructed, emotionally tormented and sexually exploited many little lives shattered in darkness unknown to the world, neglected by the care givers. When law tries to intervene and protect children from abuse, the main question arises- whose rights should be protected under the title of child rights? This paper attempts an analysis of the definition of child and the problems of defining child on the basis of age and purpose.

From a sociological point of view the question who is a child often carries with it different implications. For example it conveys the questions why should a person not be treated as an adult, when should a person not be treated as an adult and how to distinguish an adult from a child and in what circumstances such a distinction should be drawn. There is special moral obligation of paternalistic nature in adults to offer special treatment to children.

- a. What children opine do not matter including their consent and dissent in matters affecting their own welfare because they are not mentally mature enough to understand what is good for them and what is not and
- b. They should not be made responsible in the same way the society hold an adult responsible because they do not understand the consequences of their own actions

It is difficult to draw a uniform conclusion from such social intuitions. In the social definitions of child it could be seen that much importance is given to the psychological development than biological development. It is therefore necessary to understand the

<sup>250</sup> Lecturer, Govt. Law College (Additional Self Financing Batch), Thiruvananthapuram

<sup>251</sup> Assistant Professor, Mar Gregorios College of Law, Thiruvananthapuram

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# Green Banking & **Environment**

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 Multi  
Spectrum

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**BHIM: A BOON OR BANE**Vinod M S<sup>1</sup>, Haripriya U<sup>2</sup><sup>1</sup>Assistant Professor, Department of Commerce, Christ Nagar College, Maranalloor.<sup>2</sup>Scholar, University of Kerala**ABSTRACT**

The paper concentrates on the emergence and usage of BHIM app in India after Demonetization. The introduction of BHIM has paved the way for a paper currency free monetary system in India. In this paper the main area of discussion is on the usage, utility and customer base of BHIM app. It also throws light on the effect of demonization and recovery through the mobile app.

Key words: BHIM, UPI, National Payments Corporation of India

**1. INTRODUCTION**

BHIM stands for Bharat Interface for Money which is a mobile app developed and supported by the National Payments Corporation of India on 30<sup>th</sup> Dec 2016 launched by the Prime Minister of India Sri Narendra Modi. BHIM is a mobile app which is based on UPI (Unified Payments Interface). BHIM allows paying and receiving directly from the person's bank account to the merchants or beneficiaries without typing card details or wallet password or net banking. BHIM was introduced with a view to eliminate the bane effects of demonetization. Bharat Interface for Money (BHIM) is a portable application which can be utilized by an individual who holds a financial balance. It permits the client to make bank to bank cash exchanges as well as trader exchange if the vendor application is enlisted on BHIM interface in a simple, straightforward and speedy way utilizing Unified Payments Interface (UPI). This is done utilizing the portable number/Virtual Payment Address (UPI ID).

According to the refreshed source on NPCI page BHIM has downloads of 31.6 Million till 30th Aug, 2018 (Android) and 1.63 Million till 30th Aug, 2018 (Other platforms). As of now 102 banks are live on BHIM. Two sorts of installment applications have been set up by designers to be specific wallet and UPI (bound together installments interface). Wallets utilize the cash put away in an association's application which can be later utilized for making installments, while, UPI based applications bolster IMPS (Prompt Payment Service), that utilizes financial balance



# Women Law and Remedies



Anjali Dixit



# 9.

## Commodification of Women in Media

Reeya Susan John\*

### Introduction

Media has emerged as the universal platform today in voicing opinions to information all over the world. Globally, the rapid growth of media has created an information revolution. Media through the dissemination of information plays a significant role in the social and economic development of women through the depiction of lifestyles, cultural practices, social hierarchy etc.<sup>1</sup>

In recent times, media has been playing the roles as a perpetrator and a protagonist in the lives of women. Media can either be an accomplice for discrimination of women by portrayal of sensational and stereotypical images of women or it can become the platform for women empowerment by exposing acts of gender bias. The depiction of women as a commodity and the accompanying body politic in the media has

1. Dr. Sanjeev K. Sharma, 'Depiction of Women in Indian Media- A Case of Introspection for Media Planners', 1 *Samaj Vigyan Shodh Patrika* 35 (2005).

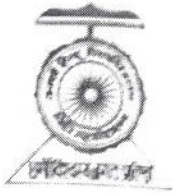
\*Assistant Professor, Mar Gregorios College of Law, Thiruvananthapuram.

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**Dr. ANOOP KUMAR**

LL.M, Ph.D

Assistant Professor,

Faculty of Law,

Banaras Hindu University

**TO WHOMSOEVER IT MAY CONCERN**

This is to certify **Prof. (Dr.) Gigimon V.S.**, Associate Professor of Law & Head of the Department, Dharmashastra National Law University, Madhya Pradesh, and **Mr. Adithya Anil Variath**, Student of Master of Laws, Dharmashastra National Law University, Madhya Pradesh has sent a joint Chapter titled, **"REDISCOVERING THE ANCIENT INDIAN APPROACH TO DHARMIC LEGAL EDUCATION"** to be published in our upcoming Edited Book titled, **"VEDIC TRADITION OF LAW AND LEGAL SYSTEM"**. The Chapter has been reviewed by Editorial Board and accepted it for publication.

**VEDIC TRADITION OF LAW AND LEGAL SYSTEM** bearing an ISBN Number is scheduled to be published in the month of March 2021.

(Anoop kumar)

Address: Faculty of Law, Banaras Hindu University, Varanasi

Telephone: 8853825728

Email: [anoopkumarlaw@bhu.ac.in](mailto:anoopkumarlaw@bhu.ac.in)



# REDISCOVERING THE ANCIENT INDIAN APPROACH TO DHARMIC LEGAL EDUCATION

*Dr. Gigimon V.S.\**

*Adithya Anil Variath\*\**

## Abstract

History of a civilization can be traced back to the history of its legal system. Article 1 of the Constitution of India uses the term 'Bharat', which can be interpreted as a reflection of our nation's civilizational identity. However, even after 70 years of our Constitution coming into force, we have failed as a nation to develop an indigenous or Indic school of jurisprudence. Any legal system which lacks the native and ethnic character of the society will ultimately fail the test of the time on the course of society's transformation. Contemporary legal education in India has largely been coaxed by colonial leftover notions. There is an Indian imperative not only to decolonise laws but also radically restructure legal education. Indian legal thought is an unexplored area of philosophy. With a civilizational history of at least 6000 years, it is natural that over time ancient India had an ethnic and indigenous legal structure encompassing the method of education and practice. Reflection of Indic jurisprudence and civilizational values are pertinent for the sustenance of ethical legal education in India. Various proposals and reforms have been suggested to reform legal education, but these were narrowly oriented towards addressing the issues in the existing western framework. Dharma and other ethical Indic values find no reflection in the present system of legal education. The chapter focuses on why there is an alacritous need to change the character of legal education from a 'Western-profit oriented model' to 'Dharma based Indic model'. The authors also address how Indic civilizational values can be incorporated into legal education.

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\* Prof. (Dr.) Gigimon V.S. is Associate Professor of Law and the Head of the Department at Dharmashastra National Law University, Madhya Pradesh.

\*\*Adithya Anil Variath is a Student of Master of Laws at Dharmashastra National Law University, Madhya Pradesh.

## I. INTRODUCTION

The objective of education to lead to the 'full development of the human personality' has been reflected in many International documents including the International Commission on Education for the Twenty-first Century's Report on 'Learning: The Treasure Within' submitted to UNESCO.<sup>1</sup> With the Independence of India in 1947, the role of education was to satisfy the moral aspirations of the largely unfettered population. Today, India's vision of education is to facilitate shared governance to satisfy the growing developmental imperatives of the country and to establish a just and equitable society. India's education sector is juggling with multiple problems; however, democratisation and humanisation of education remain a complex area. In the present geopolitical era, India is transforming into a leading geo-economic power. India's journey to becoming a global voice in the new global order will depend on the civilization's effort to strengthen institutional frameworks.<sup>2</sup> Strengthening of institutions will depend on promoting of constitutional values, restructuring ethical principles, maintaining rule of law and dedicating to the democratic process and the idea of the welfare state. From the spectrum of education, this will require the state to look at it as a socio-political responsibility rather than a commercial industry. Of this, one of the most fundamental roles has been of legal education to influence society's idea to deal with unending challenges of social transformation and revolutionary changes.<sup>3</sup> Law is a vital organ to usher socio-economic changes. The role of law to regulate social life, socio-cultural dimensions and individual behaviour through institutionalism is indispensable.<sup>4</sup> The character of law and capability of law to infuse these radical changes will depend upon the competence of machinery that disseminates legal education. The quality and character of legal education will determine the quality of the judicial process as well as forecast the future of the country.<sup>5</sup> Thus, the role of legal education and the legal profession becomes crucial for a democratic society.

Law as a profession has dominated public life. The struggle of India's independence was led predominately by lawyers. In 1916, law professionals constituted about 55% of the elected members of the Indian Legislative Council and about 75% of the elected members of the

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<sup>1</sup> International Commission on Education for the Twenty-first Century, *Learning: the treasure within: report to UNESCO*, ED.96/WS/9, 1996, pp.6-46.

<sup>2</sup> Stephen P. Cohen, *India Rising*, *The Brookings*, 1 Jun. 2000, available at <https://www.brookings.edu/articles/india-rising/>, accessed on 26 May 2020.

<sup>3</sup> P. Ishwara Bhat, *Law and Social Transformation* (Lucknow: EBC Publishing, 2018) pp. 2-7

<sup>4</sup> Seumas Miller, *Social Institutions*, *The Stanford Encyclopaedia of Philosophy*, 2019, available at <https://plato.stanford.edu/archives/sum2019/entries/social-institutions/>, accessed on 26 May 2020.

<sup>5</sup> S. Dayal, *Legal Profession and Legal Education: Revised by Dr. K. N. Cbandrasekharan Pillai* (New Delhi: Indian Law Institute, 2006) at 154

# ENSURING CRIMINAL JUSTICE THROUGH LOK ADALAT – A STUDY WITH SPECIAL REFERENCE TO PLEA BARGAINING: A HUMAN RIGHTS APPROACH

Dr. Saji Sivan S\*

## Introduction

Access to justice from an independent and impartial agency is a recognized human right which is an essential requisite for the existence of the State. It is an established fact that a government founded upon anything except liberty and justice cannot survive. The right to access to justice is more important in a democratic set – up based on rule of law where safeguarding human rights and assuring the dignity of the individual is the responsibility of the State.

The criminal justice system is composed of three primary components: police, courts and prisons. The components of the criminal justice system are seen to be interrelated, interdependent, and striving to achieve unified goal.<sup>1</sup> Under the criminal justice system the views often focus on how cases flow through the system, causing ripple effects as cases move from one component to the next. The actions initiated by the police on the streets affect the workload of courts, and the decisions of judges in court rooms affect the operation of prisons.<sup>2</sup>

Administration of criminal justice by people's court is concomitant with people's participation in India and is as old as the village itself. Administration of justice system like Lok Adalat which we call today as alternative system of administration of justice was traditionally the main system for justice administration. The beginning of administration of justice through popular courts goes back to the Vedic age. Throughout the ancient period, the people's court played a prominent role in resolving disputes with people participatory mechanism and so the administration of justice during such period was participatory forms of administration of justice.<sup>3</sup> In these circumstances, it is to note that the architects of our Constitution indicate to ensure justice to all even the poorest of the poor through efficacious justice delivery mechanism. The makers of the Constitution prescribed the mandate for justice in its preamble, such as social, economic and political justice. Different parts of our Constitution contain various provisions like Article 14 (equality before law), Article 20 (protection in respect of conviction for offences), Article 21 (protection of life and personal liberty), Article 38 (state to secure a social order for the promotion of welfare of the people) and Article 40 (organization of village panchayats) also lay down stress upon the right to equal and effective justice.

\*Dr. Saji Sivan is an Assistant Professor, Mar Gregorios College of Law, Thiruvananthapuram. He can be contacted at navisijaas@gmail.com

<sup>1</sup> <http://legaldesire.com/speeding-up-of-criminal-justice-system-in-india>.

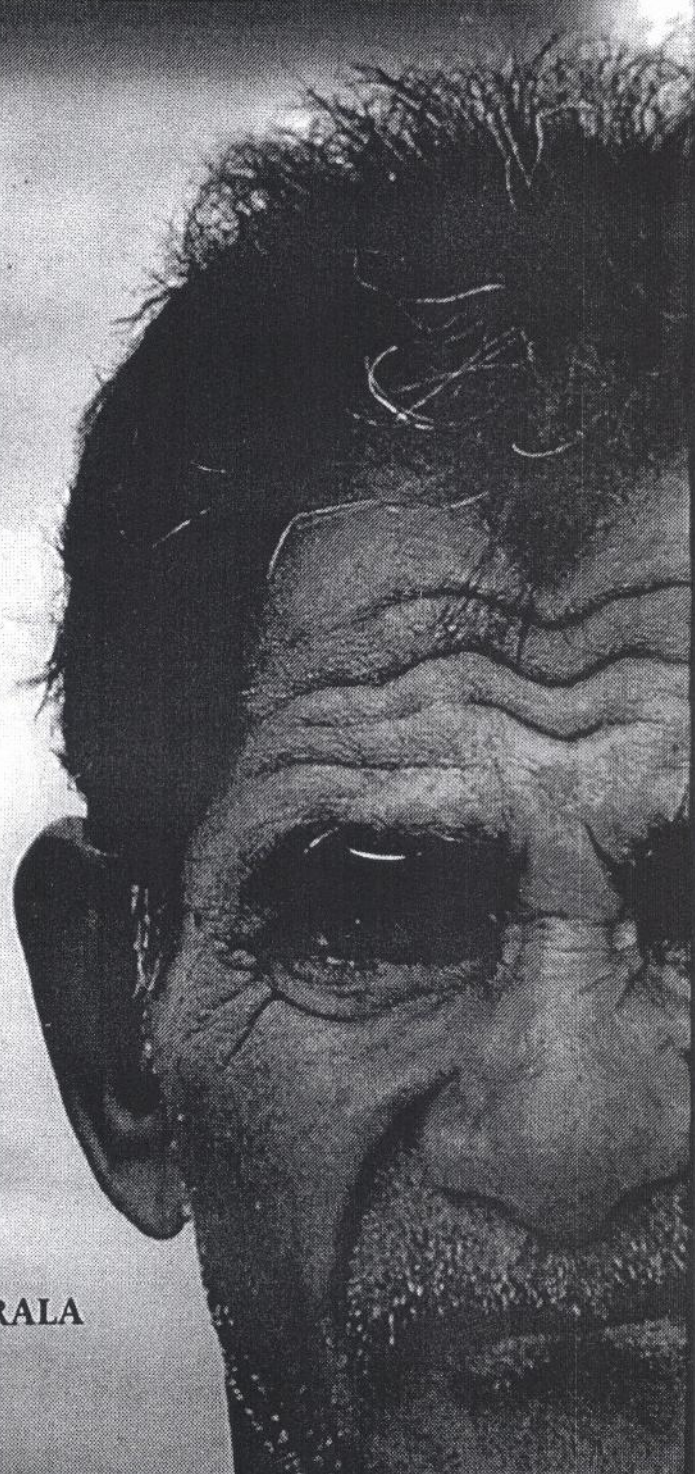
<sup>2</sup> S. S. SRIVASTAVA, CRIMINOLOGY, PENOLOGY AND VICTIMOLOGY (2017).

<sup>3</sup> B. L. ARORA, LAW OF SPEEDY TRIAL IN INDIA (2006).

# HUMAN RIGHTS AND CONSTITUTIONAL GOVERNANCE



DEPARTMENT OF LAW  
CENTRAL UNIVERSITY OF KERALA



## Regulating Advertising To Curb The Harmful Effects Of Gender Stereotypes

**Parvati B**

Assistant Professor, Ramaiah College of Law

**Sushma George**

Assistant Professor, Mar Gregorios College of Law

### *Introduction*

“Moving beyond recognition that gender stereotyping is an obstacle to women’s rights to meaningful progress in implementing human rights obligations to address harmful stereotypes and wrongful stereotyping will require all of us – treaty bodies, special procedures, States Parties, civil society, academics and many others – to give this issue the serious attention it deserves.”

OHCHR Commissioned Report – ‘Gender Stereotyping As A Human Rights Violation’

Modern advertising draws, represents and indisputably influences popular culture. Since cultural values are a decisive factor of consumer behaviour, advertisements adapt and pander to the same. Therefore, not infrequently, they buttress social prejudices, predominantly gender stereotypes. Women have conventionally been viewed through the lens of gender loaded identity. Such projection of women tends to reinforce stereotypical expectations, punish non-conformity and deny women what has been long due. Stereotypes affect men too, but not in the debilitating manner it does women. The purpose of this Article is to highlight the cultural context of gender stereotypes in advertising and also examine the scholarship related to it. The paper seeks to establish and underscore the discriminatory and onerous character of harmful gender stereotypes.

Consequent to this, it is imminent that advertisements which precipitate such trends must be curbed. The linkages between law and culture are well known. Law derives from culture and vice-versa. The plurality of legal systems is the result of cultural pluralism. Law has also been constitutive of culture, in tune with changing



EMERGING TRENDS IN  
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GOVERNANCE**

LEGAL ISSUES AND  
CHALLENGES IN INDIA

*Editor-in-Chief*

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**B.P. Singh Sehgal**

**SATYAM LAW  
INTERNATIONAL**



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# Legal

W ritings on  
R esearch &  
I nnovative  
T opics



Internal Quality Assurance Cell (IQAC)  
**GOVERNMENT LAW COLLEGE**  
THIRUVANANTHAPURAM

# LIVE-IN RELATIONSHIP - A CHALLENGE TO SOCIETY NEED FOR NEW LEGISLATION

Anu Prakash S.\*

## INTRODUCTION

*"More nonsense has been uttered on the subject of marriage than on any other topic. Yet here I am, sticking my neck out to defend this institution at a time when living together is steadily becoming a truly global phenomenon, striking at the very roots of marriage."*

-Bernard Shaw

Marriage is a very strong institution in India. Man and woman can be tied together for life time only with nuptial thread, and not with any other thread. The union of man and woman is considered as sacred in the country and the commitment against each other binds them. Marriage leads to sustain a longer relationship unless and until it is annulled either by the husband or the wife. Marriage is an unconditional sacrament in which

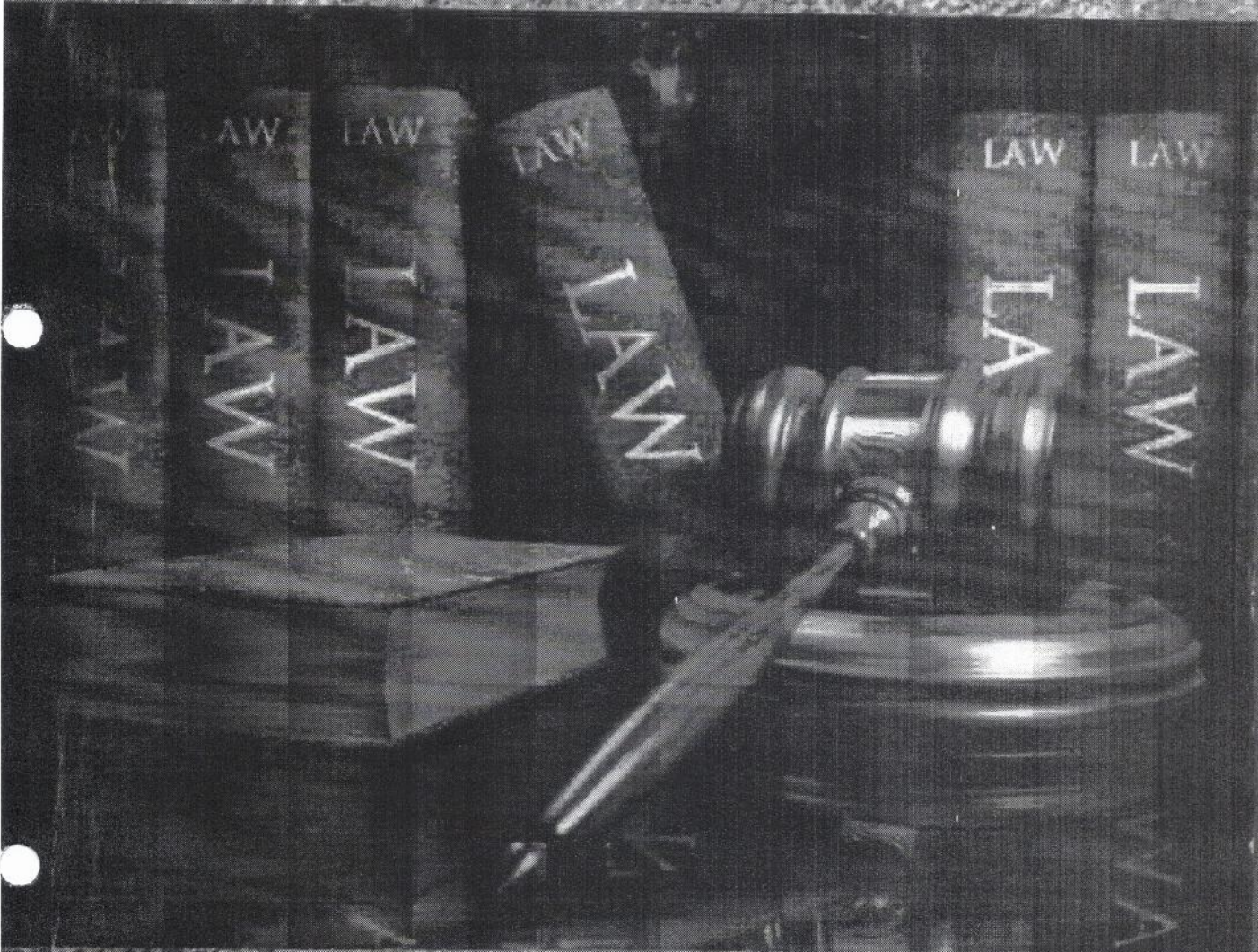
husband and wife are submissive to each other. But now the meaning of relationship changed drastically. What was earlier considered as a taboo has now become a fashion and is followed openly. Despite legal legitimacy, live-in relationships are largely perceived to be immoral and it is visible only in urban areas. Live in relationship is basically built up on the pillars of individualism, money and fashion. In this relationship there is no concept of husband and wife.

A live-in relationship is an arrangement where a heterosexual couple lives together, without entering into a formal relationship called marriage. It is an informal arrangement between intended parties, although some countries allow registration of such

\* Student, 1<sup>st</sup> year LL.M, Govt. Law College, Thiruvananthapuram

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Thiruvananthapuram

# CUSTODIAL TORTURE AND HUMAN RIGHTS VIOLATIONS BY POLICE

► ANUPRAKASH S.  
*4th Semester LL.M*

## Introduction

Human rights are the basic rights of every individual against the state or any other public authority as a member of the human family irrespective of any other consideration. Thus every individual of the society has the inherent right to be treated with dignity in all situations including arrest and keeping in custody by the police. Most of the violations of human rights take place in the management of law and order; by the police. In India, the history of human rights violations in police custody can be traced to British period. Even after 69 years of independence, in a democratic country like India, the police remains virtually a terror to the people and almost absolutely unaccountable for the violations of human rights of people in their custody. Though custodial torture, custodial deaths and other forms of human rights violations in police custody are very common today and the people are being fed up with hearing and talking of such custodial abuses, no static steps have been taken so far for a permanent solution. Nowadays custodial violence has become a part of the police culture and the incidence of custodial deaths is quite common. Though the academic world and judiciary have become conscious of the need of a study of the causes of human rights violations in police custody, its importation into the realm of Human Rights, on any systematic scale, is not yet attempted. In the field of Human Rights, a deep study of the causes of human rights violations in police custody from the legal standpoint has so far received little attention. Rights of an individual in police custody are protected basically by the Indian Constitution and by various other laws like Code of Criminal Procedure, Evidence Act, Indian Penal Code and Protection of Human Rights Act. These rights are also recognized by various international documents like Universal Declaration of Human Rights, 1948, International Covenant on Civil and Political Rights, 1966, convention against torture and other cruelty, inhuman or degrading treatment or punishment and Body of Principles for the Protection of All Persons under any form of detention or imprisonment. In spite of these international and national legal standards for the protection of rights of

1. See *Kartar Singh v. State of Punjab*, (1994) 1 S.C.C. 592, p. 711