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URL: www.dspace.jgu.edu.in:8080/jspui/handle/10739/571
Jindal Global Law School

**Ajay Pandey**


**Abstract:** In this paper, the authors aim to investigate the short-run as well as long-run market efficiency of Indian commodity futures markets using different asset pricing models. Four agricultural (soybean, corn, castor seed and guar seed) and seven non-agricultural (gold, silver, aluminium, copper, zinc, crude oil and natural gas) commodities have been tested for market efficiency and unbiasedness. The long-run market efficiency and unbiasedness is tested using Johansen cointegration procedure while allowing for constant risk premium. Short-run price dynamics is investigated with constant and time varying risk premium. Short-run price dynamics with constant risk premium is modeled with ECM model and short-run price dynamics with time varying risk premium is modeled using ECM-GARCH in-Mean framework. As far as long-run efficiency is concerned, the authors find that near month futures prices of most of the commodities are cointegrated with the spot prices. The cointegration relationship is not found for the next to near months’ futures contracts, where futures trading volume is low. The authors find support for the hypothesis that thinly traded contracts fail to forecast future spot prices and are inefficient. The unbiasedness hypothesis is rejected for most of the commodities. It is also found that for all commodities, some inefficiency exists in the short run. The authors do not find support of time varying risk premium in Indian commodity market context. In context of Indian commodity futures markets, probably this is the first study which explores the short-run market efficiency of futures markets in time varying risk premium framework. This paper also links trading activity of Indian commodity futures markets with market efficiency.

**Keywords:** Long run efficiency, Short run efficiency, Commodity markets, India

[Full Text](#)

**Amit Bindal**


**Abstract:** The argument for the abolition of the death penalty has been advanced in different legal and philosophical frameworks. This chapter analyses the debate within the Indian legal system from the lenses of constitutional law and human rights jurisprudence. As we move into the second decade of the twenty-first century, it is useful to revisit the developments, both legislative and judicial, that took place in post-independent India against the infliction of the death penalty.

**Keywords:** Capital Punishment, Death Penalty in India, Constitution of India

[Full Text](#)
Anjana Hazarika


Abstract: This paper traces the linkages between democracy and corporate governance. Tocqueville’s hypothesis highlights the idea that democracy eventually prevails in all spheres of organized activity. Corporate Governance being one, the cardinal principles of Democracy are an integral part of its functions. With the crumbling down of business enterprises across the world, because of inadequate and inappropriate system of control within the organization. The call for democratic credentials could be witnessed within and outside these organizations. This paper tries to highlight the importance of core democratic principles in the wake of heighten corrupt practices within the organization. Also this paper tries to bring forth the connection between transparency and accountability in the performance of business organization in the post-globalized era. As all business organization are social organization, henceforth, non-performance or non-observance of appropriate system of governance finally affects the health and wealth of the society. This perspective would also be looked into from an Indian experience.

Keywords: Corporate Governance Corporation, Democracy, Shareholders

Full Text


Abstract: Corporate Social Responsibility (CSR) is business having responsibility to society, to its stakeholders. If one has to understand CSR from a historical perspective, it evolved from a philanthropic exercise into a strategic activity of the firm. In order to strategic CSR, the firm’s core mission and vision should provide a socially beneficial foundation for enhanced economic growth. CSR represents the direct effort by a company to improve aspects of society by the firm as compared with the integral responsibilities that every firm has with respect to primary stakeholders such as employees, customers, investors and suppliers. Workplace practices are integral part of the firm, and hence it is inevitable aspect of CSR. Workplace practices too have evolved through different stages and became significant from the beginning of the Industrial Revolution. Later on, with the growth of research policy making, workplace practices became crucial for the growth in productivity and competitiveness of the firm. This paper will examine the emerging issues of CSR and workplace democracy and its impact. This work will examine the point of convergence between CSR and workplace democracy. It will also evaluate the essential dynamics that rule in a workplace democratic practice.

Keywords: Corporate Social Responsibility, Workplace democracy, Industrial Democracy

Full Text

Arjya Majumdar


Abstract: For several decades of maritime history, arbitration has served as, and remains, a valuable tool for the settlement of disputes. The formal requirements of a valid arbitration are discussed in this paper, as are an enforceable arbitral award arising out of the bill of lading and the charter party. Two
questions are primarily raised here: in order to prove parties' intention to arbitrate in case of an arbitration agreement incorporated from a charter party into a bill of lading, are formal obligations required? and in the event the formal obligations are met, is the extant law sufficient to determine when parties did or did not intend to arbitrate? This paper also offers a description of the rise of maritime arbitration and its important to the maritime industry. Formal requirements for an arbitration to occur, as well as the law relating to incorporation of arbitration contracts, are discussed. The extant law on arbitration and incorporation by reference to the bill of lading as a standard form of contract is applied, and a review of various decisions given by the U.S. and U.K. courts on this issue are provided, along with conclusions and suggestions for the future.

Keywords: Arbitration, Bills of Lading, Charter party

Arpan Banerjee


Abstract: The Bombay High Court rules on the meaning of the expression ‘date of communication’ in the context of receiving examination reports from the Indian Trade Marks Registry.

Keywords: Trade Mark Law-India, India-Trade Mark Law

C.Raj Kumar


Abstract: Legal education plays an important role in developing lawyers who act as social engineers and work towards the cause of nation building. In a globalized world, law schools face the challenges of increased foreign competition and reduction of the role of the state. At the same time, globalization affords space for re-examining higher education systems by affording opportunity for establishing global universities with international collaborations and programs. This article examines the role of law schools in India and proposes reforms in Indian legal education system in the light of globalization. It examines how the private sector in India can contribute to imparting legal education in public service. Keeping in tune with the developments brought about by globalization, the article proposes setting up global universities with global curricula, faculty, and programs. This article also examines the challenges before the Indian legal education system, including the need to develop good infrastructure, the difficulties in hiring good quality faculty and attracting young lawyers to a career in academia, the lack of research initiatives within Indian law schools, and the lack of academic freedom available to faculty members. The article addresses how a global university can overcome these challenges, creating an environment that promotes teaching, learning, and researching in a manner that inspires future lawyers to work toward establishing a rule of law society in India.

Keywords: Legal Education- India

Abstract: The argument for the abolition of the death penalty has been advanced in different legal and philosophical frameworks. This chapter analyses the debate within the Indian legal system from the lenses of constitutional law and human rights jurisprudence. As we move into the second decade of the twenty-first century, it is useful to revisit the developments, both legislative and judicial, that took place in post-independent India against the infliction of the death penalty.

*Keywords: Capital Punishment, Death Penalty in India, Constitution of India*

Full Text

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Debolina Dutta


Abstract: The article discusses the social ramifications in India following the gang rape and murder of Jyoti Singh Pandey Delhi, India in December 2012. An overview of the protests of Pandey's rape and murder, including the participation of urban, upper-caste, middle class women, is provided. An overview of feminists' reactions to violence against women in India from 1978 through the early 2010s, including in regard to rape laws and the debate over whether to censor the Indian rapper Honey Singh, is provided.

*Keywords: Feminist, Gang Rape-India, Violence against women*

Full Text

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Dipika Jain


Abstract: By according legal recognition to transgenders, hijras and other gender non-normative persons, the countries of Pakistan, Bangladesh and Nepal have taken a crucial step to empower these persons and enable them to live a life with dignity and without discrimination. Whether India joins this group of nations or not, will depend on a soon to be announced verdict by the Supreme Court.

*Keywords: Legal Rights, Non-Conforming Persons, South Asia*

Full Text

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Abstract: The Supreme Court of India recently upheld the constitutionality of § 377 of the Indian Penal Code and thus recriminalized adult consensual private same sex conduct. In doing so, the judgment overturned a four-year old Delhi High Court decision finding § 377 unconstitutional on the basis that
the Section violated the rights to life and personal liberty of lesbian gay bisexual and transgender persons living in India. Evidence shows that antisodomy and same sex criminalization laws, such as § 377, have predictable and detrimental health effects. Such laws create legal and social barriers to effective prevention and treatment of HIV/AIDS. The resulting limited access to medical information and treatment for life-threatening conditions (HIV/AIDS) violates the constitutionally guaranteed and internationally recognized right to health of lesbian gay bisexual and transgender persons and men who have sex with men. However, this paper argues that public health arguments to repeal homophobic laws may act as a double-edged sword if not appropriately placed within a human rights framework. Basing the repeal of such laws on a public health rationale (namely, the increased prevalence of HIV/AIDS in these high risk communities as well as amongst the general population) only further associates lesbian gay bisexual and transgender persons and men who have sex with men with sexual diseases and haphazardly premises their rights on medical reports and expertise and not their fundamental human rights. Reports, affidavits and articles submitted on behalf of the petitioners and interveners in Suresh Kumar Koushal v. Naz Foundation indicate that § 377 creates a discriminatory environment through the institutionalization of stigma and police harassment, negatively impacting the access to HIV/AIDS prevention, treatment information and resources for gay bisexual and transgender persons living in India. Furthermore, international comparative studies of countries in which same-sex conduct is criminalized demonstrate consequential reduced access to HIV/AIDS information and services.

Keywords: Right to health, India- Right to health


Abstract: This Article critically evaluates whether and to what extent there has been substantive debate on the ethical aspects of patenting genetic material in light of the widely held opinion that the association of human biological material with property rights is unethical. The ethical concerns are twofold. Some believe that patenting genetic material implies a reduction of its status to “information,” rather than acknowledging it as an integral part of human identity. Another concern is that genetic material is a product of nature rather than a man-made invention, and, hence, it is immoral to patent it. Garforth says that the very “language” of patent law renders it unsuitable for the patenting of higher living organisms. In order for higher life to fall within the ambit of patentable material, the essential ethical dilemma of reducing animate beings to objects to be owned and protected arises. Furthermore, this Article evaluates whether the necessary regulatory and policy tools (such as patent laws) are available in India. These regulatory tools are needed to construct a patent policy for human-gene patenting that provides equitable and adequate access to the treatments and technologies derived from these developments.

Keywords: Gene patenting, Access to Healthcare-India, Ethics.


Abstract: The Article traces the history of domestic violence in India from independence up to the passage of the PWDVA and out the major criticisms of the PWDVA and Section 498A, respectively, paying particular attention to the victimization of male partners and female in-laws, as well as police corruption. It further outlines the facts of the Lenahan case and discusses the U.S. court decisions and the Inter-American Commission Report. It then analyzes the differences between the U.S. Supreme Court and the Commission’s Report, focusing on sources of law and the breadth of inquiry undertaken.
by each body. Finally discusses the Indian domestic violence legislation within the framework of the Lenahan Report, which advanced a broad conception of equality. The Article concludes with some recommendations as to how India can reform its domestic violence regime such that it continues to positively protect women, but mitigates the negative consequences stemming from its current laws. In short, India must adopt multifaceted legislation that better targets deeply rooted institutional and cultural problems such as corruption and patriarchal social norms, in addition to combating domestic violence per se.

Keywords: Domestic Violence laws, India, USA-Courts
Full Text


Abstract: The National Pharmaceutical Policy was approved by the Cabinet and notified in 2012. Based on this policy, a new Drugs Price Control Order was notified in May, 2013. As a result, several drugs will come within the ambit of price control under the National list of Essential Medicines (NLEM). The primary purpose of NLEM is to facilitate the rational use of medicines which will allow for cost effective, safe and drugs with efficacy. This paper critically evaluates the provision on exclusion of patented drugs in the recent National Pharmaceutical Policy, 2012 from the Drug Pricing Policy for five years. The policy states “Drugs patented under the Indian Patents Act, 1970 and which have been made as a result of indigenous products or process have been exempted from price control for a period of five years.” Further, a formulation involving a new delivery system developed through indigenous R&D would be eligible for exemption from price control for a period of five years from the date of its market approval in India. While this exclusion may have been designed keeping the opportunity for innovation for pharmaceutical companies, however, given the critical situation of HIV/AIDS medication, cancer drugs, tuberculosis etc., it is pertinent to have these drugs under price control well before the prescribed period of five years. This paper argues that this provision of the NLEM, 2012 contravenes the main objective of this policy and in turn violates the Constitutional right to life and health of millions of people who need these patented lifesaving drugs, especially the people living with HIV/AIDS (PHLAs).

Keywords: National Pharmaceutical Policy, Pharmaceutical Industry-India
Full Text


Abstract: Access to affordable drugs for the treatment of HIV/AIDS and other diseases is increasingly challenging in many developing countries such as Brazil, South Africa, and India. These challenges are in part the result of strengthened patent laws mandated by the 1994 Trade-Related Aspects of Intellectual Property Rights (TRIPS) treaty. However, there are underutilized instruments within TRIPS that governments can use to limit the adverse effects of patent protection and thereby ensure a supply of affordable generic drugs to their people. Compulsory licensing has been used by a number of countries in the last few years, including the United States, Canada, Indonesia, Malaysia, Brazil, and Thailand, and is particularly significant for countries such as India, where large numbers of people are infected with HIV. This Article explores the feasibility of compulsory licensing as a tool to facilitate access to essential medicines within the current patent regime in India, drawing on the experiences of other countries.

Keywords: Affordable drugs, HIV/AIDS drug patents, Compulsory Licensing-BRICS, Patents Rights: BRIC
Full Text

Abstract: On July 2, 2009, the Delhi High Court read down Chapter XVI, Section 377 of the Indian Penal Code. Prior to the Court’s ruling, Section 377 criminalized sexual activity “against the order of nature,” and served primarily as a vehicle for criminal sanction of male homosexual activity. The 150-year-old law, which could impose as harsh a penalty as life imprisonment for violations, had been challenged by public interest litigation for a decade. In its historic judgment, the Delhi High Court found that the provision violated Article 14 and 21 of the Indian Constitution, which provides for the equality of all Indian citizens and the right to live with dignity.

Keywords: LGBT rights, Empirical study, 377 impact.
Full Text

Elizabeth Ann Griffin


Abstract: As the power of human rights NGOs (HRNGOs) increases, legitimate questions are being raised about their responsibilities. NGOs are not bound by international law. Nevertheless, HRNGOs have ethical responsibilities that flow from their mission and in turn from international human rights law. Key principles such as respect for human dignity, non-discrimination, and universality translate into specific responsibilities for HRNGOs. These responsibilities are the focus of this article. Development NGOs have examined how to better protect human dignity by applying rights-based approaches. As the HRNGO sector professionalizes, HRNGOs should follow suit and develop an approach based on human rights to human rights work.

Keywords: International Human Rights- NGOs, Non-Governmental Organizations: Human Right
Full Text

James J. Nedumpara


Abstract: Official financing support in the form of export credit has been a controversial issue in World Trade Organization (WTO) dispute settlement. WTO Members that apply the interest rate provisions of the Organisation for Economic Co-operation and Development (OECD) Arrangement on Officially Supported Export Credits qualify for the safe haven provisions under item (k) of Annex I of the Agreement on Subsidies and Countervailing Measures. However, an interesting issue is whether subsidized export credits which comply with the OECD Arrangement can be targeted in countervailing duty (CVD) actions. This commentary seeks to examine the scope and limit of the safe haven provisions in the light of the WTO disputes dealing with export credits and other domestic CVD actions concerning export credits. The article argues that safe haven provisions under item (k) are of limited use especially in the context of CVD investigations.

Keywords: Export credits, WTO, Dispute Settlement
Full Text

Abstract: Developing countries generally lack human and institutional capacity for analyzing the compatibility of trade measures taken by themselves and by other WTO members. As a result, the WTO legal order was significantly shaped by the United States and European Union and developing countries had very little participation in the dispute settlement process. India’s experience in overcoming some of these legal and institutional shortcomings in the matter of WTO dispute settlement is an interesting case study. India lost a few important cases such as the Mail Box (India-Patents) and the Balance of Payments (India-QR) in the decade of the late 1990s, the political overtones of which were felt for a long time. India relied on outside legal expertise for defending its interests in WTO dispute settlement and the costs involved in hiring external resources were often highlighted by opponents of trade and economic liberalization in India to argue against India’s participation in the WTO and the numerous trade agreements it administered. However, times have changed. This article examines the measures taken by India, including the role of the government, private sector and inter-governmental organizations, in building legal capacity in India to augment its standing in WTO dispute settlement during the last few years and also the factors which have brought about this transformation. More recently, WTO cases involving India have exhibited a bottom-up approach of stakeholder participation where the government’s role is, to a greater extent, that of a handmaiden in meeting stakeholder demands. This article also analyzes the mechanisms available in India for identifying and challenging putative WTO inconsistent measures compared with the mechanisms available in the US, the EU and some key developing countries. On the one hand, this article will show how the WTO has shaped Indian strategies to engage with international dispute settlement, while on the other it addresses how India’s building of legal capacity can affect WTO legal ordering.

Keywords: World Trade Organization- India, WTO, Dispute Settlement-WTO-India

Full Text

Latika Vashist


Abstract: In the absence of an explicit constitutional right not to be criminalized, unprincipled criminalization can be regulated by re-structuring the policy of criminalization along the principles of constitutional morality. The concept of constitutional morality was reviewed in the recent Indian case of Naz Foundation where the High Court of Delhi held that criminalization of homosexuality is unconstitutional. The court identified “diversity” as an important aspect of constitutional morality and rejected the Devlin- type public morality argument to conceptualize wrongful harm. Unprincipled criminalization of harmless conducts like passive begging and homosexuality is founded on notions of public morality rather than on the mandate of constitutional morality. The paper argues that the policy of criminalization must be guided by constitutional principles. The manner in which the Delhi High Court employs the notion of constitutional morality is exemplary and it has far reaching implications in reformulating the policy of criminalization. In the contemporary times when the states are required to conform to the normative framework of human rights, constitutional morality can play a vital role in guiding public policy decisions.

Keywords: Criminalization, Constitutional morality

Full Text
Manveen Singh


Abstract: Music is a quintessential copyright industry resting on the pillars of creative talent and highly specialized assets. Although the modern music industry can be traced back to the turn of the twentieth century when breakthroughs in recording technology meant that live performance was in line to be replaced by reproduction as the heart of the industry, its existing shape can be attributed to the soaring incomes and personal experimentation in the post-war globalized era.

Keywords: Copyright protection, Music Industry

Nupur Chowdhury


Abstract: Clinical trials remain an under regulated area in India despite the potential for negative health effects. An overview of the nature and scale of clinical trials currently underway in the country discusses the specific aspects of the regulatory framework and identifies gaps.

Keywords: Clinical Trials India, Health Law India

Oishik Sircar


Abstract: The article discusses the social ramifications in India following the gang rape and murder of Jyoti Singh Pandey Delhi, India in December 2012. An overview of the protests of Pandey's rape and murder, including the participation of urban, upper-caste, middle class women, is provided. An overview of feminists' reactions to violence against women in India from 1978 through the early 2010s, including in regard to rape laws and the debate over whether to censor the Indian rapper Honey Singh, is provided.

Keywords: Feminist Studies, Rape-India
Raadhika Gupta


Abstract: The debates on legalising betting in sports against the backdrop of the Indian Premier League scandal evoke two broader questions regarding our law and policymaking, and the way we respond to scandals such as these. First, what moral authority does the state have to ban conduct such as betting? Second, should inefficacy of law be a valid ground to repeal or change the law?

Keywords: Betting in Sports, Indian Premier League, Match Fixing and Spot-Fixing

Full Text


Abstract: This article attempts to explore the connection between Indian nationalism and cricket, and how it contributes to and flows from gender inequality. It argues that men's cricket constructs a gendered nationalism, further contributing to gender inequality in sports and in society, whereas inclusion of women in cricket can help shape a more inclusive nationalism and promote equality. The article examines the ways in which such inclusion can be achieved, focusing on elite international cricket, the primary constructor of nationalism from a sports perspective. It examines the Indian law on gender equality in sports and other approaches that may promote equality in cricket. Arguing against a single approach based on one feminist theory, the article proposes a pragmatic hybrid approach incorporating both sex segregation and integration in cricket. The final proposal extends to both elite level and lower level cricket, since changing international cricket alone is not sufficient to achieve equality.

Keywords: India: Gender Inequality: Cricket, Cricket-nationalism, Gender Issues-Cricket India

Full Text

Robert Barnidge


Abstract: In the 1924 case Mkavrommmatis Palestine Concessions ("Mkavrommmatis"), the Permanent Court of International Justice ("PCIJ") famously defined a "dispute" as a "disagreement on a point of law or fact, a conflict of legal views or of interests between two persons." That case hinged upon whether there was a dispute between the United Kingdom and Greece and, if so, whether the United Kingdom, as the then Mandatory Power of Palestine, had violated certain of its international legal obligations related to concessions that had been granted to Greek national Mavrommatis in Mandatory Palestine.

Keywords: Negotiation Settlement, International Law

Full Text
Rohini Sen


Abstract: Adopted in 1950, the European Convention on Human Rights predominantly came into existence to unify Europe in the backdrop of communism subversion. The European Court of Human Rights was set up under the aegis of the convention to protect the Rights enshrined in it and the protocols. Since its inception, the Court has served to protect the rights in various capacities, often through surprisingly bold interpretation of the given rights in the convention. This note outlines the various approaches and methods used by the court to arrive at its decisions and critically analyses the implications behind the rationales.

Keywords: Human Rights, European Court of Human Rights

Full Text

Sen, Rohini. (2013). Indian perspective on the international rule of law: through the lens of international agreements on free trade. Belgian Journal of International Law, No.2: 382-403

Abstract: The Constitution of India recognises the doctrine of rule of law as a central and characteristic feature of the Indian legal system. Through various judicial decisions juxtaposed with liberalisation measures, attempts have been made to cull out the relevance, impact and relationship of this doctrine to the Constitutional framework in India. This process has inevitably given rise to questions that ponder if rule of law is measured by consequentialist ethics or in the abstractum of statutory based deontological ethics. The amorphous nature of the Indian Constitution has attracted praise and in equal measures the progressive liberalisation context. This paper identifies and interprets the possible application of rule of raw concepts to international agreements, with specific focus on free trade and economic development. With increased liberalisation and in furtherance of efficient enforcement, it recognises the law creating capacities of civil societies and their ability to contribute to rule of law from a multi-stakeholder/actor perspective. Through a suggested shared governance model, it will be interesting to see how India reconciles its Constitutional practices and obligations to economic expansion in the form of “structural coupling” of key players.

Keywords: Constitution of India, Indian legal system

Full Text

Sameena Dalwai


Abstract: While Maya Pandit identifies the State's wrath against lower-caste female sexuality as the root cause of the ban on dancing, this comment on dance bar debate argues that the very reason for the legal ban can be found in the caste and gender politics in globalizing India and “caste governance” by the Maharashtra state government.

Keywords: Bar Dancer, Caste

Abstract: This paper looks at Rabindranath Tagore's relationship and interaction with two scientific legends, Patrick Geddes, the Scottish biologist, and Jagdish Chandra Bose, and also between him and Gandhi. Each is an event on its own, but each telescopes into the other to give an intriguing picture of a multifaceted man. The letters that Tagore wrote and received from the two scientist-intellectuals are also analyzed. Tagore was no ordinary nationalist and went beyond the tired categories of the modern nation state. He wanted India to smell the West, taste it and understand the differences within it. He realized that imperialism is only one phase of the West, that there were other Wests that one could talk to and conspire with.

*Keywords:* Tagore, Rabindra Nath, Letters: Rabindra Nath Tagore, Tagore & Science


Abstract: Power fascinates and when self-obsessive, it is even more fascinating. Subject to continuous churning, a dynamic sense of power has a magic few other processes possess. Narendra Modi is not just a man obsessed with power, but one who sees himself as a basic medium for it. Here is a Frankenstein redoing himself, creating a new self and a new costume. The remaking of Narendra Modi has to be understood because he stands as one of the major threats to the Indian polity. His attempt to project himself as a future prime minister has paid dividends. This essay is an attempt to understand the remaking of Modi, the modernist as fascist.

*Keywords:* Narendra Modi, Indian polity


Abstract: Politics in India was once the most open of systems. Between electoral politics and civil society experiments, India was justly celebrated as a democracy. Today, that world of the party and the electoral process reflects a closure of ideas. Initially though, political pandits misled us by contending that our youth was consumerist and apolitical. The decline of the political was once a major issue, but today it is the party system that needs a hearing aid as it lacks responsiveness to the politics played outside it. This emerging politics needs a political obstetrics to deliver the new fully.

*Keywords:* Politics –India, Indian democracy, Political parties
Suvrajyoti Gupta


Abstract: It is almost universally acknowledged that the Arbitration & Conciliation Act 1996 (hereinafter the Indian Act) have failed to provide effective and efficient arbitration for the quick resolution of commercial disputes, as promised. After prolonged gloom the recent judgment of the constitution bench in Bharat Aluminum (BALCO) v Kaiser Aluminum 1 renewed hope among the arbitral community about the prospects of the Act. The author however does not share this enthusiasm and contends that the problems of the Act are too engrained to be removed by a single judgment no matter how significant. In this paper therefore the author argues that the only way forward is now to go for a dualist regime (i.e. separate statutes for international and domestic arbitrations. The author has specifically compared the arbitration legislations of Australia and Singapore to establish that such dualism shall solve many of the ills of the Indian Act.

*Keywords: Arbitration-Australia; Comparative Law-India, International commercial arbitration.*

Full Text

Swaminathan Shivprasad


Abstract: Following the confusion created regarding the territorial reach of the Delhi HC decision in Naz Foundation, Mr. Swaminathan argues that a thorough analysis of Article 226 of the Indian Constitution leads to one conclusion: a declaration of unconstitutionality of a Central statute by a state High Court renders the statue invalid only in that state. Likening it to Schrödinger’s cat, the article highlights why the analysis cannot be restricted to Article 13 alone, but requires a larger jurisprudential and ontological justification. While the decision in Kusum Ingots is the current position in India, Mr. Swaminathan argues why this deserves to be reconsidered.

*Keywords: Schrödinger’s cat, High Court*

Full Text

Vesselin Popovski

Popovski, Vesselin and Serrano, Monica. (2013). *Transitional justice across continents.* In Popovski, Vesselin Serrano, Monica (eds.). After oppression transitional justice in Latin America and Eastern Europe: 3-18

Abstract: It is now more than four decades since the European Commission of Human Rights, at the request of four of its members, conducted its groundbreaking investigation into human rights violations in Greece in 1968. A newly established democratic government in Greece, as in Portugal, was to conduct unprecedented domestic human rights prosecutions against government officials of the preceding authoritarian regimes.

*Keywords: Refugees, Human right*

Full Text

Abstract: Inter-ethnic conflict and genocide have demonstrated the dangers of failing to protect people targeted by fellow citizens. When minority groups in one country are targeted for killings or ethnic cleansing based on their group identity, whose responsibility is it to protect them? In particular, are they owed any protective responsibility by their kin-state? How can cross-border kinship ties strengthen greater pan-national identity across borders without challenging territorially defined national security? As shown by the Russia-Georgia conflict over South Ossetia, unilateral intervention by a kin-state can lead to conflict within and between states. The protection of national minorities should not be used as an excuse to violate state sovereignty and generate interstate conflict.

Keywords: National security, genocide, Inter-ethnic conflict

Full Text


Abstract: The violations of human rights by the authoritarian regimes in Latin America and Eastern Europe created growing popular anger that exploded in mass uprisings and demands for change, bringing the regimes to an end. It was a bottom-up process: a gradually rising discontent of ordinary people who, in the aftermath of the changes, made continuous calls for justice and for the perpetrators to be brought to account, and simultaneous calls for compensation for the victims. The demands for justice and compensation faced initial reluctance, partly because political forces connected to previous regimes remained powerful and influential. The processes of transitional justice have been controversial and complex, sometimes involving demands for extra-judicial punishment or similarly unacceptable calls for blanket forgiveness.

Keywords: Human rights violation, Transitional Justice- Latin America

Full Text

Partha Saha


Abstract: Creation of decent jobs outside agriculture is one of the biggest challenges that confront policymakers trying to achieve "faster, sustainable and more inclusive growth". The Indian economy grew at unprecedented rates during the Tenth (2002-07) and Eleventh (2007-12) Five-Year Plan periods, but it has been characterised by jobless growth and informalisation of jobs in the organised sector between 2004-05 and 2009-10. However, findings from the latest employment and unemployment survey of the National Sample Survey Office (2011-12) seem to suggest a reversal of joblessness with a significant increase in non-agricultural employment. The paper tries to assess the employment intensity of output growth through an examination of employment elasticity, and potential for employment generation during the Twelfth Five-Year Plan (2012-17).

Keywords: Indian Economy and Employment Indian Economy

Full Text
YSR Murthy


Abstract: This chapter examines the impact of national human rights institutions (NHRIs) on law reform efforts aimed at abolishing the death penalty in the Asia Pacific region. It addresses the following questions: What, if any, has been the contribution of NHRIs in seeking to secure abolition of the death penalty? Are they protectors or pretenders? Are they catalysts for good and humane governance or are they passive bystanders? It is shown that practices of NHRIs in the region have been generally marred by restrictive mandates and lack of initiatives in the direction of harmonizing national legislation with international human rights instruments.

*Keywords: Capital punishment, National law, Death penalty*  
Full Text
Deep K Datta-Ray


Abstract: This chapter traces how the Indian practice of diplomacy has been conceptualized and suggests that this practice often relies on unreflexively applied frameworks of standard international relations discourse. It contends that this state of affairs may be attributed to a set of assumptions presenting the practice of Indian diplomacy as a European derivative. This chapter also considers the issue of hegemonic conceptualization and the role of the Mahabharata in the practice of diplomacy.

Keywords: Practice of Diplomacy-India, International relations, Indian diplomacy

Deepanshu Mohan


Abstract: The social cost of rising rural-urban inequality as a result of implementing an open economic policy within a developing country is a widely accepted fact. In context to India, pages have been filled over trying to assess the implications of the neoliberal economic reform programme over the 1990s. This paper highlights the idea of divergence within India due to poor implementation of Washington Consensus type policies in 1990s leading to higher rural-urban inequality. While the pro-market reforms of 1990s were not specifically directed at employment, ‘the stated expectation’ of policy makers over this period was that liberalizing markets, easing the conditions for entry and operation of foreign investors and encouraging exports especially in agriculture, would all contribute to generating more employment. The paper contradicts this stated expectation of neo liberal advocates and focuses on identifying the link between public expenditure, wage inequality and growth of employment opportunities across sectors within ruralurban areas during the 1990s. Indicators like employment elasticity and state per capita output in the paper provide a forward looking approach needed by policymakers and the state in addressing the rise of rural-urban inequality.

Keywords: Rural-Urban Inequality in India, Open Economic Policy, Neoliberal Economic Reform, Washington Consensus Policies

Sreeram Sundar Chaulia


Abstract: There was world politics before anyone knew who Edward Snowden was, and there is world politics after this former contractor for the US National Security Agency (NSA) spilt the beans on the
most extensive global Internet-based surveillance operation in history. The sensational revelations and the personal tribulations of the boyish 30-year-old computer specialist, who escaped America and lived in suspended animation for weeks before gaining asylum in Russia, have reshaped the very meaning of terms like privacy, security, trust and foreign relations.

*Keywords: World politics, US National Security Agency, Global security*

**Young Chul Cho**


Abstract: This article aims to conduct a critical appraisal of two major discourses in South Korea on how to construct its national school of international relations (IR) in the global academic field. This article argues that South Korean IR academia's recent quest for an independent, self-reliant national school of IR with universal applicability still appears to be operating under a colonial mentality, either treating Korea as a mere test bed for mainstream rationalist IR approaches or mimicking the character of hegemonic IR theory, thereby reaffirming it. The normative consequences of seeking to promote a national rival to dominant theorizing provide an interesting case study on the sometimes hidden politics of IR scholarship.

*Keywords: Korean International Relation, Universalist.*


Abstract: The aim of this essay is to examine the ways in which Beijing perceives the issues of Tibet and Xinjiang differently in the context of its geostrategic thinking in international politics today. In doing so, this essay will provide a deeper understanding of Beijing’s different geostrategic sensibilities of Tibet and Xinjiang in regard to rising China’s national security interests in Central and South Asia. This essay argues that, although Beijing publicly sees the Tibet and Xinjiang problems as issues of securing Chinese sovereignty, geostrategically Beijing alludes to a subtle difference in its perception of the two regions: (i) the Tibet problem is a practical, domestic issue to be handled by Beijing’s paternalistic engagement of modernization, and is a symbolic issue regarding how to manage rising China’s benign image abroad while harshly oppressing any separatist voices in Tibet; and (ii) in Beijing’s geostrategic thinking, Xinjiang’s security importance seems to be defined in terms of energy security for China’s economic growth, which is integral to social stability and the Chinese Communist Party’s legitimacy, as well as the transnational Islamic terrorist movement interlinked with Uyghur separatism in Xinjiang.

*Keywords: China and Tibet, Xinjiang Security, Geopolitics*

Abstract: The fact that Rahinton Mistry has been living in Canada close to four decades now firmly puts him in the category of Indian diasporic writers. With three novels, novella and an anthology of short stories to his credit, Mistry’s Place in the literary hall of fame is secure even though the literary world is keen to welcome more fictional writing from him.

*Keywords: Rohinton Mistry, Novelist, Diaspora dimension.*

Full Text


Abstract: Rohinton Mistry’s second novel “A Fine Balance” stand out in comparison to Such a Long Journey on several counts such as wider scope that includes large chunks of non Parsi population. It deals with the lives of rural folk and portrays graphically the endemic problem of cast-based hatred so very characteristic of the Indian rural scene. Besides, it probes in depth the lifestyle of the destitute as also the middle class at a historical moment when the country was subjected to the traumatic experience of an emergency regime for the first time.

*Keywords: Rural India, Castism, villagers.*

Full Text
Jindal Global School of Business

Brajesh Kumar


**Abstract:** Purpose – In this paper, the authors aim to investigate the short-run as well as long-run market efficiency of Indian commodity futures markets using different asset pricing models. Four agricultural and seven non-agricultural (gold, silver, aluminium, copper, zinc, crude oil and natural gas) commodities have been tested for market efficiency and unbiasedness. Design/methodology/approach – The long-run market efficiency and unbiasedness is tested using Johansen cointegration procedure while allowing for constant risk premium. Short-run price dynamics is investigated with constant and time varying risk premium. Short-run price dynamics with constant risk premium is modeled with ECM model and short-run price dynamics with time varying risk premium is modeled using ECM-GARCH in-Mean framework. Findings – As far as long-run efficiency is concerned, the authors find that near month futures prices of most of the commodities are cointegrated with the spot prices. The cointegration relationship is not found for the next to near months’ futures contracts, where futures trading volume is low. The authors find support for the hypothesis that thinly traded contracts fail to forecast future spot prices and are inefficient. The unbiasedness hypothesis is rejected for most of the commodities. Originality/value – In context of Indian commodity futures markets, probably this is the first study which explores the short-run market efficiency of futures markets in time varying risk premium framework. This paper also links trading activity of Indian commodity futures markets with market efficiency.

**Keywords:** Long run efficiency, Short run efficiency, Commodity markets, India

Full Text

Gopinath, C.


**Abstract:** Globalization has emerged as an important phenomenon affecting the environment in which businesses operate. While trade and economic issues have dominated public perception of globalization, we argue that it needs to be construed as a multi-dimensional construct. Based on a social representations perspective, this study surveys executives to discern their attitudes towards globalization. Results suggest that executives perceive globalization in complex ways and are influenced by cultural, political and environmental issues, in addition to the business and economic ones. Nationality, age and work experience significantly affect their perception.

**Keywords:** Globalization, Multidimensional, Executive attitudes

Full Text
Mahalakshmi, Rajagopal


Abstract: This paper is a small representation of various types of case studies handled by the counselor in her professional life over the years. The objective of the paper is to elaborate the crucial role played by both parents and the school in enabling developing of a healthy personality in children. The review of literature done further goes ahead in supporting the author's point. She also attempts to emphasize the importance in providing assistance through hand holding by the different adults in the child's life namely the teachers and the parents seeking the help of mental health professional at appropriate junctures. The author also goes further to provide recommendations to enable such a situation for all children. The case studies are varied in nature explaining behavior problems, fears due to negative experiences and special needs and how the same was handled by professionals.

*Keywords: Children-Personality Development, Teachers Role-Personality Development, Parents Role-Personality Development*


Abstract: My experience with domestic violence is limited to a few cases that I have handled in my long years of practice as a mental health professional. But the limited exposure by itself left me wondering and pondering to seek answers to certain questions that raised within me as a result of certain similar traits in all the cases. What was a commonly striking factor was the refusal to quit the relationship by the victims and in a few cases by the abuser too. This paper is a theoretical analysis as to understand the cause for victims to stay in an abusive relationship. My experience showed lot of studies being conducted to study the economically weaker women victims whereas my concern relates to the educated, financially independent victim. More studies may be recommended to understand the predicaments of the educated class of victims and another objective of this paper is to promote psycho social intervention as an important factor of providing assistance to these victims.

*Keywords: Domestic Violence, Abusive Relationship, Psycho Social Intervention, Family*

Saroj Koul


Abstract: Joy Banerjee and Gaurav Tripathi have recently joined as Managers in the Planning Department at All India Warehousing Private Limited (AIWPL). Their on-job training is completed. They have met with almost all the officials at the warehouse, have interacted with labour to understand the company and its functions, and are planning to meet Kamlesh Patel, their Managing Director, to discuss the challenges and opportunities and to suggest strategies. Will they be able to make a satisfactory presentation to Kamlesh Patel on the company performance and the parameters that are
going to be crucial to AIWPL's continued success? This case study may prove useful to practicing managers and management students on understanding the working of a family run private warehouse, business environment in the warehousing sector, use of technology and organizational capability to manage multi-product, multi-location warehouses. Expected learning outcomes To illustrate typical organizational responsibility structure at a private warehousing site. To illustrate the planning and administrative control mechanism in implementing the strategy at a warehousing site. Offer students opportunity to understand and take a view of a typical operational (project) structure. Opportunity for students to speculate adaptations in the wake of ever-changing business and company environment. Opportunity to introduce Logistic Scenario in India, warehousing technology and relate with the case in context.

**Keywords:** Profitability-India, Logistics, Record management, Warehouse

[Full Text]
Jindal School of Government and Public Policy

Achraya, Arnab K


Abstract: There is limited evidence on the quality of primary health care provision in India. Using data on the availability of inputs from a nationally representative survey of primary health centres, a composite measure of structural quality of care for primary health centres was developed with a view to examine its geographical variation, associations with mortality and healthcare utilisation, and the determinants of better quality, giving particular attention to the role of management. The mean quality score was 52%, with large differences across regions, states and districts. Quality of care was the worst and the variation greatest in states designated by the government as low performing. Good management practices in a facility were highly correlated with better quality of care. The majority of primary health facilities in India fall far short of government minimum standards, in part explaining why most people in rural areas use private providers for outpatient care. Future research should explore the causal relationship between management practices, quality of care and patient outcomes.

Keywords: Primary Health Care, India-Primary Health Care, Quality & Standards-Health Care

Bhuvaneswari Raman


Abstract: This essay explored the experience of a metropolitan development agency in creating a geospatial database, with a specific focus on its motivation and the use/non-use of the digital database in decision-making and furthering citizen participation. The preliminary findings show that the development of digital tools is often motivated by funding availability, surveillance, and ease of storing records. The case discussed in this paper is not an isolated one, but is a common scenario across different agencies in the city. It raises concern about the ways such projects can contribute to a political economy of incessant information production that is often not put to use.

Keywords: Urban Planning-India, Spatial knowledge, GIS


Abstract: Urban studies view city territories in general and small town ones in particular as projections of either the master plan or the market; territories that do not fit these logics are read through the lens of informality and illegality. Such readings eventually pose urban territories as problems to be fixed through better plans and strict implementation. Small towns are further assumed to be inward-looking enclaves of locally bound economy and politics, their growth shaped by metro city market logic.

Keywords: Urban development, Urban studies, Town planning
Dabiru Sridhar Patnaik


Abstract: The evolution of responsibility to protect (R2P) is a result of an attempt to change the nature and character of dynamics of humanitarian intervention as questions of its legality gained momentum post the cold war period with a particular focus on human rights. It changed the contours of humanitarian intervention. One of the foremost criticisms is the selective implementation of R2P. There still exists an ambiguity about the nature of R2P and there have been different interpretations since the adoption of the R2P concept at the world summit in 2005. This paper argues that dichotomy of evolution of international standards like the R2P on one hand and continued inadequacies of evaluating the legal character of such norms poses challenges for implementation of international law. Key words: Responsibility to protect, Developing Countries,

Keywords: International Law, South Asian Perspective, Responsibility to Protect (R2P)

Rajeev Malhotra


Abstract: This chapter seeks to critically examine the work undertaken by the Human Rights Council’s Working Group on the Right to Development (Working Group) and its high-level task force on the implementation of the right to development (task force) in operationalizing the right. More specifically, it analyses the right to development criteria outlined by the task force at its third session, in 2007 (see A/HRC/4/WG.2/TF/2) for its conceptual adequacy and the ease of operational practice, with a view to promoting the implementation of the right. In presenting the analysis, the chapter builds on an earlier paper on this subject (A/HRC/12/WG.2/TF/CRP.6) presented by the author to the task force at its fifth session, in 2009, and discussions at that meeting (see A/HRC/12/WG.2/TF/2 and Corr.1). It also draws on parallel work undertaken by the author for the Office of the United Nations High Commissioner for Human Rights (OHCHR) in developing the framework to identify indicators for promoting and monitoring the implementation of human rights, in general.

Keywords: Right to Development

Full Text
Popular Articles,
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Amit Bindal


In the contemporary historical moment any agenda of emancipation through human rights is viewed with deep suspicion. This suspicion stems from the fact of appropriation of the very language and logic of human rights by the instrumentalities of the state or state apparatus... read more

Bhuvaneswari Raman


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C. Raj Kumar


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Dipika Jain


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Jain, Dipika and Rozario, Natassia M. (2013). Voices from the field: women’s access to contraceptive services and information in Haryana. Centre for Health Law, Ethics and Technology (Jindal global law school).
Abstract: The Centre for Health Law, Ethics, and Technology (CHLET) at Jindal Global Law School (JGLS) presents this report on the right to contraceptive services and information for women in Haryana, India. The primary objective is to delineate whether the state of Haryana is fulfilling its obligations to provide women with access to contraceptive services and information. It presents findings from a multi-stakeholder analysis and human rights assessment of the various policy, social, and cultural barriers that impede women in Haryana from realizing their fundamental right to contraceptive services and information. By conducting both a multi-stakeholder analysis and a human rights assessment, this report provides a nuanced depiction of the policy, economic, social, and cultural barrier stop contraception. This analysis also contributes to a deeper understanding of the state's obligation to ensure the right to contraceptive services and information.

Keywords: reproductive rights, contraception, women's rights, empirical study, rights violation, human rights

Full Text

James J. Nedumpara


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Mahalakshmi Rajagopal

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R.Sudarshan


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Rajeev Malhotra


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Sanjeev P. Sahni

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The Centre for Victimology and Psychological Studies (CVPS), Jindal Global Law School (JGLS), O.P. Jindal Global University (JGU), Sonipat, Haryana and the National Law University (NLU), Jodhpur, Rajasthan jointly organized an International conference on 'Professionalism in Victim Assistance Programmes: Role of Social Workers, Psychologists, Judiciary, Government and NGOs'. ...read more

Saroj Koul


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Sreeram Chaulia

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**Samrat Sinha**


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**Shiv Visvanathan**


1947 represented an ideal world. It represented the beginning of freedom; it represented a sense of the Indian dream. It gave us a sense of exemplars and paradigms. It was a period of idealism where character building and nation building went together... read more

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**Batra, Jagdish**


There are no two opinions about Shashi Tharoor being a versatile personality: he is an acclaimed writer, a suave diplomat, a conscientious politician, an extraordinary orator, a committed human rights activist and so on but primarily he is a writer. Starting his career in 1978 with the U.N.O., he rose to be its Under Secretary General. In the aftermath of the end of cold war... read more
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