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

Abhishek Sudhir


Abstract: Outraged by Jayalalithaa’s decision to release former Prime Minister Rajiv Gandhi’s assassins on the eve of general elections, the Congress-led central government has challenged the order in the Supreme Court. Looking beyond political reasons underlying the Tamil Nadu government’s decision, the key question to ask is whether the chief minister has the power to release the convicts without the approval of the central government.

*Keywords: India: Centre State Power, Criminal Procedure Code- India, State Government Powers: Criminal Procedure Code*

[Full Text](#)


Abstract: This paper sets out to ascertain whether Ronald Dworkin’s jurisprudence has had an influence on the Supreme Court of India. Dworkin’s approach to constitutional adjudication is characterised by judges exercising a more judgmental and less mechanical role in interpreting the Constitution. This paper undertakes a comparative excursus by looking at a few landmark Indian cases where reliance has been placed on judgments from the United States of America that have been the subject of Dworkinian exposition. With the aid of Dworkin’s critique of legal pragmatism, a theory of constitutional adjudication that several judges relied on in crafting the ‘basic structure’ doctrine, the paper demonstrates that what the judges did was to substitute their own moral convictions for that of the legislature. In order to bolster this contention, the paper also discusses Dworkin’s critique of originalism and demonstrates how originalism alone does not support the ‘basic structure’ limitation on the amending power of Parliament. It is argued that what does lend support to the conclusion reached in the ‘basic structure’ case, is what Dworkin calls ‘the moral reading of the Constitution’. This conception allows judges to make fundamental moral judgments about conflicting political values. The paper then situates Dworkinian virtues like ‘equal concern and respect’ and a ‘constitutional conception of democracy’ in the larger context of the basic structure doctrine, thereby concluding that Dworkin’s philosophy has found, and will continue to find, expression in the theories and practices of the Indian Supreme Court.

*Keywords: Supreme Court of India on Constitution, Ronald Dworkin Jurisprudence, Legal Theory, Jurisprudence, Constitution of India*

[Full Text](#)


Abstract: Outraged by Jayalalithaa’s decision to release former Prime Minister Rajiv Gandhi’s assassins on the eve of general elections, the Congress-led central government has challenged the order in the Supreme Court. Looking beyond political reasons underlying the Tamil Nadu government’s decision, the key question to ask is whether the chief minister has the power to release the convicts without the approval of the central government.

*Keywords: Politics Tamil Nadu, Rajiv Gandhi Murder Trial*

Abstract: Can the Member of Parliament Lagadapati Rajagopal be criminally prosecuted for attacking fellow lawmakers with pepper spray in the Lok Sabha? The question needs to be looked at in the context of the privileges and immunities enjoyed by our lawmakers for "acts" committed in connection with the proceedings of Parliament.

Keywords: Parliamentary privilege: India, Criminal Prosecution: Member of Parliament, Criminal Procedure India

Full Text

Amit Bindal


Abstract: The article attempts to decode how the cosmology of the world of myth and legends is evaluated in the epistemic framework of rights guided by the discourse of liberalism. It investigates the Indian Supreme Court judgment in the Niyamgiri case to analyze the encounter of ‘modern’ law with the tribal worldview informed by the mythic tradition. The article, on the one hand, celebrates the approach of the Court in its move to diversify the notion of justice by its sensitive treatment towards the languages and the logics of tribal worldview. On the other hand, however, the article points out the limits of modern liberal framework, within which the modern legal system is situated, in adjudicating the claims which are couched

Keywords: Modern Law, Niyamgiri Judgement, Tribals of Odisha, Vedant in Niyamgiriin the language of ‘sacred’, unknown to the institution of modern law.

Full Text

Ajay Kumar Pandey


Keywords: Environment protection Laws, Corporate Liability, Pollution Control, Hazardous Substance Regulation

Full Text

Archana Mishra


Abstract: Diversity prevails in law of succession among Indian Christians. Christian constitute the third major population in India after Hindu and Muslim but still has been not able to act as influential group either socially or politically to draw sufficient attention of the Legislature to their problems in personal law particularly in field of succession. Majority of Christians are governed by the Indian Succession Act, 1925
(ISA, 1925) in matters of succession. The ISA, 1925 guided by patriarchal mindset allows unfairness to women in intestate succession. The irony is that the law framed more than one and a half century ago discriminating women in succession rights continues even today. The share of Christian widow fluctuates with the presence or absence of lineal descendants, she gets rights over entire property only in absence of distant kindred of the deceased husband extending upto great great uncle or great uncle’s son, widowed daughter-in-law has no right in her father-in-laws property. Mother has been relegated to lower position as she inherits only in absence of father and even when she inherits she gets rights with the deceased's brother and sister. There appears no justifiable reason to continue with such provisions which do not give equal rights to women. The present study deals with the drawbacks in the ISA, 1925 with respect to inheritance rights of Christian women, the transition of law for granting her such rights with the reports of Law Commission of India and the proposed amendments in the existing legal framework to ensure them such rights based on principle of rationality and fairness.

Keywords: Christian women, Inheritance right, Indian Succession Act, 1925

Arpan Banerjee


Abstract: The 'classical trinity' of requirements for a successful passing off action are (1) a reputation (or goodwill) acquired by the plaintiff in his goods, name, mark, etc., (2) a misrepresentation by the defendant leading to confusion (or deception), causing (3) damage to the plaintiff. For a plaintiff who does not actually carry on business in a country, demonstrating goodwill in that country is difficult. Frequently, all that such a plaintiff can demonstrate is the plaintiff's reputation transcending borders and spilling over into that country through advertising and other methods. This article compares the approaches of English and Indian courts on this topic. In England, most judges have regarded spill-over reputation alone as insufficient to succeed in a passing off action. However, judges in India have taken the opposite view. The article discusses the implications these differing approaches have for foreign traders. The article argues that the Indian approach is preferable to the English approach.

Keywords: Passing off, Intellectual Property Rights

Armin Rosencranz


Abstract: The National Green Tribunal, established in 2010, has in the short term since its establishment strongly influenced environmental litigation in India. Unlike its predecessor the National Environment Appellate Authority, its five benches have wide ranging powers to adjudicate upon any dispute that involves questions of importance to the environment. This power coupled with technical expertise has exponentially strengthened the environmental protection regime in the country. In a number of decisions, the Tribunal has proved its efficacy in resolving environmental disputes. In this article, the authors survey some of the landmark decisions given by the various National Green Tribunal benches in an effort to discern the trends in environmental jurisprudence in India.
**Arun Sagar**


Abstract: "Implied powers" pose difficult conceptual problems for legal scholars. They are invoked in many contexts and appear to comprise several distinct legal phenomena. Yet there is no clear understanding of what we mean by an "implied power" – apart from the very basic notion that it is not an express power – and of what forms it may take, and no existing theoretical framework that can help us in this respect. This article takes a first step towards creating such a theoretical framework by identifying criteria – the content of the power, the authority holding it, and the nature of the implication involved – that may be used to classify all references to "implied powers" in the positive law. The article focuses on Indian constitutional law to see how the relative paucity of implied powers in the Supreme Court’s jurisprudence on constitutional matters may be analysed using the proposed framework. In this perspective, the paper suggests that the separation of powers and the judicial emphasis on restricting governmental powers vis-à-vis citizens are relevant factors in explaining both the absence of a general implied powers doctrine and its specific use in an intergovernmental context.

**Keywords:** Separation of Power, India Constitutional Law, Supreme Court of India

**Arvind Datar**


Abstract: Res extra commercium is a doctrine introduced by Chief Justice Das of the Supreme Court of India in the 1957 case, State of Bombay v. R.M.D. Chamarbaugwala, which has the effect of constricting the scope of fundamental rights by rendering as constitutional outcasts certain purportedly "immoral " or "noxious" activities. It does this by blocking these activities from falling within the purview of the protection of fundamental rights. At the core of this paper are three claims. First, it will be argued that though the court did not expressly spell it out, it was the doctrine of "police powers" (the specific conception of the doctrine advanced by Justice Harlan of the U.S. Supreme Court in Mugler v. Kansas,), which lies behind Chief Justice Das's invocation of res extra commercium. Second, it will be argued that Chief Justice Das did not openly invoke the police power doctrine in R.M.D. Chamarbaugwala because larger benches of the Supreme Court had earlier squarely rejected the import of the doctrine from American constitutional law (including one earlier abortive attempt by Chief Justice Das himself) because of the structural differences between the Constitutions of United States and India as a result of which, at the time the decision in R.M.D. Chamarbaugwala was handed down, the jurisprudential climate was positively hostile to the doctrine. Curiously, however, the police power doctrine, now masquerading, as the doctrine of res extra commercium has come to be well ensconced in the constitution law of India virtually unchallenged for over four decades now. The reasons for this anomaly will be explored. Finally, the paper argues why the police power doctrine sought to be imported by Chief Justice Das under the verbal dressing of res extra commercium is incongruous with the scheme of the Indian Constitution.
Ashish Bharadwaj


Abstract: Economic analysis of crime and criminal law addresses the question of individual welfare (utility) maximization through optimal allocation of resources and time in accordance to their relative returns. In this paper I first summarize the theoretical and empirical evidence on the nexus between crime and socio economic indicators. After which I test the hypothesis that people who are vulnerable to fall under the poverty line indulge in criminal activities as a consumption smoothing strategy. I also empirically inspect the role economic growth, unemployment, urbanization and quality of legal system play in inducing property related crimes. India is chosen as the case study because it has to carefully channel its funds and resources towards economic growth, poverty alleviation and crime deterrence concomitantly. The results indicate a positive and statistically significant impact of poverty, inequitable income growth and low quality of the legal system on incidence of total property-related crimes. Moreover, the elasticity figures suggest that poverty has the highest impact on robberies. Most convincing result comes from the figures of elasticity of education with crime where a 10% increase in per capita expenditure on education in India leads to a decline between 9.2-11.2% of overall property crime rates.

Keywords: Economic Growth, Property Crime, Poverty, Criminal Legal System


Abstract: Around the turn of this century there were concerns about the possible adverse effects of globalization which led to a polarized debate on the plight of the world’s poorest. This paper attempts to answer the question of whether or not the billions of people who still live on less than $1 a day are sharing in the benefits of greater integration among economies. The first part of the paper summarizes the channels and transmission mechanisms, such as greater openness to trade and foreign investment, through which the process of globalization could affect poverty in the developing world. Using a panel data of 35 developing countries from 1990 to 2004 an empirical examination is carried out of the impact of real and financial integration on the head count ratio and poverty gap. Results suggest that, on an aggregate level, capital flows via FDI have had an adverse effect and real trade-induced income growth had a favorable effect on the incidence of poverty. On the other hand, a policy of excessive openness to external trade without complementary support mechanisms was found to be negatively related to the depth of poverty in developing countries.

Keywords: FDI, International Trade, Poverty, Income Inequality
**Dipika Jain**

Jain, Dipika. (2014). *Between Cairo to Haryana: how far have reproductive rights come after twenty years of ICPD*. Whittier Law Review, Vol 35 No 3: 373-419

Abstract: In this paper, we present findings from our multi-stakeholder survey of access to contraception in the Northern Indian State of Haryana. In our survey, we interviewed 168 married women, 120 unmarried women, seventeen ASHA workers, and eleven other healthcare workers. Our survey reveals that Haryana pushes sterilization over other methods and that women face serious barriers to contraception. These findings are particularly stunning in light of 2014 marking the twentieth anniversary of the International Conference on Population and Development (ICPD).

*Keywords: Reproductive rights, Contraception, Women’s rights*

**Full Text**

**Jain, Dipika, Jadav, Amit, Rhoten, Kimberly and Bassi, Abhinav.** (2014). *The enforcement of India’s tobacco control legislation in the state of Haryana: A case study*. World Medical & Health Policy, Vol 6 No 4: 331-346

Abstract: In 2003, the Parliament of India passed the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (COTPA) to counter the growing societal and health burdens of tobacco in India. The major provisions (Sections 4–7) of COTPA mandate the display of pictorial health warnings on all tobacco product packets and strictly prohibit: smoking in public places, direct and indirect forms of tobacco advertisements, promotion and sponsorship of tobacco products, sale of tobacco products to a minor, and sale within 100 yards of any educational institution. However, India continues to have a high prevalence of tobacco consumption and the provisions of COTPA are routinely flouted. The purpose of the study is to analyze the trends in and the prevalence of COTPA violations in a sample test site (Haryana) to develop informed and practical tobacco control policy recommendations. Violations in five districts of the State of Haryana were observed and recorded. The data overwhelmingly show that the most fundamental provisions (Sections 4–7) of COTPA were frequently violated in each of the five districts. All districts had a high rate of noncompliance, with Sites having at least one violation of Sections 4–7 of COTPA, with rates fluctuating between nearly 70 and 90 percent. Such violations however, were unequally distributed between Sections 4–7 within the five districts with some districts having a higher frequency of Section 4 violations (Panipat and Jhajjar) and other districts with higher violation frequency of Section 5 (Mewat and Kurukshetra). However, all five districts had relatively low numbers of Section 7 violations (i.e., the required display of pictorial health warnings on all tobacco products). The study highlights the challenges of the tobacco control policy in India including: engagement of state and district level enforcement officials for effective enforcement of existing legislation, encouragement for civil society to partner and complement governmental efforts in monitoring progress and reporting violations of COTPA, and the need for supply-level controls on tobacco (e.g., pictorial health warnings and increased taxation) to reduce tobacco consumption.

*Keywords: Tobacco control, Public policy, Labeling and marketing*

**Full Text**

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**James J. Nedumpara**

Abstract: The paper examines India’s experience in regulating trade and investment, especially since the initiation of trade and economic reforms in 1991. Political opposition in India to assuming obligations under international treaties resulted in the adoption of various policy flexibilities in areas such as public health and access to drugs, local content measures, environmental standards, trade remedies and such other topics under the WTO. In recent times, India has signed comprehensive economic partnership agreements with developed economies such as Japan, South Korea and Singapore and is negotiating a trade and investment agreement with the European Union (EU). The paper provides an analysis of the focus and coverage of issues under these trade and investment agreements and areas where India has negotiated development space or policy autonomy. In addition, the paper discusses the recent claims made against India under various Bilateral Investment Promotion Agreements (BIPA) and the safeguards adopted by India while negotiating such new agreements, or renegotiating, or reviewing existing agreements. Based on this approach this paper seeks to contribute to the project that attempts to compare and contrast the multiple strategies adopted by Southern countries in regulating trade and investment.

**Keywords:** India- International Trade, India-international investment

**Full Text**


Abstract: The Bali Ministerial decision on public stockholding for food security purposes was a triumph for India - welcomed by both the domestic constituents and other members of the WTO community. The decision was particularly important for India in the context of the enactment of the National Food Security Act, 2013. However, the lasting impact of the Bali Ministerial Decision will depend on the ability of World Trade Organization (WTO) members in securing a long term solution for authorizing various public stockholding programmes targeted at subsistence and resource-poor farmers. While the burden has shifted to the developed countries to find a permanent change in the provisions of the Agreement on Agriculture (AoA), the developing country food security programmes, including India's NFSA, could still face difficulties if a negotiated outcome is not achieved by the 11th WTO Ministerial Conference.

**Keywords:** WTO, Food Security

**Full Text**

Kalyani Unkule


Abstract: In-depth analyses of relationships with individual neighbors may reveal that pursuit of economic objectives have sometimes caused goals of a more normative nature to be relegated lower down the order of priorities. In the case of relations with China for instance this is observed in the inclination of member states to priorities bilateral economic ties with China.

**Keywords:** Foreign and Security Policy of EU, International Relation, EU and China

**Full Text**
Keerty Nakray


*Keywords: Gender and sexuality, Social policies, Feminist academe, insufficient employment*

[Full Text](#)

Khagesh Gautam

Gautam, Khagesh. (2014). *Taxing offshore transactions in India and the territoriality clause: a case for substantial constitutional limitations on Indian Parliament’s power to retrospectively amend the income tax act*. International Tax Journal, Vol 40 No 4: 19-34

Abstract: This article invokes the Territoriality Clause (article 245) of the Indian Constitution and argues that the Territoriality Clause is a substantial limitation on the Indian Parliament’s power to impose capital gains taxation on offshore transactions. The important point is not the location of the underlying assets held by a foreign/offshore corporation (as was argued by the Income Tax Department in the famous Vodafone International Holdings v. Union of India [2012] before the Supreme Court of India) but the identity of the parties engaged in that transaction.

*Keywords: International Taxation, Capital Gains, Territoriality, Constitution and Taxation*

[Full Text](#)


Abstract: Free Exercise of Religion is a protected constitutional right under the democratic constitutions of both the biggest democracy in the world ie India and the most powerful democracy in the world ie United States of America. Despite textual similarities in the free-exercise clauses of Constitutions of both of these democracies, there is a big difference in the standards of review whereby free exercise claims are judicially reviewed by their respective Supreme Courts. Whereas the US Supreme Court does not give much weight to the sincerity of the religious belief and employs the ‘religion-neutral’ test, the Supreme Court of India gives due weight to the sincerity of the religious belief and employs a ‘religion-central’ test known in Indian free-exercise jurisprudence as the Doctrine of Essential Practices. However, a closer examination of judicial opinions on the point discloses that sincerity of religious belief is not entirely unimportant in US free-exercise jurisprudence but still is not given the kind of importance that it is given in India - a nation that is and has historically been religiously diverse. This paper closely examines the free-exercise jurisprudence as developed by the respective Supreme Courts and argues that in view of the changing religious diversity in the United States perhaps time has come to re-examine the reluctance of the American courts to give its due weightage to the sincerity of religious belief while judicially reviewing free-exercise claims. Relying on several judicial opinions of the US Supreme Court and its subordinate courts in the US and by demonstrating their factual and doctrinal equivalents in the Supreme Court of India, this paper argues that free-exercise clauses of both the US and Indian Constitutions protect not just the right to believe in whichever religion an individual chooses but also acts in pursuit of religion. The belief-act distinction - an idea at the core of much of US free-exercise jurisprudence is not what is truly protected by the free-exercise clause. What is protected indeed are the acts done in pursuance of religious belief. A line has to be drawn between the acts that are sincerely done in pursuance of religion and those that are not. This line
has to be drawn by the Courts on a case to case basis. And that is where US free-exercise jurisprudence would be well assisted in examining Indian free-exercise jurisprudence on the point.

Keywords: Free Exercise of Religion, Supreme Court of India, US Supreme Court, Constitution of India, Doctrine of Essential Practices


Abstract: This article makes a comparative analysis of obscene speech doctrines as articulated by the Supreme Courts of India and the United States. By examining closely several relevant statutes and leading supreme court cases on the point, the article attempts to demonstrate that the Indian obscene speech doctrine is moving closer to the U.S. doctrine. The Indian doctrine is still evolving, but there is a very clear shift in the Indian judicial reasoning that goes in the U.S. direction. The judicial devices put in place by Indian Supreme Court in two leading decisions on the point viz. Anand Patwardha Case and Ajay Goswami Case, both of which are closely examined in this piece are very similar to the ones articulated by the U.S. Supreme Court. Based on this the article predicts that depending on the kind of obscene speech cases that will eventually be presented before the Indian Supreme Court, the Indian obscene speech doctrine will move substantially closer to the existing U.S. doctrine on the point.

Keywords: Obscene Speech, Freedom of the Press, Adult Speech, Constitution of India


Abstract: In 2002, the Constitution of India was amended and article 21A was inserted into Part III of the Constitution that provides for Fundamental Rights. Article 21A, styled as a positive right, provided for free and compulsory education to all children between the age of 6 and 14 years. To enforce this positive right, the Parliament enacted the Right of Children to Free and Compulsory Education Act of 2009. The Act, amongst other things, provided for horizontal affirmative action by reserving 25% seats in all schools (i.e. State run, State funded or Privately run) in favour of Scheduled Castes, Scheduled Tribes and Socially and Educationally Backward Classes. It also provided that the private schools cannot charge any fee, tuition or otherwise to those admitted against this 25% quota. Instead the State would reimburse the private schools for these 25% students. The constitutional validity, amongst others, of these two provisions was challenged by the private schools and in 2012; a three judge bench of the Supreme Court of India, in Society for Un-aided Private Schools of Rajasthan v. Union of India1 upheld the constitutional validity of the 2009 Act. This article critically analyses the majority opinion and the dissenting opinion in this case and argues that these two provisions (i.e. the Reservation Provision and the Reimbursement Provision) are constitutionally valid but not for the reasons provided by the majority opinion. The article highlights, what the author believes to be, are errors in constitutional reasoning in the majority opinion and provides alternate constitutional arguments which lead to the same result. The roots of the idea of the Reimbursement Provision are traced to the doctrine of the Court in an eleven judge bench decision in the TMA Pai decision. These errors in the Court’s reasoning, it is argued, resulted in a missed opportunity to articulate a new standard of review to review positive rights cases in this case.

Keywords: Right to education, Free primary education
Mandavi Jayakar


Abstract: The article discusses the advantages and disadvantages of triangular mergers. Topics covered include forward triangular mergers, the appraisal rights of each party in the transaction, and the legal issues with acquiring the target company's contracts. Also discussed are the approach of courts on the issue of assignment of rights, initial public offerings, and tax concerns. Other topics examined are reforms and regulations.

Keywords: Triangular Mergers, Reverse Merger

Full Text

Nupur Chowdhury


Abstract: Regulatory co-operation for reducing non-tariff barriers (NTBs) and their use for discriminatory purposes has been identified as one of the three priority areas in the WTO’s annual report by the former Director-General Pascal Lamy. Carving out a separate selection of environmental goods and giving them preferential access is one way of curbing the propensity to adopt NTBs. The publication of the Asia Pacific Economic Cooperation’s (APEC) list of environmental goods, however, has highlighted the Committee on Trade and Environment-Special Session’s (CTESS) lack of success in evolving a consensus on the issue in the WTO. The trade impact of domestic measures (mitigating greenhouse gas (GHG) emissions) undertaken to address climate change have attracted considerable attention in the CTESS, with members highlighting the potential trade-distorting impact of such unilateral measures. Climate change is a global challenge, and until countries participate in evolving an effective multilateral intervention, it is fairly evident that member countries will increasingly explore domestic measures that could range from carbon footprint certifications for products, cap-and-trade emission reduction schemes to indirect support (for example, domestic content requirement) to domestic manufacturing for green economy. Such actions, in turn, make them vulnerable to legal challenges in terms of their trade commitments in the WTO. This is also evident from the concern raised with reference to environmental measures such as bio-fuels, solar panels, energy labelling, and carbon footprints in the Technical Barriers to Trade (TBT) Committee. Environment disputes in the WTO should be seen in this context of evolving disciplines that will shape the exercise of regulatory autonomy in conformity with their WTO commitments.

Keywords: WTO disputes, Environmental Disputes-WTO

Full Text


Abstract: Beginning as a conservative institution in post-independent India, the Indian judiciary has emerged as a more assertive actor. Key legal innovations have helped expand public interest litigation and, with that, the role of the judiciary. The Supreme Court has also established public bodies to directly oversee enforcement of its orders. This potentially trespasses into executive turf. In environmental law, the imprimatur of the Court’s judicial philosophy is most striking in the case of T N Godavarman v Union of India. It demonstrates how institutions selfreflect on their roles, especially in a federal polity. Do the actions
of the Supreme Court push the limits of judicial activism? Can they be seen as judicial adventurism? These questions are explored in this case note on Godavarman.

Keywords: Indian judiciary, Supreme Court of India

Full Text


Abstract: The Supreme Court of India has become a prolific positive legislator through the interpretation of Constitutional values and principles. Environmental rights and obligations has been one area in which the Supreme Court has been actively engaging in building rights-based jurisprudence ensuring the protection of environment and health. However, environmental risks emanating from technological intervention has been an area in which the Supreme Court has only intervened reluctantly by relying on individual technical experts, who assume the role of amicus curiae. Reliance on technical experts reflects a move away from democratic legitimacy that Max Weber had underlined as intrinsic to the formal character of law. The Supreme Court’s reluctance to intervene on issues of technology regulation is not surprising given that technological development is subsumed within a strong political narrative of national development and by implication for determining policy which is the domain of the executive. Interestingly, the Court has demonstrated no such reluctance in other areas – such as in addressing environmental risks from forest degradation (Godavarman case). It has shown scant regard for executive turf. Are there then two parallel narratives that exist? A closer inspection reveals that both these are expressions of the same macro narrative, that of narrowing of forms of participation and legitimate spaces for the participation of the public in the policy discourse on environmental risk regulation. This narrative is explored through three ongoing cases in the Supreme Court (T.N. Godavarman Thirumulpad v. Union of India; Aruna Rodrigues & Ors. v. Union Of India & Ors. and G. Sundarrajan v. Union of India & Ors.).

Keywords: Risk assessment, Environmental law, India, Public participation

Full Text


Abstract: Public interest litigation questioning risk regulation of emerging technologies has been a mechanism through which the Supreme Court has become increasingly involved in the national narrative on technology, development, risk and the role of the state. Such litigations include biotechnology and nuclear technology which have also been identified as important ingredients of the national development agenda. This is similar to other developing countries where identification of emerging technologies that help the economy leapfrog, have become part of the development agenda. Understandably the focus of the state is on development rather than on risk regulation. This has attracted considerable criticism from civil society groups and legal challenges to the regulatory framework. The Supreme Court despite its stated lack of competence to understand and address technological issues and its innate restraint to comment on what it deems to be policy matters, has been forced to address issues of risk regulation and in the process play a critical role in constituting the technology and shaping the imagination of that technology within the national narrative. The aim of this article is to examine and evaluate the role of the Supreme Court in this context through an analysis of two case studies of nuclear technology and biotechnology.

Keywords: Technology Development, Supreme Court of India

Full Text

Abstract: This short note reviews two decades of significant case law developments in the environmental impact assessment process in India. EIA was first introduced as a regulatory requirement in 1994. EIA reflects the constant struggle to balance economic development with ecological integrity in the context of a developing country. The Courts have developed a rich jurisprudence thereby considerably deepening and widening the EIA process.

*Keywords: Environmental Impact Assessment-Regulation*

**Padmanabha Ramanujam**


Abstract: The article presents comparative perspectives from India and Canada on compulsory licensing. Topics discussed include the legal framework of compulsory licensing, the relationship between compulsory licensing and property-liability framework, and a comparison between intellectual property rights (IPR) regimes of India and Canada with a focus on patents for medicines. Problems with compulsory licensing in Canada and India are also discussed.

*Keywords: Compulsory Licensing-Canada and India, Intellectual Property Rights-India and Canada*

**Pallavi Kishore**


Abstract: Special and differential treatment (S&DT) provisions relate to developing and least developed members of the World Trade Organization (WTO). The effectiveness of S&DT provisions is important because they (1) address asymmetries between members and (2) give the WTO a global character, i.e. it is perceived as catering to the interests of all its members. Have these provisions been effective? Not really. This is mainly because these provisions are nonbinding, ambiguous, unstructured and lack connectivity with each other. Developing countries claim they are best endeavour clauses and unrealistic. So how can these provisions be made effective? This article examines the concept of S&DT including its history, reasons behind its introduction and continuation, its merits and demerits, reasons for its success and failure, its jurisprudence, and provides suggestions for improvement.

*Keywords: Special and differential treatment, World Trade Organization, Developing countries*

**Full Text**

Abstract: Today, bigger developing countries have turned around from being targets of the anti-dumping instrument to being users as well. This article examines this turnaround in the case of India and discusses India’s situation as a target followed by an examination of the Indian law on the subject, its features, use and its consequences, and makes recommendations to remove its shortcomings to improve its functioning.

Keywords: Anti-dumping Measures India, International trade India, World Trade Organisation


Keywords: BRICS, Economic Reform, Corporate Governance, Intellectual Property Rights

Rehan Abeyratne


Abstract: The Indian Constitution contains “Directive Principles of State Policy” that require the state to pursue socioeconomic justice. In contrast to justiciable fundamental rights, these principles are explicitly non-justiciable, and the Constitution’s framers intended them to guide elected representatives towards improving socioeconomic conditions. However, the Indian Supreme Court has held that the right to life in Article 21 of the Constitution should be read more broadly to encompass a “right to live with dignity.” The Court has relied on this interpretation to make many Directive Principles justiciable, including rights to food and education. Much scholarship has been devoted to the Supreme Court’s jurisprudence in this area, focusing mostly on the judiciary’s role in democratic government. These works either criticize the Court for “judicial activism” or applaud it for proactively defending the rights of the poor and marginalized. This Article analyzes socioeconomic rights in India from a social contractarian perspective, which illuminates a neglected aspect of this debate. While addressing concerns of judicial overreach, the Article argues that the Supreme Court’s reasoning for locating justiciable socioeconomic rights in the Indian Constitution raises a more fundamental concern: it threatens the Constitution’s legitimacy. The Court’s reasoning is vague and non-transparent, which prevents rational and reasonable citizens from knowing with any clarity or conviction what the Constitution requires in the realm of socioeconomic justice. Thus, drawing on Rawls’s concept of public reason, citizens might not agree to be governed by the Constitution, which then loses its legitimacy as a basis for democratic political rule. The Article aims to make two contributions to the existing literature. First, it surveys Indian constitutional history to distinguish between procedural changes that may lead to judicial overreach and interference in representative government, and substantive changes in the law – such as the widening interpretation of Article 21 – that detract from the Constitution’s legitimacy. Second, and more broadly, the Article moves past the notion that a legitimate constitutional system simply requires acceptable institutional arrangements and desirable political outcomes. A legitimate system also requires that public institutions, particularly the Supreme Court, present clear and transparent reasons for their decisions, accessible to all citizens in light of their common reason.

Keywords: Economic and Social Rights, Socioeconomic Rights, Indian Constitution
Rohan Joachim Alva


Abstract: This article analyses The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill, 2013, which was most recently passed by the Lok Sabha (Lower House) of the Indian Parliament, and is currently pending consideration in the Rajya Sabha (Upper House). Legislative drafting entails careful choice of phrases, orienting legislation towards achieving the objectives undergirding it, and ensuring that a robable legislation can co-exist with the constitution and other statutes. These characteristics are seemingly absent from the Street Vendors Bill, which has been presented to the people as a legislative effort to extend robust legal protection to the interests of street vendors. This article presents a critique of the Street Vendors Bill to identify the shortcomings in it, analyses the consequences of the Bill in its practical application, and advances policy recommendations to improve the overall framework of the Bill.

Keywords: Legislative drafting, Indian Parliament

Full Text


Abstract: Social rights adjudication has an important role to play in enforcing and entrenching socio-economic rights. The Indian Supreme Court’s record in adjudicating socioeconomic rights has been formidable, but in spite of devising a range of methods by which socio-economic rights may be implemented, the Supreme Court faces a challenge in terms of implementation. This article argues that a modification of its methodology of adjudication might lead to better implementation of socioeconomic rights decisions and reduce re-litigation. This article posits that in social rights adjudication, the Supreme Court must frame comprehensive mandatory orders, an adherence of which will lead to wholesome implementation of socioeconomic rights. Thereafter, the Supreme Court must vest the National Human Rights Commission with the responsibility of overseeing the implementation of the decision. This method, it will be argued, by combining comprehensive mandatory orders with competent post-decisional monitoring, is eminently suited to ensure that the decisions of the Supreme Court on socio-economic rights are implemented and the transformative ideals of the Indian Constitution are realised.

Keywords: Socio-economic rights

Full Text

Ratna Kapur


Abstract: This article describes the competing models of secularism that have been debated and contested in postcolonial India. I focus on the constitutional legal discourse and judicial pronouncements on the meaning of secularism in India and on the increasing influence of the Hindu Right—a conservative and religious political movement seeking to set up India as a Hindu state—on shaping the contours of secularism in contemporary law. The struggle over the meaning of secularism came to a head in an Indian High Court decision in 2010. The case involved a dispute over the legal title to a piece of land in the....
northern Indian town of Ayodhya, where a sixteenth-century mosque once stood and was destroyed by the mobs of the Hindu Right, and the Hindu Right’s claim that the site marks the spot where the Hindu god Ram was born. The case reveals how the right to freedom of religion has been used to establish and reinforce Hindu majoritarianism through secular law in India.

Keywords: Secularism India Law

Full Text

Kapur, Ratna. (2014). In the aftermath of critique we are not in epistemic free fall: human rights, the subaltern subject, and non-liberal search for freedom and happiness. Law and Critique, Vol 25 No 1: 25-45

Abstract: The article challenges the claim that human rights, which have constituted one of the central tools by which to establish the truth claims of modernity, can produce freedom and meaningful happiness through the acquisition of more rights and more equality. Third World, postcolonial and feminist legal scholars have challenged the accuracy of this claim, amongst others. The critiques expose the discursive operations of human rights as a governance project primarily concerned with ordering the lives of non-European peoples, rather than a liberating force; and that the pre-given rational subject of human rights is contingent and one of the prime effects of power. I examine the problems with the liberal humanism of human rights by examining not only how it is linked to a specific understanding of the ‘good life’, freedom and happiness, but also how it closes off other emancipatory possibilities. The acquisition of human rights as objects that an individual has by virtue of being human, represent the terminal limits of human rights, rather than the moment when the human subject becomes empowered and liberated. I draw on queer affect theory to make a critique of happiness, to which I argue human rights are linked, and how the failed or unhappy subaltern subject exposes its normative composition. I discuss the resulting depth of the despair produced from the realisation that this political project cannot realise its promise of freedom and meaningful happiness, compelling a ‘turn away’ from human rights as an emancipatory project and a ‘turn towards’ other non-liberal philosophical traditions, in the search for alternative understandings of and space for freedom and happiness. I explore these possibilities specifically within the philosophical tradition of non-dualism (Advaita).

Keywords: Non-Dualism, Postcolonial feminism, Postcolonial theory, Freedom and happiness, Human Rights, Advaita Philosophy

Full Text


Abstract: The long-standing contest over a 1500 square yard plot of land, situated in the city of Ayodhya, located in the district of Faizabad in the state of Uttar Pradesh in north India, has become a site where religious groups, pilgrims, lawyers, and even gods are battling to establish their claims of rightful ownership. The issue has been simmering in independent India since its birth in 1947 and arose well before that time. The courts have been called upon time and again to adjudicate on this fraught issue, where their decisions are not only defining the parameters of the right to freedom of religion, but are implicated in the very construction of faith and belief. In this article, I examine how the right to freedom of religion has emerged in law, focusing on the 125-year-old property dispute in Ayodhya. I discuss how the reasoning of the 2010 Allahabad High Court judgement partly resulted in reproducing and reinforcing Hindu majoritarianism through its interpretation of the right to freedom of religion and the broader implications of the decision on the meaning and definition of secularism in Indian constitutional discourse. I also underscore how the law and judicial discourse has played a central role in enabling the Hindu Right, a right wing political and ideological movement intent on establishing India as a Hindu State and a key player in the Ayodhya dispute, to successfully pursue its agenda through the right to freedom of religion.
Abstract: In this paper, I use the recent ‘Delhi rape’ case that received global attention in 2012 to trace how an appalling episode of violence against a woman is articulated within stable categories of gender and invites state intervention in the form of criminal justice, stringent sentencing and a strengthened sexual security regime. I argue that the stability of gender and gender categories based on the binary of male and female has been an integral feature of international law and has been maintained partly through an overwhelming focus on sexual violence against women by states as well as non-state actors. This focus relies on a statist approach to sovereignty, where advocacy is directed at the state for redress and protection, primarily in the form of carceral measures, which in turn translate into a tightening of the sexual security regime. By continuing to appeal to the state as a central custodian of women’s rights, feminist and human rights advocacy has failed to address the ways in which power is dispersed and does not operate in a top-down manner. It also operates in terms of domination, subjugation and subject constitution. I examine how a security discourse operates to regulate, discipline and manage gender in the context of three areas of international law: anti-trafficking interventions in international human rights law; wartime rape in international criminal law; and the ‘taming of gender’ in the context of the Security Council resolutions 1325 and 1820 on gender, peace and security.

Keywords: Sovereignty, Postcolonial India, Gender, Sexual Security Regime, International Law

Abstract: Two recent protests in postcolonial India have questioned the potential of gendered bodies in the protest sphere to disturb gender categories and dominant sexual norms. One was the response to the brutal gang rape and murder of a twenty-three-year-old student on a moving bus in Delhi in December 2012. The specter of her brutalized body formed the backdrop against which thousands of young people poured onto the streets of major metropolises demanding justice. It marked a rare moment when violence against women was foregrounded as a political issue in a liberal democracy. The SlutWalks were an earlier movement that took place sporadically in towns and cities across India in 2011. Sexy dressing rendered the body itself the site of protest against the remarks of police in both India and Canada that suggested that women could avoid rape if they did not dress like sluts. In the course of both protests womenmassed on the streets to stake a claim to the public, countering the very conception of politics as operating exclusively along the axis of the public/private distinction and vocalizing their opposition to the state’s politics of gender and sexuality. The female body became a political body and a powerful site of resistance. But it was also subjected to harassment, derision, and violence by the state’s law-and-order apparatus and confronted by intractable normative injunctions. In both protests, sex and gender emerged as part of a regulatory practice that, as Judith Butler argues, produces and effaces the bodies it governs. The inability of the gendered body to escape from the clutches of prevalent norms by which recognition is conferred compels several challenging questions that require deeper reflection: Can gendered bodies in the protest sphere ever be an exercise moving toward freedom? And what possibilities of being are opened up through the refusal to protest within the terms set by this always already colonized and regulated space?

Keywords: Brutalized Bodies, Politics of gender and sexuality

Abstract: Trade and environment have always been uncomfortable colleagues since the inception of the World Trade Organization and free trade. However, post the Singapore rounds in 1996, it is said that a new kind of free trade has emerged that is more conscientious and aware about environmental impacts and sustenance. While trade remains the primary objective, the WTO has taken it upon itself the task of striking a balance between liberalizing the integrated global economy and acting as a vanguard to precautionary and sustainable environmental principles. This article will look into the inter phase between trade and environment as witnessed under the pre and post WTO regimes and critically analyse judicial pronouncements and best practices to better understand this alliance.

Keywords: Trade, Sustainable Development, WTO, Legal Framework, Environment

Full Text


Abstract: Every now and then, there comes an event or a point that questions the long-standing legal doctrines. Unilateral humanitarian intervention is one such concept. Traditionally, humanitarian intervention finds very few takers, as it is deemed to be incompatible with existing norms of state sovereignty. It is argued that if the concept of unilateral humanitarian intervention is legalized, would "open a Pandora's box of military interventions that would disrupt the nation-state system and permit the forcible pursuit of political, economic, and security objectives far removed from alleged humanitarian concerns." Having stated that, there is an urgent need to expand the scope of international law and reevaluate the concept, owing to the changing face of contemporary conflicts. Since 1990, there has been an increased need and number of unilateral humanitarian interventions, such as Iraq, East Timor, Bosnia, Somalia, et al. Despite its strategic success, however, and the fact that the international community has engaged in more than fifteen such instances in the last two decades, the legal basis and position for humanitarian intervention is still not well settled. While UN-sanctioned collective intervention and the emergent responsibility to protect find more academic and legislative support, the international community has largely criticized unilateral action by States. The primary reason for this dichotomy lies in inadequate pre- and post-intervention impact assessment. The former lacks an effective mechanism to discern political motivation or geo-political strategies from humanitarian benefit and intent (justifiable jus ad bellum), and the latter lacks a framework to hold states accountable for incidental violations and damages once the intervention is completed. Given the lukewarm success of the collective security approach, it is important to go beyond the existing international legal framework and adopt a redesigned system as an effective tool of peace to address armed conflicts and use of force problems. This paper analyzes the legality and legitimacy of unilateral humanitarian intervention as exercised by states against failed states, statesponsored terrorists or militia, and acts of humanitarian aggression acquiesced to or implicitly tolerated by states. It attempts to address the existing problems in the model through a series of suggested steps. A key element is the layout for establishment of an independent, pre- and postintervention analysis body. The purpose of this entity is to monitor human rights and adherence to laws of war, in collaboration with existing independent organs, followed by a liability regime and status update. Part I evaluates the laws governing use of force and scope of unilateral humanitarian intervention through the Kosovo framework. Part II deals with the scope of codification of laws of intervention and the need for their normative ambiguity. Part III looks at the existing and projected legal framework and touches upon the emergent norm of the responsibility to protect. Part IV aims to integrate human rights
and humanitarian legal framework as a possible long-term strategic solution to remedy the intervention model.

*Keywords: Humanitarian*

**Saptarshi Mandal**

Mandal, Saptarshi. (2014). *Distributive dilemma in Indian disability law: understanding the Supreme Court’s decision in Deaf Employees Welfare Association v. Union of India*. Journal of National Law University, Vol 2 No 1: 103-114

Abstract: In Deaf Employees Welfare Association v. Union of India, the Supreme Court ordered the government to grant travel allowances to deaf and mute employees at the same rate as is currently given to those with visual and locomotor impairments. While this appears as a relatively mundane decision, it implicates basic questions of distributive justice in a welfare state. Employing the term "distributive dilemma" to capture the often competing bases for distribution of state aid, the author examines the Court's approach to distribution of state resources in the context of disability law. He argues that though courts in India have decided such distributive questions in relation to the disabled in the past, Deaf Employees Welfare Association marks a departure from previous cases because the Court has, for the first time, approached the question using the constitutional principles of equality and dignity.

*Keywords: Disability Law, Allowances to Deaf and Mute Employees, Constitutional Principles of Equality and Dignity*

**Mandal, Saptarshi. (2014). Impossibility of marital rape: contestations around marriage, sex, violence and the law in contemporary India*. Australian Feminist Studies, Vol 29 No 81: 255-272

Abstract: India is one of the few countries in the world that continues to exempt husbands from being charged with rape committed against their wives. This article describes a brief period of contestation between feminists and the state in India, when this exceptional treatment of marriage was challenged and it was demanded that the husband's legal immunity be ended. Unpacking the responses of the state for retaining the immunity, this article shows how the idea of marital rape as an impossibility is constituted and contested in contemporary India. While the demand for repealing the husband’s immunity did not succeed, the manner in which the state framed the issue and internal debates among Indian feminists over the politics and potentials of criminalising marital rape, complicates our understanding of the issues at stake. Consequently, the article emphasises the need for situating the marital rape question within a broader analysis of the legal regulation of marriage, rather than focusing on criminal law reform alone.

*Keywords: Marital Rape, Sex, Violence*

**Shivprasad Swaminathan**

Abstract: In papers written over the last decade, Kevin Toh has proposed a reconstruction of Hart's account of the normativity of law along non-cognitivist or expressivist lines. At the heart of Toh's project is the proposal that we understand Hart's internal legal statements as expressivist moral statements, which is to say, moral statements expressing the speaker's attitude of approval towards the law. It will be the burden of this paper to make the case for why Hart's internal legal statements are not best understood as moral statements, let alone 'expressivist' or 'non-cognitivist' moral statements. In doing so, I will be employing two strands of argument: the first will entail an assessment of the metaethical architecture underlying Toh's model; and the second will be exegetical in nature, involving an examination of whether Toh's proposed reconstruction can be integrated with the basic structure of Hart's scheme.

Keywords: Jurisprudence, Kevin Toh, Hart, Legal Theory

Shiv Visvanathan


Abstract: One has to ask, what was the logic called Narendra Modi and what was the nature of the campaign? Modi was a semiotic construct who went on to fight a symbolic war. The Nehruvian nation, Delhi, Development were all semiotically reconstructed in a brilliantly executed campaign. This article is a preliminary attempt at an ethnography of a brilliantly executed campaign.

Keywords: Electioneering India, India Polls

Shilpi Sharma


Abstract: Children with High Functioning Autism (HFA) have been argued to use faulty appraisals and avoidance patterns of coping behaviour in negative and stressful social situations, but the research evidence is limited. The current study investigated the role of cognitive appraisals and coping behaviour in relation to negative emotions and social adjustment in children with HFA and typically developing (TD) children. Results from the current study made a valuable contribution to the existing, under-developed literature by confirming results from previous study on significant differences between TD and HFA groups for cognitive appraisals of emotion-focused coping potential, problem-focused coping potential, future expectancy and self-accountability as well as for the negative emotions of guilt, sadness and fear. Scores for frequency and perceived effectiveness of avoidance and approach coping and social adjustment were also significantly different. Another unique finding from this study was on significant associations between appraisals and emotions, appraisals and coping; and coping and social adjustment. These findings provide useful insights into the various facets of the emotional and cognitive experiences of children with HFA.

Keywords: Autism, Child Psychology, High Functioning Autism, Emotion regulation-Children, Cognitive Appraisal-Children

Full Text
Vibha Hetu


Abstract: In general, most people display stronger beliefs in ‘aggravated rape’ or ‘real rape’; including victims of such rape cases who often identify themselves as ‘rape victims’ than the victims of ‘simple rape’, where none of the aggravating circumstances are present. Despite myths to the contrary these ‘simple rape’ cases in fact make up the majority of cases. This article considers the implications of ‘real rape’ and demonstrates how notions about what a ‘typical rape’ should be, in the form of rape myths, directly impact on societal attitudes towards rape victims and how the media continue to reinforce and perpetuate the notion of real rape through their selective reporting of ‘serial rape’, ‘stranger rape’ or especially ‘violent rapes.

Keywords: Attitude, Myths, Violence, Rape, Culture

Full Text

Yugank Goyal


Abstract: This article attempts to explore the divergence between the corporate governance on paper and on the ground in non-Western societies. In doing so, it excavates the role of informal institutions in the practice of corporate governance. Through a comparative study of BRICS economies, the article argues that variables pertaining to informal social norms (articulated in the histories and culture of societies) are crucial to explaining the emergence of rather peculiar models of corporate governance.

Keywords: Corporate Governance: role of informal institutions, corporate governance-BRICS

Full Text
Jindal School of Government and Public Policy

**Bhuvaneswari Raman**


Abstract: Urban transformation in Tiruchengode town in Tamil Nadu has been predominantly driven by processes internal to it. It has been driven by growth of the town's economy and the practice of entrepreneurs investing in land for capital accumulation. The process described in this paper reinforces the theories of subaltern urbanisation and in situ urbanisation. While the role of the town's entrepreneurs, local landowners, and politics have been significant factors in shaping the evolution and development of its economy, the transformation story has also been shaped by supra-local flows of capital and labour from the region.

*Keywords: Tiruchengode, Tamilnadu, Urban Development, India*

**Parkash Chander**


Abstract: The impact of the price subsidy under the National Food Security Act on consumption of cereals, and, therefore, welfare, will be different from that of an unconditional direct income transfer equal to the cost of the price subsidy only if the price subsidy is regressive among the set of people covered. This note argues that restricting the subsidy to an inferior good such as coarse grains alone may work better from both the fiscal and equity points of view. It recommends raising the entitlement for coarse grains to 7 kg a person per month, but keeping it unchanged for wheat and rice at 5 kg a person per month.

*Keywords: National Food Security, Price Subsidy, Direct Income Transfer, Welfare Schemes*

**Rajeev Malhotra**

Malhotra, Rajeev. (2014). *India @ 100: giving wings to the lumbering elephant*. Futures: journal of policy, planning and futures studies, Vol 56: 8-21

Abstract: This paper uses the vantage point of the latest available macroeconomic data to study the dynamics of India's recent growth spurt, its current slowdown and the implication that has for its future prospects. In making the projections for circa 2050, it factors-in certain evolving trends in the economy that have gained momentum in the past decades. The paper highlights the imperative of growth centrality for India's future development strategy and outlines the contours of the three broad transformations namely social, political and economic that underpin the future scenario. It goes on to elaborate briefly the required economic reforms for realising outcomes consistent with the projected ambitious growth scenario for India.

*Keywords: Growth projections, Growth drivers, Growth scenarios, Demographic dividend, Poverty incidence, Social, Political and economic transformation, Policy reforms*

**Full Text**
Swagato Sarkar


Abstract: Agriculture has been the target of modernization for a long time. The earlier interventions of deploying ‘green revolution’ technologies were a statist project and aimed at increasing productivity. The focus of public policy has shifted from increasing productivity to finding and servicing consumer markets. It is in this context that contract farming and linkages with formal retail sector have been proposed. The erstwhile Left Front government in West Bengal, India, had drafted the management consultancy firm McKinsey & Company to strategize a rejuvenation plan for the state’s agriculture. McKinsey suggested that the government should encourage farmers to enter into contract farming, which would allow them to access market, especially international and domestic metropolitan markets. The documents produced by McKinsey were confidential, but have recently been leaked. In this article, I analyze these confidential documents and the proposal to transform agriculture into agribusiness. I try to locate such a proposal at the global level to understand the dynamics of (global) agribusiness and why global agri-capital advocates contract farming. Thereafter, I try to critically evaluate the prospect of contract farming in Bengal and India.

*Keywords: Contract Farming, Agribusiness, Global Agriculture, Agrarian Crisis*

Full Text


Abstract: At various points in its existence, the Indian state has deployed technologies to govern the nation. Recently, the state has undertaken a number of large-scale projects to make use of digital technology. The most controversial of these is the Unique Identity (UID) project, which is registering biometric, along with demographic, information about residents. This paper seeks to understand what is at stake politically in this technological intervention. It aims to explore the political logics and consequences of such a biometric system. It argues that UID re-imagines the economy and state–citizen relationship as a series of transactions. Theoretically, the main thrust of this paper is to understand the “general economy of power”, as Michel Foucault calls it, which is unfolding in India around the issues of capitalist growth, inequality, social protection and terrorism—and UID signals the technological potential for the convergence of these concerns

*Keywords: Unique Identity, Biometrics, Governance, India*

Full Text
Jindal Global Business School

Krishan K Pandey

Abstract: The debate on significance of numerous political, economic and financial indicators driving crude oil prices is perpetual. There is no single indicator which can provide a complete picture of how prices can be determined. Nor a simple combination of input indicators can provide accurate and robust price forecast methods. In particular, feature selection plays a key role in designing a forecasting model for oil prices. However, all existing method of predicting oil prices have accounted for non-linearity, non-stationarity and time-varying structure of crude oil prices but seldom focus on selecting significant features with high predicting power. Besides, there is lack of competent feature selection techniques based on associations and dependency of indicators for designing the input vector of oil price forecast. For this purpose, a novel two-stage feature selection method “MI3 Algorithm” is proposed for inferring nonlinear dependence between oil prices and strategic indicators driving them by employing interaction information and mutual information as measure of redundancy (or synergy) and relevance. The study targets to figure out the importance and impacting mechanism of key indicators driving crude oil prices based on the proposed feature selection algorithm employing multi-layered perceptron neural network (MLP), general regression neural network (GRNN) and cascaded neural network (CNN) as forecasting engine for oil price prediction. The results confirmed the superiority of proposed algorithm compared to some other methods. Besides its high accuracy, the proposed algorithm provides non-redundant and most relevant features as compared to other methods employed in study.

Keywords: Feature Selection, Mutual Information, Interaction Information, Neural Networks

Full Text

Renu Emile

Abstract: The use of products and brands to communicate aspects of the self has extensively been the subject of research (Escales & Bettman, 2005, Flynn et al., 2011; Grubb & Grathwohl, 1967). Empirical studies have examined the use of products and brands to communicate a range of aspects such as membership of reference groups or communities (White & Dahl, 2007); class, status, and lifestyle (O’Cass & McEwen, 2004); personality differences (Nevia & Pastna, 2014); ethnicity and culture (Jamal & Chapman, 2000). Studies have also addressed the notion of interpreting or decoding consumption symbolism (Arnould & Thompson, 2005; Belk et al. 1982; Grubb & Grathwohl, 1967; Paasovaara et al. 2012). These studies suggest that consumers make judgments or inferences about self-related characteristics of product users from the products that belong to the person. Such studies gather data employing projective techniques by asking participants to make judgments about, for example, the type of people who would use the products presented or described (see Boddy, 2005; Haire, 1950; Fram & Cibotti, 1991; Porr et al., 2011; Steinmann, 2009). In this regard, the decoding literature has studied a number of product categories such as food and grocery (Doherty and Nelson 2010), automobiles and housing (Belk et al., 1982; Desmet et al., 2000; Grubb & Stern, 1971), miscellaneous products (Belk,2013) and cosmetics (Mick et al., 1992;
Tantiseneepong, 2012). However, there is little specific research on whether senders’ intended self-related characteristics match with those received by audiences. Research on product choices in relation to the self has tended to be restricted to researcher-selected products or product categories and specific aspects of the self. Grubb and Stern (1971) had owners of two automobile brands rate perceptions of their selves, of automobile brands, and owners of each brand of automobile. The study finds both consumers and their significant others hold similar stereotypes of owners of automobile brands. Feinberg et al. (1992) asked female subjects to display an outfit that best reflected their personality and then rate their personality on a series of rating scales. An independent group of subjects was presented with the photographs of the chosen outfits and instructed to infer owner personalities utilizing the same rating scales. While the Grubb and Stern (1971) study involved no direct matching of self-related characteristics between consumers and their observers, both product and test item choices in the Feinberg et al. study (1992) were pre-determined by the researcher, thus being a limited investigation of whether senders’ intended self-related characteristics match with those received by audiences. What remains outside the scope of such studies is the identification of consumers’ intended self-related characteristics in relation to their product choices, and the investigation of congruency between consumers’ intended self-related characteristics and those accorded by audiences. This study addresses this gap. It allows young adult consumers the autonomy to self-select a range of products that communicate self-related characteristics to peer audiences. The study identifies the self-related characteristics that consumers express through their product choices, and further investigates congruency between consumers’ product-related self-characteristics and observer selections. More specifically, the study examines the following questions: 1. How successful are young adult consumers in communicating aspects of their selves to peer audiences via their product ensemble choices? 2. Is there evidence of congruency between consumers’ (‘senders’) product ensemble self-related characteristics and observers’ (receivers’) inferences? If so, to what extent?

**Keywords: Consumer Behaviour, Selfproduct Congruency, Product Symbolism**

**Full Text**
Deepanshu Mohan


Abstract: The recent crisis of 2008 is often used to illustrate the achievements of the monetary policy since the Great Depression. My paper compares policy responses of the US and the UK monetary authorities during financial crises of 1929 and 2008. On scrutiny of these policy responses, to a large extent it seems indeed to be true that the responses of monetary authorities of the U.S. and Britain were quicker and stronger, with a bigger toolkit applied. Besides aggressive interest rate cuts and liquidity injections, the central banks started extensive asset purchases and other unconventional monetary policy operations. This attitude stays in contrast with rather sluggish responses of the Gold Standard period. Yet, the fact that the crisis took place doubts the ability of the monetary authorities to forecast and prevent the crisis. That might and should be a much more effective skill to have.

Keywords: US and UK Monetary Policy, Financial Crises

Full Text


Abstract: This research paper provides a macroeconomic commentary on India’s current economic position which has highlighted structural weaknesses in its macroeconomic fundamentals. In the current state of policy paralysis, a decline in the foreign direct investment has considered Indian policymakers to move slowly and steadily towards Fuller Capital Account Convertibility (FCAC) -a rudimentary feature of the Washington Consensus of the 1980s. India, in the past has acted boldly refuting IMF’s stand on FCAC and other Washington Consensus type policies by exercising certain capital controls to maintain a system of partial capital account convertibility. This was one of the main reasons why India unlike the rest of the world did not enter into a state of deep recession post the US financial meltdown. The option of FCAC being considered by the policy makers to drive more investment into the economy poses a lot of pertinent questions like- Is this necessary? If yes, then how feasible and sustainable would an investment driven growth achieved through FCAC be for any one sector. My paper looks to analyse this aspect limiting our analysis to the case of India. In times of global financial uncertainty, will the concept of FCAC or deregulating callously to boost foreign investment within certain sectors actually be feasible for India’s growing economy in the future? This is the main research question I aim to answer through the analysis done in the paper. The paper starts by giving an introduction to the concepts of capital controls, full capital account convertibility (FCAC); providing then, a lucid picture of India’s current plight in terms of the existing capital controls and the state of its macroeconomic indicators (GDP growth rates, savings rate, investment position, BOP deficit etc.). The claim on the presence of structural weaknesses in the Indian economy which should act as a deterrent on moving towards FCAC are substantiated by the analysis put forth in the paper (also drawn upon from the works of C.P. Chandrasekhar and Jayati Ghosh). At the same time, it also highlights similar studies done on other emerging market economies to draw similar conclusions from the capital account crisis faced by South East Asian economies in the past after resorting to FCAC.

Keywords: Capital Mobility, Capital Controls, Fiscal Consolidation, Current Account Deficit, Macroeconomic indicators
Urvashi Aneja


Abstract: This article examines how India understands and negotiates norms for the provision of humanitarian assistance and R2P in political emergencies. Looking at these two related but distinct spheres of action together helps illuminate India’s understanding of international order, and the nature and scope of domestic and international responsibility in protecting populations from harm and deprivation. The article argues that while R2P and humanitarian assistance have both pluralist and solidarist underpinnings, India attempts to contain the meaning and practice of these spheres of action in a manner that is consistent with a pluralist view of international order.

*Keywords: R2P, Humanitarian Aid, Norm Containment, International Order*

Full Text
Jagdish Batra


Abstract: Jhumpa Lahiri’s second novel and fourth book of fiction *The Lowland* is a deeply disturbing novel that was shortlisted for the Man Booker prize. It is an epical story covering sixty years of four generations located in two continents. Also it is a saga of love that survives death of the beloved. Besides, the novel presents the predicament of dashed hopes of parents left behind in India, problematic family ties in America and above all, a contrast between an idealist frame of mind and a practical one. While it is a powerful novel that tries to capture the confused undercurrents of mind of its principal characters, it fails to account for the problems it raises at the macro level. My paper tries to focus on the psychological patterns operating in the depiction of characters.

*Keywords: Immigrant, Naxalites, problematic family, Heredity and Environment*

[Full Text]


*Keywords: Rohinton Mistry, English Literature, Post Colonial English Literature India, Indian English Fiction*

[Full Text]


Abstract: The fictional tool of magic realism has gained popularity even as it deviates from the foundational premise of the genre of novel. The philosophical approach that justifies this kind of fiction questions the representation of reality through the Enlightenment mode of reason and logic. Chitra Banerjee Divakaruni, a leading Indian diasporic writer based in the US employs this narrative mode in her novel *The Mistress of Spices* and redoubles the effect through her beautiful poetic prose.

*Keywords: Magic Realism, Postcolonial Literature, Diasporic Literature, Narrative Mode*

[Full Text]
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Vibha Hetu

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Books and Edited Books

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Author: Sreeram Chaulia
Publisher: London Routledge 2014
Language: English

Title: India Public Policy Report 2014
Author: Dr. Rajeev Malhotra
Publisher: New York Oxford University Press 2014
Language: English
ISBN: 9780199452040

Title: New approach to literary theory and criticism
Author: R. S Malik, Jagdish Batra
Publisher: New Delhi Atlantic 2014
Language: English
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