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Compiled and Edited by

Mr. Buddhi Prakash Chauhan
Dr. Raj Kishor Kampa
Ms. Ekta Yadav

O P JINDAL GLOBAL UNIVERSITY
SONIPAT HARYANA
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URL: www.dspace.jgu.edu.in:8080/jspui/handle/10739/571
Arun Sagar


**Abstract:** The division of powers between Federal and State governments and its interpretation by constitutional courts are fundamental elements of a federal system and of Federal-State power relations. The exclusivity or concurrence of powers, supremacy, and the problem of implied powers are some of the issues that appear in the constitutional law of most federations, and indeed stem from the very logic of a federal structure. However, the theoretical literature on federalism has not produced any satisfactory explanation of this logic. This article shows how W.N. Hohfeld’s fundamental legal conceptions may be used to analyse Federal-State relations, and how they are directly applicable in the context of ‘intergovernmental immunities’. The article then elaborates a theory of ‘tertiary’ legal relations, i.e., those arising when the two levels of government act in their regulatory capacity; these relations flow from the triangular nature of the relationship between the two governments and those subject to legislation. The correlations identified between Federal and State powers provide a conceptual framework within which different constitutional questions may be analysed. Adopting Hohfeld’s method of highlighting legal concepts in extracts from judicial decisions, the article uses examples from the case-law of several different federal countries.

*Keywords: Federal State, Power Relation, Intergovernmental immunities*

**Full Text**

Amrita Sharma


**Abstract:** This paper examines the role of law and sovereignty in the processes of ‘dependent development’ that continue to plague many regions of the world, including Kashmir. We use a case study of the political economy of the apple farming of Sopore in the state of Jammu & Kashmir to examine the consequences of constitutional provisions regarding intergovernmental distribution of powers on the economic relationships between Kashmir and the Indian mainland. While the state of Jammu & Kashmir formally enjoys an autonomous status under Article 370 of the Indian constitution, we argue that not only has this constitutional provision failed to promote autonomy, it has also lent itself to discourses meant to justify, obfuscate and legitimize economic dependence to the Indian mainland.

*Keywords: Jammu & Kashmir: Constitution, Economic Development and Constitution*

**Full Text**
Albeena Shakil


*Keywords: Indian-English Literature, English Fiction, Literary criticism & history*

[Full Text](#)

Anupama Sharma


*Abstract:* The paper discusses the role of punishment in a criminal justice system by elaborating its functions. It focuses mainly on monetary sanctions (fine) as a type of punishment under the criminal law and analyzes its efficiency on the basis of the punishment theories. With specific reference to the Indian Penal Code, 1860 the paper categorizes the placement of monetary sanctions in the statute into three variants: where the amount of sanction is mentioned in the provision, where the amount of fine is not mentioned in the provision and where monetary sanctions stand as an alternative to imprisonment in the provision. The paper critiques the third variant as a commodification of offence and provides suggestions to update the statute to enable the efficiency of monetary sanctions as a type of punishment in criminal law.

*Keywords: Theories of Punishment, Monetary Sanctions, Commodification of Offence*

[Full Text](#)

Armin Rosencranz


*Keywords: Doctrine, Jurisprudence*

[Full Text](#)

Arpan Banerjee


*Abstract:* In India, the academic discourse surrounding intellectual property (IP) has been marked by great skepticism. Global IP laws have been viewed as a Western imposition detrimental to national interests. In this paper, I will make the case for a “realist” approach to film piracy in India, i.e., an approach that is rooted in legal pragmatism and draws from the New Legal Realism (NLR) movement.
I will suggest a rough template for such an approach, referring to seven broad elements: a) international relations realism; b) contextualization of IP; c) contextualization of copyright; d) the views and interests of the film industry (including creators); e) the working of the pirate economy; f) the law and its enforcement; and g) reforms in the law and industry strategies. In keeping with the spirit of NLR, will explore a range of top-down and bottom-up perspectives. I will conclude by commenting on the feasibility of certain legal reforms.

Keywords: Indian film industry, Copyright –Films, Intellectual Property Rights, Piracy

Full Text

Archana Mishra


Abstract: Women’s economic status and social security is influenced by her ownership and control over immovable property. Since time immemorial framing of all property laws have been exclusively for the benefit of man. Devolution of property under family law is profoundly conditioned by historical legacies, statutory laws, personal laws as is evident in the development of succession laws of Canada and India. Though numerous notions of English succession law became part of both these countries due to prolonged colonial presence, with passage of time, these laws continued to evolve and differ from English law. This paper reflects the changes brought about by modern thought of equality and positive discrimination favoring women’s right to property in England, Canada and India. It also analyses the implication of existing statutory provisions, their judicial interpretations and desirous changes that could be brought to improve the social and economic conditions of women.

Keywords: Inheritance right of women, Inheritance law of Canada, Hindu women, Muslim women, Indian Succession Act, 1925

Full Text


Abstract: This article investigates judicial developments in the Indian law of succession where by laws have recently been interpreted by the courts to grant more property rights to Indian women. Tribal women who had been denied inheritance rights under their customary laws have been judicially granted rights in their favour. Also, the applicability of coparcenary claims by Hindu daughters, granted under the Hindu Succession (Amendment) Act, 2005 (IND), has now been finally settled by the Supreme Court of India. Applying legal maxims for recognising the right of a Hindu widow to claim partition of her deceased husband’s share in coparcenary property, in the absence of a definite statutory right, is another judicial development; while the interpretation of Hanafi law to grant inheritance rights to a sister in the presence of daughters of the deceased shows a judicial approach of uplifting the position of women even under uncodified Muslim personal law. At the same time, however, restricting the right of a Hindu daughter to claim her coparcenary right only after a certain date, when no such limitation has been fixed for a male coparcener; and the courts’ affirmation of granting preferential rights to agnates over cognates under Hindu inheritance law, appear to promote gender inequality without any justification. More than a decade after the passing of the Constitution, the courts continue to adopt a cautious approach when considering the constitutional validity of personal laws. With the increase in social integration, economic independence and reform movements, there needs to be a further call for the improvement of the woman’s position in Indian society with respect to equal property rights.
Ashish Bharadwaj


Abstract: The temporary injunction granted against Xiaomi in December 2014 for patent infringement and for refusing to enter into a licensing agreement with Ericsson was lifted by the Delhi High Court for two 3G standard essential patents on the ground of concealment of information by Ericsson. This ruling is important for the establishment, enforcement and maintenance of patent rights in India. Amidst the on-going litigations concerning telecom SEPs, it throws light on the conduct of both licensor and licensee in the context of a patent licensing agreement. The temporary order against Xiaomi was lifted because of Ericsson’s failure to disclose relevant information to Xiaomi. The court established unequivocally that consent must be acquired from a patent holder before the use of its patents, but also clarified that injunctive relief granted by courts to SEP holders can very well be discharged, varied or set aside with the help of applications under Order XXXIX, Rule 4 of the Code of Civil Procedure, 1908.

Keywords: Standard Essential Patents (SEP), Patent Litigation India, FRAND, Intellectual Property Rights, Patent Licensing

Full Text


Abstract: Innovation, creativity and novelty-seeking are being driven by particular states of mind and unique, differentiated socio-cultural needs. This chapter identifies the conditions that drive innovation and when the capacities that enable innovation might get marred in individuals. The focus here is on understanding the behavioral characteristics of the inventor and the psychological mechanisms that guide innovation. Creativity could be a starting point for innovation; the question as to whether this is a necessary condition, and further whether it is a sufficient or insufficient one, is looked into from a managerial, legal and, most importantly, psychological standpoint. A number of perspectives from within psychology that have attempted to address the dynamics that guide creativity and innovation are discussed. Finally, the chapter poses questions that are a primer for addressing psychosocial quandaries around innovations as a mechanism for change for the rural poor.

Keywords: Innovation, Creativity, Psychosocial, Rural Poor

Full Text
C. Raj Kumar

Raj Kumar, C, Goyal, Yugank and Srivastava, Anamika. (2016). President of India and the governance of higher education institutions. New Delhi: Universal Law, pp xvi;152

Abstract: The book is the first of its kind to systematically examine the role and functions of the President of India, while acting as the Visitor to the higher education institutions. It critically analyses the legal, constitutional, and institutional frameworks while evaluating the contribution of the President of India in his capacity as the Visitor. The book seeks to bring issues relating to institutional governance within the larger framework of transparency and accountability of higher education institutions. While the book examines the specific contributions and policy level initiatives taken by the President of India while acting as the Visitor of the higher education institutions, it underscores the general significance of the Presidential engagement for promoting excellence in institutions. The book examines this role by bringing comparative and international perspectives on the growth and evolution of the role of the Visitor in higher education institutions and how this role has shaped the governance. The objective of the book is to begin a discourse on the governance of higher education institutions. It recognizes the importance of raising academic standards while promoting international benchmarks in quality, access, excellence and institutional governance. It particularly provides a glimpse of the contribution of Mr. Pranab Kukherjee, the Honourable President of India for his farsighted leadership and initiative in recognizing that the future of India is significantly dependent upon our ability to empower the higher education institutions, which will help India establish a knowledge based society. The book will be a valuable resource for all those who are interested in the governance of higher education institutions, including those who are keen to promote institutional excellence.

Keywords: Governance of Higher Education Institutions

Full Text

Charu Sharma


Abstract: In 1986 Chernobyl became the site of the world’s worst nuclear disaster, wrecking havoc on the people and immediate environment of Ukraine and Belarus. It brought attention to the need for strict operating and management standards, the importance of open, international communication channels, and legal liability regarding the handling and use of nuclear energy. It also led to the development of international nuclear law.

Keywords: Nuclear disaster, Ukraine, Belarus

Full Text


Keywords: Sale of Goods, Contracts Law-Hongkong

Full Text
Chetan Sinha


Abstract: The present paper is an inquiry into the role of the teacher in the context of the dominant Indian value system, an imposed curriculum and teacher-students interactions from the social psychological and critical interdisciplinary perspectives. The role of the school in the present modernist worldview is to frame and impart knowledge which may lead to economic growth. In this context, the role of the teacher is observed as being limited to a bearer of information rather than a leader who visualizes change and develops critical ability among students. Based on the theoretical framework of postformalism and collective/social identity, the current work argues that the role of the teacher is not limited to passively following and communicating mainstream values but involves constructing a new participative identity through critical pedagogical engagement and by acting as an active agent of social change.

Keywords: Teacher-student relationship, Critical pedagogy, Hidden curriculum, Identity, India

Full Text

Deblina Dey


Abstract: Popular depictions of values around care for the elderly in the media generate nostalgia for a valuerich past, in which caring practices were considered a family affair. The physical absence of family members for providing care is portrayed as a pathological symptom of contemporary society. The study, through analysis of cinematic representations, explains the cultural need for the nostalgia of virtuous intergenerational relations. Such nostalgia instils a need to reaffirm values yet at the same time in the shadows of the nostalgic trope in films, possibilities for a new value system and alternate forms of care can be gauged. These possibilities would eventually bridge the dichotomy between ‘traditional’ and ‘modern’ values related to ageing parents. The relevance of such a ‘nostalgic gaze’ becomes important in the context of rising elderly abuse. Society reflexively evaluates the situation of value transformation. Through the nostalgia, used in this study as an analytical tool, new definitions and practices of care, new kinds of socialities and relations are seen to emerge. In this scenario, the substance of values asserts itself in a malleable form awaiting constant, rapid modification in present times.

Keywords: Old Age, value system, Care of Elderly.

Full Text
Dipika Jain


Abstract: Malnutrition is one of the biggest problems facing India today. Thus, the functioning of the Public Distribution System (PDS)—which provides subsidized food to hundreds of millions of people—is critically important. However, while numerous studies have evaluated the performance of the PDS in rural areas, there is a notable lack of research in urban slums, a rapidly growing population. Through interviews with PDS beneficiaries and other stakeholders, the present study examines the PDS in one slum in Delhi and finds numerous problems, including low-quality grain, corruption, and the lack of an effective complaint mechanism. Although several states in India have recently strengthened their PDS, the under-utilization of the PDS in urban areas makes it more difficult to muster the political will to initiate reforms. Unfortunately, the Right to Food Act limits PDS benefits to fifty percent of the urban population, thus ensuring that this urban under-utilization will continue.

Keywords: Food law, Nutrition, Supreme Court of India, Delhi slum, Urban poverty.

Full Text


Abstract: In collaboration with Ipas India, the Centre for Health, Law, Ethics and Technology at Jindal Global Law School presents this report on legal judgments and orders relating to medical termination of pregnancy. This report aims to clarify provisions of the Medical Termination of Pregnancy Act (MTP Act), to highlight contradictions and gaps in the MTP Act and related laws, including the Pre-Conception Pre-Natal Diagnostic Techniques Act, 1994 (PCPNDT Act) and the Protection of Children from Sexual Offenses Act, 2012 (POCSO Act), and to examine the implications of the language and legal conclusions in abortion judgments. The report outlines the implications the courts' decisions have on safe abortion services. It presents findings from the Supreme Court, High Court, District Courts and Consumer Forums up to 2016. The research for this report was conducted using judgements and orders, retrieved from various sources, predominantly Manupatra (a legal database), the national consumer disputes redressal commission website (ncdrc.nic.in), and district court websites. In addition to this, various news articles and stories were also relied upon to get information about the names of parties or case names. The key terms used for this research were “abortion”, “section 312”, “section 313”, “medical negligence”, “consumer protection”, “forced miscarriage”, “consent”, “MTP Act”, “sex determination”, “sex-selective abortion” and “PCPNDT”. Some cases were first found by conducting a legal research on cases related to abortion on indiankanoon.org and then downloaded from the district court website. One of the key limitations of this report is that many of the district court’s judgement are not easily accessible and therefore a complete analysis of all the judgements across the country was not possible. This report has focused mainly on the cases available on the district court websites of the states of Delhi, Maharashtra, Tamil Nadu and Kerala in addition to Punjab and Andhra Pradesh. For other states, like Rajasthan and Gujarat, district court cases were not available on the case databases.

Keywords: Abortion, Law, Women’s rights, Courts

Full Text
Indranath Gupta


Abstract: The InfoSoc Directive (2001/29/EC) aimed at harmonising copyright-related aspects within the EU. Article 5(2)(b) of the Directive, which concerns private copying has given rise to numerous cases, largely concerning the amount of the relevant fair compensation to be paid to right holders. Copydan Båndkopi v Nokia Denmark is one such case where the Court of Justice of the European Union (CJEU) was called upon to decide whether a private copying levy can be imposed on mobile telephone memory cards and multi-functional memory devices. Within the ambit of the InfoSoc Directive, the CJEU decided that Member States can formulate legislation that levies private copying on multi-functional devices like memory cards, even if the primary function of the device is not to facilitate private copying.

*Keywords: Private copying, Multi-functional memory device*

Full Text

James J. Nedumpara


Abstract: This book focuses on India’s participation in the WTO dispute settlement system, at a time when India has emerged as one of the most successful and prominent users of WTO dispute settlement among the developing countries. It offers a unique collection of perspectives from insiders - legal practitioners, policymakers, industry representatives and academics - on India’s participation in the system since its creation in 1995. Presenting in-depth analyses of substantive issues, the book shares rare insights into the jurisprudential significance, political economy contexts and capacity-building challenges faced by India. It closely examines India’s approach in effectively participating in the WTO’s dispute settlement mechanism including the framing of litigation strategies, developing legal and stakeholder infrastructure, implementing dispute settlement decisions, and the impacts of the findings of the WTO panels / Appellate Body on domestic policymaking and India’s long-term trade interests. In addition to discussing the key “classic” jurisprudential issues, the book also explores domestic regulatory and policy issues, complemented by selected case studies.

*Keywords: WTO dispute settlement*

Full Text


Abstract: The first issue of the second volume of the Law & Policy Brief examines the legal issues that arose in India- Agricultural products, the first SPS dispute filed against a developing country in the WTO. The case featured allegations that India’s Avian Influenza measures were restrictive and constituted violations of its obligations under the sanitary and phytosanitary (SPS) Agreement. This case underlies the need for conducting proper risk assessments while imposing trade restraints on animal and public health grounds.
This dispute is also a reminder to the WTO members of the need to proactively participate in international standard setting process.

Keywords: Public Health, Trade, Avian Influenza

Full Text


Abstract: This chapter examines the legal issues that arose in India—Agricultural Products, which dealt with certain import restrictions maintained by India on the grounds of Avian Influenza (AI). India’s defence predominantly depended on the conformity of its measures with international standards prepared by the World Organization of Animal Health. The case touches upon several critical issues including the interpretation of international standards, centrality of risk assessments in adopting SPS measures and the requirement for regionalization while implementing such measures, and the allocation of burden of proof. While the case has created new jurisprudence on areas such as the relationship between Articles 5.1 and 5.2, and Article 2.2 of the SPS Agreement, the interlinkages between various paragraphs of Article 6, it also left behind ambiguities, especially in the interpretation of the terms of international standards specifically mentioned in Annex I of the SPS Agreement.

Keywords: Avian Influenza, SPS agreement, Risk Assessment, International standards.

Full Text

Keerty Nakray


Abstract: Engages with the difficulties of early career researchers in engaging with the ‘ethics of impact’ as isolated researchers embedded within institutional setups across borders that often replicate the wider prejudices of the society. It is within this context that the researcher describes her struggle to make an impact.

Keywords: HIV/AIDS Research India, Feminist Research Ethics, Gender Issues-Research Ethics

Full Text
Khagesh Gautam


Keywords: India Australia legal systems comparison

Full Text

Manveen Singh


Abstract: Culture, in all its International Journal of Law and Legal Jurisprudence Studies multitude of definitions is fundamentally important to the functioning of the criminal justice system in every society. Traditional theories of crime have more often than not, overlooked the effects of cultural as well as environmental factors and their impact on human conduct. Culture is more than mere ethnicity and embraces within its ambit ideals and beliefs about religion, interpersonal relationships, society, family life, sexuality and politics. There is a constant struggle over the meaning of culture which by its very nature is the essence of culture and despite this ongoing struggle over meaning, it has certain boundaries. No society can sustain its existence without some common understanding of social norms and practices and while individuals differ in their abilities and thoughts, falling short of social and cultural expectations creates a certain sense of dissatisfaction, aggression and frustration in them, which translates into perpetration of crime and deviant behavior. Culture has a telling influence on the conduct of individuals in the society and amongst the various factors directing social life within popular culture; media has emerged as the most influential one. In the light of recent events of violence aimed at prominent media houses in France and other countries, the present paper aims to bring out the relationship between crime and media and trace out the effects of various cultural settings on the fear of crime.

Keywords: Crime, Media, Culture

Full Text

Nisha Nair


Keywords: Postcolonial reading, India literature, Diasporic writing, Pakistani literature

Full Text

Abstract: The paper stresses on the need for adequate e-learning and technological training in the pre-service and in-service programmes for teachers. It aims to study the outlook and competency of teacher towards the use of technology and e-learning resources in teaching at secondary level of education. The paper looks at the ways in which teachers are inculcating e-learning material in the teaching learning process. The study considers the data collected from four secondary school of New Delhi, equipped with technologically enhanced learning facility, language labs and e-learning resources. The responses of teachers and students from four schools were randomly selected and recorded for analysis to gauge how e-learning resources are being used for teaching and learning and how is the perspective of teacher towards its usage affected by their level of training.

Keywords: Disposition of teachers, Pedagogy, Technology, E-Learning

Full Text

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Oishik Sircar


Abstract: On our way to Chamanpura, a working class locality in Ahmedabad, Farooq bhai suggested that we pick up Imtiaz. It was well past lunch time, but he insisted that we visit Gulbarg Society before heading to Teen Darwaja to eat kabab and halwa. Farooq had been driving me around the city since the morning. I’d got to know him a few days back when I arrived in Ahmedabad - having hired his auto-rickshaw at the railway station. On the way to the place where I was staying, I told him why I was in the city - to look for public remnants of the 2002 anti-Muslim pogrom for a research project on collective memories of mass violence. I felt embarrassingly voyeuristic to say this even as I wanted to befriend Farooq, but his relaxed disposition had offered an invitation that allowed me to rest the inhibitions of a first meeting. He very forthcomingly agreed to show me around a few days later.

Keywords: Gujarat Communal Riots

Full Text


Abstract: The author discusses background and development of study of feminist jurisprudence in India. He talks with Ratna Kapoor and Brenda Crossman, the authors of the book “Subversive Sites: Feminist Engagements with Law in India”, about their book and feminist jurisprudence.

Keywords: Feminist Jurisprudence, Women’s Rights India

Full Text
Prabhakar Singh


**Abstract:** Postcolonial Asia offers at least seven types of states and nations. In their somewhat uncritical pursuit of total nationalism, territorial Asian states compete with their archipelagic cousins. The sea gypsy nations—spread across the South China Sea and other East Asian states—reject the monopoly of land as the only inhabitable space, discounting territory as an essential constituent of a nation. Ironically, while history kept them outside the fold of the territorial states, the present attempts to co-opt them. Only by challenging, as the Asian sea gypsies do, land’s claim to being the sole inhabitable territory within law, and rethinking the sea as a place of danger can we truly vernacularise our statist imaginations.

**Keywords:** State Territory, Asian States

Full Text

Pallavi Raghavan


**Abstract:** In April 1950, the prime ministers of India and Pakistan met in Delhi to sign the landmark inter-dominion agreement known as the Nehru-Liaquat Pact, according to which India and Pakistan would be accountable to one another for the treatment of minorities in their countries. This agreement was the outcome of a mutual necessity for both governments to regulate the unchecked movement of minority population across the border, which led them into an unlikely—though nonetheless structurally integral—position of compromise and dialogue. In order to grapple with the phenomenon of cross-border movement of minorities, the two governments had to enter into a series of bilateral dialogues about how this could be regulated, and synchronised for both sides.

**Keywords:** Minority Rights, Partition of India

Full Text

Pallavi Kishore


**Abstract:** This article examines conditionalities in the Generalized System of Preferences (GSP) in light of the European Communities – Conditions for the Granting of Tariff Preferences to Developing Countries (EC – Tariff references) case at the World Trade Organization (WTO). The article largely undertakes this examination from the point of view of developing countries. It mainly examines the issue of discrimination in conditionalities since this was the principal question raised in the EC – Tariff Preferences case and makes suggestions regarding the regulation of conditionalities. In doing so, the article follows two trajectories: first, it makes suggestions for the WTO
panels and Appellate Body, and, second, it makes suggestions for GSP donors, by analyzing the new European GSP+ Scheme and by drawing inspiration from conditionalities in the loans granted by the World Bank.

*Keywords: International trade law*

**Full Text**

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**Rakesh Ankit**


**Abstract:** Studies of Indo-British relations in the 1950s have been usually dominated by the personalities of Jawaharlal Nehru and, after him, VK Krishna Menon. This article instead focuses on Vijayalakshmi Pandit and her tenure as India’s High-Commissioner in London. Pandit came to London having served as Nehru’s envoy to the Soviet Union, the USA and the United Nations. Based on government records and private papers in India, Britain and America, this article shows that her time in London offers insights into the wider context of changes in Indo-British relations and presents her High-Commissionership as a microcosm of the inter-governmental relations.

*Keywords: Indo-British Relations, Commonwealth, Cold War and South Asia, Jawaharlal Nehru, Vijayalakshmi Pandit, India History*

**Full Text**


**Abstract:** This analysis offers an alternative examination of American interest in India in the mid-1940s and situates the early American attitude to Kashmir into that matrix. The two years from 1945 to 1947, those of the emergence of decolonization and the Cold War, critically influenced America’s attitude first towards India and then towards Kashmir. It has been commonplace to describe America’s early understanding of the Kashmir conflict as an issue unconnected with the Cold War until 1952–1954. Even those works, which argue for an early presence of an “east-west lens” in the American consciousness, begin from either the Communist triumph in China or the outbreak of the Korean War. This analysis, instead, shows how soon, how much, and how comprehensively various sections of American government looked at Kashmir through an international prism.

*Keywords: American foreign policy, India US relations, Kashmir conflict, US foreign policy*

**Full Text**


**Abstract:** DP Mishra, chief minister of Madhya Pradesh from 1963 to 1967 and twice minister in Central Provinces and Berar (1937–1939, 1946–1950), was a key figure in Congress politics and provincial governance from the pre- to the post-independence period in India. Mishra was a noted Patel acolyte and a vocal critic of Nehru. A Brahmin leader, he identified with an elite-based Hindu politics of caste and
community. He was also an efficient administrator and his career peaked in 1966–1967 when he acted as a counsellor to Prime Minister Indira Gandhi. In this paper, I argue that his political life is an important prism through which to view Congress politics, its High Command culture, its character in provinces/states and its continuities with the colonial state in governance.

Keywords: Indian National Congress, Dwarka Prasad Mishra- Biography, Provincial politics- India, Central Province & Berar

Full Text


Abstract: By revisiting the events from July 1947 to February 1948 that comprised the accession of the princely state of Junagadh to India, this article gives an insight into the newly independent Dominion’s ‘mobilisation of violence’ in re-fashioning its sovereignty and authority. In doing so, it adds to the growing historical literature on state formation in India that argues that multiple crises of the period 1947–49—post-partition violence in Punjab and Delhi, rebellion, accession and war in Kashmir and the so-called ‘police-action’ in Hyderabad—far from being aberrations to the emerging Indian nation-state were, instead, affairs through which its new sovereignty evolved. The mobilisation of Indian defence forces in the lead up to the accession of Junagadh in November 1947 and the management of violence directed at Junagadh’s Muslims afterwards are yet another instance of the forcible incorporation of Indian princely states and Indian Muslims into the reconstructed post-colonial state. Present in this matrix were also the ‘sub-states’ within Junagadh and the attendant questions of their autonomy, an instrumentalist alarmism about popular will and unrest and a hastily conducted referendum. These aspects of this contested accession have remained overshadowed in the historical record and are here revised to provide an alternative narrative.

Keywords: India history, Partition of India, Junagadh, Accession of Junagarh, Indian Independence

Full Text

Rukmini Pande


Abstract: This article analyzes the mediatized representations of the Indian rape crisis” that gained global attention in the aftermath of the brutal gang rape of Jyoti Singh Pandey in New Delhi in 2012. While much attention was given to Leslie Udwin’s documentary on the incident, India’s Daughter (2015), which was subsequently banned by the Indian government, there were several other creative responses that attempted to negotiate with the meaning of the event. This article examines two such texts—the multimedia short story We Are Angry (2015) and the augmented-reality comic Priya’s Shakti (2014). Both these texts declare their intention to function as “activist” multimedia pieces that leverage the power of Internet-mediated platforms to raise awareness about the condition of the “Indian woman” in the contemporary moment. This article argues that these texts, in their attempts to portray an essentialized and universalized image of the “Indian woman,” reenact certain violent historical erasures along the lines of caste, sexuality, class, and religion. The article undertakes a medium-specific examination of the works, considering their presumed audiences, language, content, and most notably their (failed) attempts at locating themselves within both historical and contemporary Indian feminist landscapes. In doing so, this discussion situates itself within ongoing Indian social justice debates,
specifically those pertaining to mediatized narratives of rape, in order to critique the production of “feminism” in "We Are Angry" and "Priya’s Shakti." By considering these texts alongside other, more inclusive online narrative spaces, we underline the importance of multiple feminist voices being heard on the issues in question, as well as the need to question any seemingly universal “we” of these narratives, their audience, or the women they claim to represent.

*Keywords: Rape narratives, Internet activism, Digital humanities, Indian feminisms, Transnational feminism, Intersectional feminism, Multimedia narratives*

*Full Text*


*Keywords: Digital Humanities, Postcolonial Studies, Fandom Studies, Popular Culture, Intersectionality, Race*

*Full Text*

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**Sameena Dalwai**


*Abstract:* This article applauds the judgment of the Employment Tribunal at Cambridge for understanding caste as race discrimination while granting unpaid dues to an Adivasi woman employed as a domestic servant by an upper-caste Indian family in the United Kingdom. The dismal conditions of work and wages of domestic labour in India are linked to the caste system from which emanates the low worth of manual work.

*Keywords: Discrimination, Adivasi Woman.*

*Full Text*

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**S.G. Sreejith**


*Abstract:* Third World Approaches to International Law (TWAIL) has been impactful in international law scholarship. However, many of its epistemic approaches, especially its active historicising, have often turned counterproductive to its objective of securing freedom for the peoples of the Third World. Moreover, pursuing the colonial past through weighty polemics has rendered TWAIL a discourse that engenders anti-Western sentiments. Further, TWAIL’s dialectic means of resistance and opposition to a past-influenced present ingrained in international law and systems, which are at the disposal of the West, have the reverse effect of dialectically imposing a Western otherness on TWAIL. Hence, an alternative manifesto is sketched, which, while it disagrees with the exclusion of the West in social production, refuses to privilege the West through a Hegelian dialectic of otherness. The alternative manifesto proposes an alternative dialectic wherein the
otherness is a ‘universal’ in the self-consciousness of the subjects. It is a dialectic of inclusion and open participation. The article also attempts to situate the new dialectic in international law.

*Keywords: International law, TWAIL, Historicism, Alternative manifesto*

**Full Text**


**Abstract:** It is a celebrated dogma of socio-legal studies that social change and legal change cannot be isolated phenomena in social production. The dogma is too deep-seated that the epistemology of socio-legal studies became awfully singular apropos of the modalities of change, establishing the credo that the only mode of social change is legal change. This article challenges the said dogma by building a case against the singular modality of social change—the case of the organic farming revolution and the social changes caused by that revolution in the Southern Indian state of Kerala. The case study questions the conventionality that legal change is a prerequisite for social change and establishes that social change can happen in ways other than through legal change. It asserts that neither law is the sole causal agent for social change nor does law undergo a major transformation alongside social change. Finally, the article builds a new theory of social revolution and change that not only restructures our understanding of social change but also prompts us to reflect on the role of law in causing social transformations.

*Keywords: Socio-Legal Studies, Revolution in the Southern Indian state of Kerala, Social and Legal Change*

**Full Text**

Sannoy Das


**Abstract:** This article deals with one among the many significant issues with the World Trade Organization (WTO) Agreement on Agriculture that brought trade negotiations during the Doha Round to a standstill; and it continuous to remain contentious. The genesis of the conflict lies in a proposal to amend the Agreement to exclude certain policies of price support, given by developing countries to answer their food security goals, from the disciplines of the Agreement. The issue has thrown into sharp relief the overall conflict between development oriented goals and trade liberalization within the WTO legal order. This article posits that the most significant opposition to the amendment pretends to be economic in content, while masking an obviously political nature. In order to unmask this, the article investigates some theoretical foundations of subsidy regulation in WTO law, and particularly attacks the concept of distortion which is frequently used to classify subsidies. This article aims to show that as a theoretical matter, the amendment to Agreement on Agriculture is not perniciously trade-distorting as has been projected, and that developing countries can stake legitimate claim to have such amendment passed. Finally, through such argument, the article aims to place the conflict between two normative ideals, trade liberalization and food security in proper perspective.

*Keywords: Food Security, WTO & Agriculture Products, Doha Round Negotiation*

**Full Text**
Shivprasad Swaminathan


**Abstract:** Since Dunlop Pneumatic Tyre Co v New Garage Motors (1915), the law pertaining to the enforceability of stipulated contractual sums in most of the common law world has revolved around the dichotomy between unenforceable penalties that are in terrorem on the one hand and enforceable liquidated damages that are genuine pre-estimates of loss, on the other. The United Kingdom Supreme Court took up the Dunlop test for reconsideration in *Cavendish Square Holding BV v Talal El Makdessi and ParkingEye Limited v Beavis* (2015). While on the surface the court ‘upheld’ the penalties rule in Dunlop, in quintessentially common law fashion, it recast it in such a manner that the old rule survives only in name. It renders otiose the enquiry into whether any stipulation is a genuine pre-estimate and hence a liquidated damages clause and redefines a penalty as a stipulation that is unconscionable in relation to the ‘interest’ protected, whether or not in terrorem. Practically, the new test operates as a test of ‘reasonableness’ of stipulated sums would. Theoretically, however, the new test continues to rest on a questionable distinction between primary and secondary obligations.

**Keywords:** Agreed sum, Genuine pre-estimate of loss, Liquidated damages, Penalties

Full Text


**Abstract:** AV Dicey treated amending power in written constitutions as an adjunct of sovereignty and he treated the body charged with the power of amending the constitution as the repository of sovereignty in the system – not any different in quality from the paradigm: the British Parliament. Debates of a piece with those surrounding parliamentary sovereignty reincarnate in systems with written constitutions as debates about the amending body’s power to amend the written constitution. This essay examines the points of contiguity between the debates about sovereignty in the unalloyed form they take in the British model and that of amending power in India and the methods of limiting parliamentary omnipotence adopted by the two systems. It will be argued that although for a while the Diceyan notion of parliamentary sovereignty reigned supreme, eventually India embraced a view of implied limitations on amending power qualitatively akin to common law constitutionalism that places implied limits on parliamentary sovereignty.

**Keywords:** Sovereignty, Constitutionalism, Slumber

Full Text

Vesselin Popovski


**Abstract:** No other issue in the history of global governance has so often been discussed with so little progress being made as the reform of the UN Security Council. This article
examines the attempts to improve the composition and the working methods of the Security, presents and evaluates the latest proposals for reform, such as a new category of extended renewable membership and a code of conduct restraining from veto in situations of mass atrocities, and concludes by making forward-looking suggestions, including a win-win formula (8+8+8) for composition of the Council that unifies the interests of all countries and regions in the world.

**Keywords:** Reform at the UN Security Council, UN Security Council, Win-win Formula, Proposals for Reform on UN Council, Peace and Security, Veto in UN Council

[Full Text](#)


Abstract: This article examines the failure of the Nigerian government to exercise its responsibility to protect (R2P) populations from mass atrocities in the wake of Boko Haram’s violent and persistent attacks against civilians in north-east Nigeria. After the abduction of 276 schoolgirls on 14 April 2014, the affected communities engaged directly in protecting their villages and families. Another murderous and devastating attack on Baga in January 2015 and the abduction of over 400 women in Damasak in March 2015 continued to expose the governmental failure to protect people at risk of losing their lives. This article examines the dynamics of the people’s response to the crisis and investigates whether this response could be conceptually defined as a ‘fourth pillar’ of R2P, when a state – even in collaboration with the international community - is unable to live up to its R2P. Certainly, such a phantom ‘fourth pillar’ is symbolic and should not be used in any way by governments to re-delegate their first pillar primary R2P.

**Keywords:** Nigeria, Boko Haram, Mass atrocities, Terrorism, Civil response, Abduction

[Full Text](#)

Vik Kanwar


Abstract: This chapter surveys whether and how courts in India apply VCLT rules, particularly Articles 31–33, when they interpret treaties. It looks at both adherence to Vienna rules (either through nominal adherence or corresponding methods) and coherence of interpretive principles across different cases and settings. Insofar as India is not a signatory to the VCLT, the use of similar rules can be viewed as either application of customary international law or the adoption of convenient guidelines. The VCLT is referred to most frequently in cases involving the interpretation of Double Taxation Avoidance Agreements (DTAAs), and it is asked whether this constitutes a specialized regime or whether these should be taken as an indication of a general approach within India.

**Keywords:** Treaty interpretation in India, Double Taxation Avoidance Agreements

[Full Text](#)
Abstract: Modern-day business environment of healthcare organizations demands the maximization of operational effectiveness and quality with optimal cost. Therefore, healthcare executives are often required to make difficult decisions based on subjective experience and judgement. An example of such a decision is scheduling of resources to fulfill demand for service. The effective use of statistical forecasting can lead to better personnel scheduling decisions based on estimates of patient arrival rates, resulting in improvement in quality of service as well as reduction of cost. The purpose of this article is to demonstrate the typical steps involved in applying forecasting techniques in patient care: This demonstration involves use of statistical techniques like Analysis of Variance (ANOVA) to identify factors driving demand, and Auto Regressive Integrated Moving Average (ARIMA) to develop a forecasting model for optimal staff scheduling in healthcare organizations based on patient arrival rates. The models are developed and subsequently tested on a set of real data gathered from a regional hospital located in the US. Statistically significant difference in average patient count was found among different days of the week. The findings of the research suggests that resources like cleaning personnel can be better utilized by allocating different proportions of resources to different parts of the week, based on the understanding of different patient load over these time periods.

Keywords: Forecasting, Time series forecasting, Staff scheduling, Healthcare organization

Full Text


Abstract: The purpose of this paper is to examine the effect of small and medium enterprises (SMEs)’ supply chain network on influencing credit quality, or more specifically, whether bridging tie (structural network) or strong tie (relational network) of SMEs in the supply chain can improve the availability of equity and debt capital through information sharing.

Keywords: Information sharing, Supply chain network, Bridging ties, SMEs credit quality

Full Text


Abstract: The globalisation process has foisted unexpected competitive pressures on firms across the globe. The nature of competitive pressures and firms' responses to those pressures vary across countries, regions, sectors and firm size. While there is a robust literature on the strategies used by large firms to manage competitive pressures, it is unclear how competitive pressures affect small and microenterprises (SMEs) and their strategic response to the challenges posed by globalisation. Using qualitative and quantitative
evidence gathered from over 100 SMEs during a 10-year period, this paper provides insight into how small manufacturing firms in the United States respond to competitive pressures. The paper reveals that the responses have been mixed and that a majority of SMEs do not have strategic toolkits for managing competitive pressures. Using logit regressions, the paper identifies firm age and size as the most significant determinants of the ability of SMEs to survive adverse competitive shocks.

**Keywords:** Manufacturing Clusters, Competitive Pressures, Globalisation, Micro Enterprises, Manufacturing Industry, Strategic Management

**Full Text**

**Brajesh Kumar**


**Abstract:** (NCY). It asserts that the positive NCY should have higher volatility as compared to negative NCY. This paper investigates asymmetric volatility behavior of NCY in Indian commodity futures markets. We model NCY as EGARCH process which captures the asymmetry in volatility of the series. The mean equation of NCY is modeled as autoregressive process with month and period dummies. We also include volatility of the spot prices as explanatory variable. Our results of the asymmetric behavior of NCY indicate that the theory of storage is not valid in Indian commodities market. In most of the agricultural commodities, we do not find asymmetric behavior; the negative shock to NCY increases the volatility of NCY rather than decreasing it. This result contradicts the implications of the theory of storage. In other words, when the spot prices are higher than the futures prices (backwardation), the volatility of spread is higher than volatility of spread when spot prices are lower than the futures prices. Only in case of crude oil, positive NCY has higher volatility than negative NCY.

**Keywords:** Convenience yield, Asymmetric volatility, EGARCH, Indian Commodity Futures Markets, The theory of storage

**Full Text**

**Krishan Kumar Pandey**


**Abstract:** The purpose of this chapter is to identify the dimensions of green supply chain and their impact on manufacturing practices. In this study, the authors used two extended strategies. First thorough review of literature was done considering articles from reputed journals. Second the factors identified from literature review was further refined through experts by forming a problem solving group consisting of seven experts from the manufacturing sector. These factors were used to develop the green supply chain management model using Interpretive structural modeling. Further MICMAC analysis was used to identify the driving and dependence power of the factors. The results of the analysis are very encouraging.
Finally, the authors have presented the relationship management strategy for sustainable manufacturing practices.

*Keywords: Manufacturing Practice, Green Supply Chain Management*

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**Rajesh Chakrabarti**


*Keywords: Financial markets-India, Monetary policies-India, Monetary transmission, Investment finance*

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Chakrabarti, Rajesh. (2016). *Show me the cash: direct cash transfers in India*. In De, Suprio. India’s fiscal policy, New York: Cambridge University Press, pp.182-210

**Abstract:** This chapter seeks to understand the nature and implications of the Direct Cash Transfer programs being considered and experimented with in India, particularly in light of the experience elsewhere. The chapter is structured in five distinct sections: the issues about direct cash transfers raised in the theoretical literature in the area of public finance; existing subsidy and — kind transfer schemes; the experience with direct cash transfers around the world; the political and social impact; and finally the first hesitant steps of India in this direction.

*Keywords: Fiscal policy, Direct cash transfer, India*

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**Abstract:** Sahaj e-Village Limited, an initiative of SREI Infrastructure Finance Ltd, hoped to answer the need of the Indian government's National e-Governance Plan (NeGP) to set up 100,000 Common Service Centres (CSCs) across rural India in 2006. This figure was subsequently revised to 250,000 CSCs in 2009. Sahaj aimed to bridge the digital divide between urban and rural India and set up one of the largest brick and mortar --and human --networks in rural India. With close to 27,000 IT-backed centers in villages with a population of less than 10,000 and 50 critical services in the domains of micro insurance, education, utility and government-to-citizen (G2C) services to over 300,000,000 rural people, Sahaj e-Village was literally taking urban services to the remotest nooks of rural India. Sahaj CSCs would provide rural consumers with direct access to modern, state-of-the-art technological facilities and computer education, thus dovetailing with its long-term plans of providing Internet connectivity across rural India. Case A, set in July 2010, presents the tough challenge that the top management at Sahaj e-Village Ltd had on its hands. It was serving a virtually untouched rural market through a greenfield project with a jittery workforce in place and was justifiably concerned about the viability and sustainability of the business.

*Keywords: E-Governance project, Rural kiosks*
Saroj Koul


Abstract: Electronic delivery for cash transfers has re-engineered governance mechanism and the potential for efficient social protection policy for the world's poor. Aadhaar of India directly transfers money in poor's savings-linked bank account, bringing forward a new relationship between social protection policy and financial inclusion. Aadhaar, based on asset theory and its vision to reduce poverty in India through cash transfer provides incentive to recipient to save for financial wellbeing and to invest in human capital development. The aim in this paper is to explore if Financial Literacy would help in the effective implementation of Aadhaar and help poor move away from poverty.

Keywords: Financial Literacy, Financial Inclusion, Financial Education, Cash Transfers, Aadhaar, India


Abstract: Hydrocarbon resources represent a cardinal source of energy. Numerous studies have employed the system dynamics (SD) approach for hydrocarbon resources modelling. This paper reviews relevant literature, discusses the concept of uncertainty in SD-based modelling for energy resources estimation, and summarizes methods used to manage uncertainty. Although the SD methodology has the capability to manage uncertainties on a stand-alone basis, it is insufficient for handling dynamically complex issues characterized by several high levels of uncertainties, known as deep uncertainties. Augmentation with multi-method approaches improves the thoroughness of analysis and allows evaluation of many different policy options. We also highlight topics for researchers, policy makers, and energy planners who are faced with the responsibility of making policy decisions in the face of uncertainty.

Keywords: System dynamics, Uncertainty management, Hydrocarbon resources, Unconventional resources, Policy planning


Abstract: This paper presents an analytical hierarchy process (AHP)-based quantitative framework to help a logistics provider rank prospective partner original equipment manufacturer (OEM) companies with the view of optimising its business development approach in the fast moving consumer goods (FMCG) sector. Key decision-making factors are identified using primary and secondary research. A total score is calculated for each OEM company and this ranking is used to identify which OEMs a third-party logistics (3PL) provider should align with. 3PL providers can use this framework to prioritise their business developments efforts and to focus on the right clientele to achieve profitable and sustainable growth. The
value of this paper lies in identifying the critical decision making factors that drive the business and its logistics functions.

*Keywords: Analytical hierarchy process, AHP, Quantitative modelling, Third party logistics, 3PL, Original equipment manufacturers, OEMs, Fast moving consumer goods, FMCG, Profitable clientele, Sustainable growth*
Deepanshu Mohan


**Abstract:** In April 2016 it was reported that the Japan International Cooperation Agency (JICA) decided not to invest in the development of the Imphal-Jiribam and Imphal-Kohima highways (which link Manipur to Assam and Nagaland respectively) due to a law and order situation. The JICA was originally supposed to invest approx. 740$ million in the project but ultimately stalled it due to the increase in frequency of attacks across the conflict affected borderland areas of the North East (India). The nature of these attacks includes destruction of construction and property, abduction of laborers, contractors and the destruction of machinery. It’s important to study the economic impact of such incidents have in the long run, which is usually difficult to measure and goes well beyond the immediate loss in monetary terms. It is much more difficult to quantify the overall losses of future benefits that would have accrued if the highways were expanded and substantively improved.

**Keywords:** Conflict theories, Conflict analysis, Armed conflicts

**Full Text**

Karin Costa Vazquez


**Keywords:** South-South Cooperation, Sustainable Development, Sustainable Development Goals, Climate change adaptation, Technology Transfer, Water, Agriculture

**Full Text**


**Abstract:** Advancing South-South Cooperation in Education and Skills Development: lessons from the field - Recognizing the transformations in the world economy and the priorities of developing countries, education and skills development were placed at the core of the 2030 Development Agenda. In Africa, the African Union’s ‘Agenda 2063, the Africa we want,’ clearly articulates the need for an education and skills revolution. The importance of education and skills development is again expressed in the Common African Position on the Post-2015 Development Agenda and the Program for Infrastructure Development in Africa. The experience of other countries from the South can help Africa, in particular Middle-Income Countries (MICs) and other countries transitioning to middle-income status, to implement the Sustainable Development Goals (SDGs) in education and skills development. Like these countries, Brazil and India are also striving to narrow the skills gap and enhance links among education and skills development,
industries and labour markets. Building on their domestic experience, Brazil and India can offer locally relevant approaches to advancing education and skills development in the African continent. The study examines the enabling factors and lessons learned by Brazilian and Indian cooperation in Africa to implement the SDGs in education and skills development. By looking at two case studies, one focusing on Brazil’s engagement in Angola through the Cazenga Vocational Centre and the other considering India’s approach to education and skills development in Africa, the study argues that some of the main distinguishing features of SSC lie in the practices, processes and relations that are built during development partnerships. Horizontality and capacity development were found to be the main enablers of Brazilian and Indian cooperation in education and skills development in Africa. The experiences further offer innovative approaches to capacity development and some of the first examples of public-private partnerships in South-South cooperation. Looking ahead, the study highlights that the following additional enablers of Brazilian and Indian cooperation in education and skills development in Africa should be enhanced: national ownership, inclusive partnerships, and citizens’ protection and empowerment. The study further clarifies the need to explore complementarities between initiatives targeted at education and skills development as well as to establish national certification systems for deepening links with local industries and labour markets. Finally, the study stresses that the more South-South cooperation (SSC) experiences in different development sectors are systematized based on common frameworks of analysis, the more that societies and policymakers can learn from the different approaches and instruments used to scale up efforts and implement the SDGs. Southern-led policy coalitions like the BRICS (through the New Development Bank) and the African Union (AU) also have an important role to play in advancing the implementation of the SDGs, by creating specific knowledge exchange and financing mechanisms to address the intersectoral nature of the post-2030 sustainable development agenda.

Keywords: South-South Cooperation, Sustainable Development, Sustainable Development Goals, Education, Capacity Development, Angola, India, Brazil, NeST, Network of Southern, Think Tanks.

Full Text


Abstract: As an emerging development partner, China has been steering efforts to more effectively deliver its foreign aid. This report examines and compares the development cooperation modalities and management systems of China and six other countries: Brazil, India, Japan, the United Arab Emirates, the United Kingdom and the United States, drawing policy recommendations for improving the effectiveness of China’s foreign aid.

Keywords: China, aid, foreign aid, development cooperation, South-South Cooperation, effectiveness

Full Text

Samrat Sinha


Abstract: This book examines the methodological problems of accounting for the dead in armed conflicts as well as how the process itself is open to manipulation and controversy. Inspired by the work of the International Practitioner Network of casualty recording organizations, the book features thematic analysis, case studies and historical discussion on the use of the
body count towards political, humanitarian and military ends. The book begins with a strategic analysis of the body count that introduces a general discussion on the measurement of war violence; its treatment by the media, humanitarian organizations, governments and the military; and its legal and political implications. It then examines the accounting for civilian war casualties in past and future conflicts, investigates the way the International Committee of the Red Cross has dealt with the issue of missing persons and the identification of dead bodies in armed conflicts, and explores the role of statistics in aid policy debates, especially in regards to humanitarian workers. Next, the book details the field of casualty recording as practiced by civil society organizations, with insights from a study of 40 practitioners. It also features narrative case studies that detail the ways human losses were documented during recent conflicts in Northeastern India (2006-2009) and Croatia (1991-1995). In addition, one case study looks at the usefulness of casualty recording in engaging policymakers on the impacts of particular technologies of violence. This book offers an insightful investigation into violence, statistics and the politics of accounting for the dead. It will appeal to a broad audience of policy-makers, human rights activists, humanitarian practitioners as well as academics.

Keywords: Armed conflict, Security/Law enforcement, War violence, Red Cross

Full Text


**Abstract**: The humanitarian emergency which occurred in the aftermath of the 2012 violence between Bodos and Bengali Muslims (in which more than 100 people were killed) was a crisis of immense magnitude and stretched the existing response mechanisms. According to the data provided by the Assam State Disaster Management Authority (ASDMA), the peak of the crisis witnessed 485,921 persons displaced (in September 2012) with 246,582 persons residing in “formal” relief camps. The duration of the emergency can be gauged by the fact that as of January 31, 2013, there were still 38,959 persons still residing in “formal” camps. These camps were ethnically segregated with Bodos and Muslims residing separately.

Keywords: Bodos and Bengali Muslims

Full Text


**Abstract**: The state of Manipur, located in the Northeastern region of India has witnessed an extremely complex insurgency as well as decades of civil strife beginning in the mid-1960s. There are currently 35 ethnically organized active armed groups present in the state. While violence occurs on an everyday basis no attempt was made to measure its direction, volume or intensity. As a consequence very little information exists on the civilian consequences of the insurgency, as the violence was assumed to be primarily between armed state and non-state actors. An attempt was therefore made to disaggregate data on incidences of insurgency related violence by creating a micro-level historical record of 2538 events for the years 2008–2009. The database was created by recording insurgency related events that were reported in Manipuri newspapers over a two-year period. The findings indicate that civilian non-combatants bear a disproportionate burden of the armed conflict in the state of Manipur, especially in terms of injuries. The data also reveals that a majority of civilian casualties occurred as a result of deliberate actions by “unknown” perpetrators. The database documents 1010 fatalities and 416 injury victims in the years of study, an estimate much higher than official records for the same years. The paper underscores the value of the systematic monitoring of all available local newspapers in conflict zones for reports on violence as a means of analyzing the societal burdens of violence. The paper argues that the monitoring of local media
sources provide a useful mechanism for the monitoring of casualty data in regions experiencing protracted localized insurgencies; especially, where violence is underreported at the national and international level.

**Keywords:** Insurgency in Manipur, Armed conflict, Northeastern India, Manipur insurgency, Casualty recording, Casualty data, Regional newspapers

**Full Text**

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**Rajdeep Pakanati**


**Abstract:** This article attempts to focus on India's domestic debate over China's behavior in the Indian Ocean. For first introduced the basic knowledge of India and China on the Indian Ocean region (IOR). This is for understanding India's domestic understanding of the Indian Ocean is essential. Then the author described the Indian Parliament to China the debate over the activities of the Indian Ocean, with particular emphasis on the interpretation of different members of the parliament (MPs) on this activity and questions, as well as the Indian government's response. Finally, the author analyzes the world's largest circulation of English newspaper paper - "India Times" in the past few years on this issue to explain the views of India's domestic. By studying the views and views of Indian domestic think tanks and research institutions that are more concerned with China, Out of their own conclusions.

**Keywords:** India China Relations, China and Indian Ocean, International Relations

**Full Text**

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**Raghav Sharma**


**Abstract:** Ethnic and tribal loyalties in Afghanistan provided the lethal cocktail for the violent conflict that engulfed the country following the collapse of the Soviet backed government in 1992. The ensuing fighting between mujahideen groups paved the way for the tectonic social and political shifts, which continue to shape events today. What accounts for the emergence of ethnicity, as the main cause of conflict in Afghanistan? What moved people to respond with such fervour and intensity to calls for ethnic solidarity? This book attempts to make sense of ethnicity’s decisive role in Afghanistan through a comprehensive exploration of its nature and perception. Based on new data, generated through interviews, field notes and participant observations, Sharma maps the increased role of ethnicity in Afghan national politics. Key social, political and historical processes that facilitated its emergence as the pre-dominant fault-line of conflict are explored, moving away from grand political and military narrative to instead engage with zones of conflict as social spaces. This book will be of interest to students and scholars working in politics, ethnic studies and security studies.

**Keywords:** Afghanistan, South Asia, Conflict, Ethnic Conflict, Political Islam

**Full Text**
Arun Kumar Kaushik


Abstract: The paper investigates the optimal scope of trade secrets law. In the model, one innovative firm invests resources first to produce knowledge, and then to protect it from unwanted disclosure. A rival firm invests to ferret out this knowledge. Trade secrets law affects this "secrecy contest" by reducing the probability of unwanted disclosure given the efforts of the parties. We show how optimal trade secrets policy depends on structural market features and cost parameters. In the final section, we consider the limit case in which the innovation lies on the face of the product, and derive the optimal scope of legal provisions preventing copycat imitation of products (unfair competition, passing off).

Keywords: Trade secrets law, Unfair competition, Parasitic competition, Slavish imitation.

Full Text


Abstract: This paper analyses the implications of political factors on provision of public goods by state governments in India. Using data on state governments’ expenditure and constituency results of states' Legislative Assembly elections during the period 1971–2005, it demonstrates that the greater the spread of ruling party's strength across legislative constituencies in a state, the higher the share of developmental expenditure in revenue budget. It also documents that the share of developmental expenditure in revenue budgets is positively associated with voter turnout and with a change in the political party in power. Interestingly, delivery of public goods in a state does not appear to have any significant relation to the form of the government – single party or coalition. It also shows that economic liberalization has reduced governments’ responsiveness to provision of public goods.

Keywords: Revenue Budget Allocation, Developmental Expenditure, Public Goods, State Government, Political Factors.

Full Text

Sriroop Chaudhuri


Abstract: Objective of this study was to reconnoitre existing rural water supply infrastructure in West Bengal between 2009 and 2014, which is indispensable for laying out the strategies for sustainable water management and human development but currently is lacking. Results indicated
that West Bengal ranked 21st in India in 2014 in terms of receiving ‘full coverage’ (FC: 40 litres of piped water supply per capita per day; lpcd) as compared to 11th in 2009. In districts of Bardhaman, Birbhum, Cooch Bihar, Hoogli, Puruliya, Dinajpur, over three-fourth of blocks lacked FC in over 50% of rural habitations. Additionally, in 14 districts water supply services have ‘slipped-back’ between 2012 and 2014: dropping from 40 lpcd (FC) to <40 lpcd, which challenges well-being of a vast cross-section of populace. Overall, the study indicated growing concerns that need to be addressed with region-specific knowledge of natural and human-induced factors. Such studies should also be performed in other parts of India, threatened by similar ‘inadequacies’.

Keywords: National Rural Drinking Water Supply (NRDWP), Slip-back, Spatial, Water source, Sustainable development, Operation and maintenance

Full Text
Manjushree Palit

Abstract: This chapter demonstrates how collaborative concepts allowed us to connect therapeutically across differences in our work with women and children refugees who had experienced atrocities of war in their home country or spent time in refugee camps, and were now adjusting to a new culture in Houston, Texas. Using the philosophical underpinnings of collaborative therapy, including the creation of a dialogical space, the concept of client as expert, and the not-knowing stance, we were sensitive to the needs of the refugee women and children and successfully established a therapeutic alliance and collaboratively developed goals for group therapy, keeping in mind the needs of the population in the course of therapy.

Keywords: Collaborative therapy, Refugee families, Collaborative practices, Group therapy, Therapeutic work

Sanjeev P. Sahni

Abstract: This chapter revolves around the idea that movie and software piracy is rampant in India. Reports concerning India suggest increasing rates of piracy with direct consequences leading up to economic loss. These reports, however, are limited to private assessments of piracy in a country. There are limited resources at a governmental level to suggest the level of piracy. Therefore, piracy as it stands in the movie and the software industry in India must be understood through the lens of private initiatives. Without going into the obvious questions surrounding the issue of methods followed in these reports to the questions as to consistency in relation to the findings, this chapter engages with the recent measures that have been considered in the movie and software industry. Although these methods have been believed to be useful in curbing piracy, their utility can be further questioned in the absence of adequate data about digital piracy. There is no reliable data to suggest and gauge increase or decrease the level of piracy in movie and software industry. The chapter concludes on a note that there is not enough evidence to connect piracy to the measures and the measures to the possible rates of piracy. It is necessary to engage in ascertaining the real dangers and the possible remedial measures to deter possible pirates.

Keywords: Movie piracy, Software piracy, Private sector, Remedies

Abstract: Infectious diseases resulting in pandemics remain one of the biggest threats to the wellbeing of the human race. Apart from physiological damage, pandemics have an adverse psychological impact on the victim. The purpose of this paper is to explore the potential psychological and behavioral reactions of H1N1 swine flu pandemic in India. 50 individuals residing in India were studied in two equivalent groups. The authors performed a comparative analysis of 25 individuals impacted by the H1N1 swine flu pandemic while other group was not impacted by H1N1 swine flu. Two standardized self-report questionnaires were administered to these groups in order to measure the level of stress and fear of personal death. Descriptive statistical analysis was used (mean and standard deviation) and two sample t-test was employed and results indicated that there was a statistically significant difference in level of stress and fear of personal death between the impacted and non-impacted groups.

Keywords: H1N1 Swine Flu, psychological impact, Pandemics, Infectious Diseases

Full Text


Abstract: Until the 20th century, there has been more consideration of the rights of the accused than those of the victims. Even with the advent of the victimology movement, changes have been minimal for the marginalized community of victims and their families. In 2009, the addition of Section 357 to the Indian Criminal Procedure Code mandates that the State grant compensation to the victims of crime, but the execution of these schemes in practicality remains impaired by procedural loopholes and territorial applicability. The authors of this book undertake a global policy analysis in the arena of victim assistance in comparison to the one in India and suggests certain legislative reforms for consideration of our policy analysts, lawmakers and victim rights activists. The book, Victims' Assistance in India is an outstanding work that underlines the plight of the victims of crime and abuse of power who ought to be at the centre of the criminal justice system. It is a welcome initiative that will be valuable for all stakeholders in the justice system. Hon'ble Justice Mr. Arjan K. Sikri Supreme Court of India

Keywords: Victimology, Section 357, Victim assistance, India

Full Text
Jindal School of Government and Public Policy

Harsimran Kalra


Abstract: The Bombay High Court's judgment that second wives can claim retirement benefits of the deceased husband is a step in the right direction. What role do informal justice systems, which focus on restorative justice, play in protecting the rights of second wives?

Keywords: Hindu Succession Law, Hindu Women: succession

Full Text

Rajeev Malhotra


Keywords: Tax mobilization, Inclusive development, Tax system, India, Public goods

Full Text
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