

MAHARAJA AGRASEN INSTITUTE OF MANAGEMENT STUDIES



(A Unit of Maharaja Agrasen Technical Education Society)
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Campus: Maharaja Agrasen Chowk, Sector-22, Rohini, Delhi-110086 INDIA
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DEPARTMENT OF LAW

Under the Aegis of IQAC

in association with

Maharaja Agrasen School of Law

Maharaja Agrasen University, Baddi, H.P.

presents

Faculty Development Programme

on

CHANGING ASPECTS OF LAW AND TEACHING PEDAGOGY IN CONTEMPORARY INDIA

29th July - 4th August 2021

10:00 am - 4:30 pm

Mode: Zoom



DR. NAND KISHORE GARG
Founder and Chief Advisor, MATES
Chancellor, MAU, Baddi, HP



MAIMS DELHI IN



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Courses Offered: BBA, B Com (Hons), BA (Eco) (H), BA (JMC), BALLB	

Reports of Various sessions of the Faculty Development Program (29th July 2021 to 4th August 2021)

A Faculty Development Program was organised by the Department of Law, Maharaja Agrasen Institute of Management Studies from 29th July 2021 to 4th August 2021. The theme of the FDP was “**Changing Aspects of Law and Teaching Pedagogy in Contemporary India**”. Its purpose was not just to facilitate upgradation of Knowledge and skills in the area of research in law but also to help participants stay motivated and updated about the diverse teaching methods developed during the and due to the pandemic situation.

A total of sixteen sessions were conducted by academicians and experts of repute in their particular fields. The topics covered ranged from Research methodology to Emerging Learnings in Criminal Law, IPR and Cyber Law, OTT and Health Laws to Energy laws and ADR.

Session wise report of the FDP is as follows:

DAY 1 : 29th July 2021

Theme : Research Methodology

SESSION 1 : “Outcome Based Pedagogy in Research”

Time : 12.30 PM to 2 PM

Speaker :Prof. (Dr.) Manoj Kumar Sinha



The resource person of the first session was Prof.(Dr.) Manoj Kumar Sinha who is the Director of the Indian law Institute, New Delhi and the topic was ” Outcome Based Pedagogy in Research”.

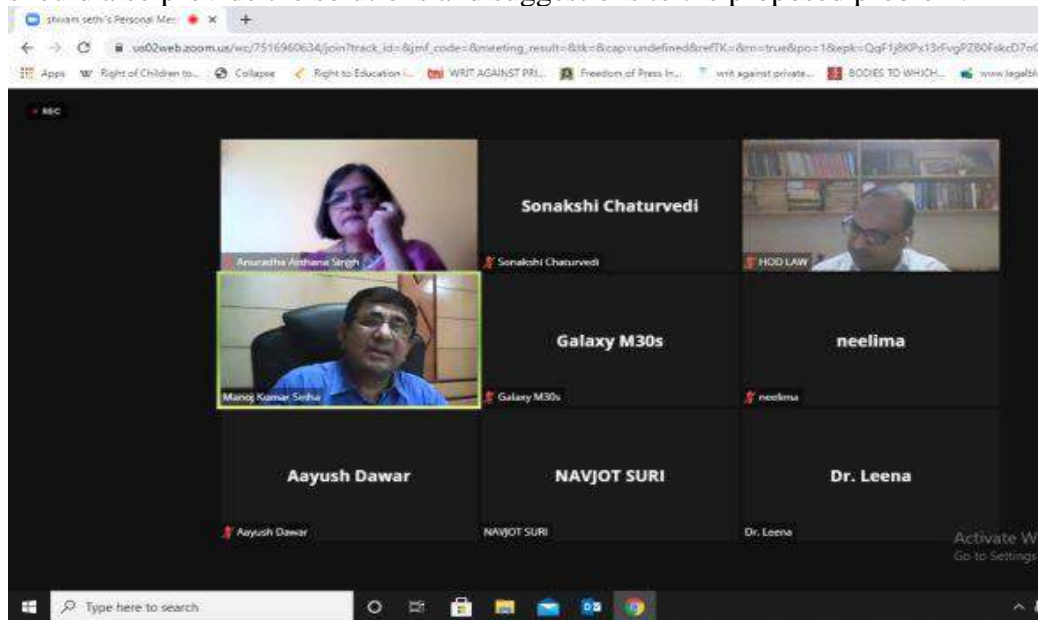
Prof. Sinha has also served as the Professor of Law in West Bengal National University of Juridical Sciences, Kolkata. Prof. Sinha has done his Ph.D. in International Law from Jawaharlal Nehru University, New Delhi, LL.M. from University of Nottingham and LL.B. from University of Delhi.

The session started at 12.30 P.M. on the virtual platform Zoom where the esteemed speaker was welcomed by the Faculty Coordinator - Dr. Anuradha Asthana. There were over 50 participants belonging to varied backgrounds ranging from students to research scholars to academicians to lawyers etc.

Prof. (Dr.) Manoj Kumar Sinha emphasised the significance of ‘Outcome’ in research Methodology. Prof. Sinha explained that it is essential to identify what is the attainable goal or in simpler terms what the researcher wishes to achieve by conducting the said research. He enlightened the participants by giving the example of the Nirbhaya Case where one of the boys who was involved in the gruesome crime was released in 2015 and various stakeholders, institutes i.e. governmental and non- governmental organisations etc. raised grave concerns that there exists a “gap” in the said law and it needs to be modified. Sir also highlighted the present scenario and the development of the vaccine i.e. the outcome that was necessary in order to curb and arrest the spread of the COVID-19 is the vaccine. According to Prof. Sinha ‘outcome’ should be applied simultaneously in research as well as in teaching i.e. to say that teaching and research are interlinked with each other and the more a teacher conducts research, the better can be their style. Prof. Sinha deliberated on various approaches of research which can be adopted in order to achieve the ‘defined goal’ and was of the firm opinion that research should not be seen in isolation. The focus of the research should be that there must be contribution in the form of outcome in the existing knowledge. The outcome must be the immediate solution to the particular problem. According to Prof. Sinha, the ‘inquisitiveness’ of the researcher can help them reach the desired goal and they should always have the quest for knowledge and should always be ‘investigating’.

Prof. Sinha also discussed that Public Interest Litigation has addressed various issues that were raised by the citizens due to the gaps that exist in the society that have been thoroughly researched by the people. PIL is also known as Social Action Litigation and has served the purpose of an 'outcome' as different issues like – bonded labour, environmental concerns, conditions of prisons etc. were dealt by PIL which has led to a fruitful outcome and has introduced various changes in the legal system. Two indispensable aspects which are important to conduct the research effectively are first, the Inquisitiveness and Openness of the researcher i.e. to say the eagerness to know more and also to learn more. The second aspect includes the ability to inquire and investigate into the research problems efficiently in order to reach the outcome.

Sir also emphasised that the research title should be self-explanatory and should be clear and precise. The research questions should be linked with the research problems and the research should also provide the solutions and suggestions to the proposed problem.



The session was open to questions by the participants after Prof. Sinha comprehensively explained the Outcome Based Pedagogy in research and gave wider insights into the topic. Sir systematically addressed the questions raised by the participants. The session came to an end after the question-answer round.

DAY 1 : 29th July 2021

Theme : Research Methodology

SESSION 2 : “Interdisciplinary Research”

Time : 3 PM to 4.30 PM

Speaker :Prof.(Dr.) Amar Pal Singh

Session II: Interdisciplinary Research

The second session of the FDP started at 3 PM on 29th July 2021. Topic of the session was “Interdisciplinary Research” and the speaker was Prof.(Dr.) Amar Pal Singh, Dean, USLLS, Guru Gobind Singh Indraprastha University.

Prof. (Dr.) Amar Pal Singh has more than 20 years of teaching experience. He has received 8 Months Scholarship for undergoing the Course on LL.M. (Legal Theory) from European Academy of Legal Theory, Brussels, Belgium during the session 2002-2003. He is a Life Member of, Indian Law Institute, New Delhi and Indian Institute of Public Administration, New Delhi.

The session started at 3.00 P.M. on the virtual platform Zoom where the esteemed speaker was welcomed by the Faculty Coordinator -Ms. Purnima Gupta, Faculty, Department of Law. There were over 50 participants belonging to varied backgrounds ranging from students to research scholars to academicians to lawyers etc.

Prof. Singh explained that 'research' cannot be learnt and has to be understood i.e. to say that it is a set of skills and has to be cultivated by carefully conducting it. He highlighted the New Education Policy (NEP) which marks the one-year anniversary on 29th July 2021 and discussed various aspects of the said policy. Sir also explained the wide variety of challenges that NEP faces in order to uplift the society and help the nation to grow and sustain into a large and vibrant economy. These challenges require top notch scientific research and deep understanding of humanities and social sciences. Art, culture, history and linguistic traditions require a high level of research and innovation. The National Education Policy also lays down that the Higher Education Institution (HEI) cannot survive today without quality research.

Prof. Singh briefly explained the reforms that the NEP focuses on and aims to achieve in the upcoming years with the help of its guiding principles which focuses on holistic learning and multidisciplinary research. These reforms include multiple entries and exit in UG/PG programs, multidisciplinary education which includes the flexibility of subjects in the undergraduate and postgraduate programs, installation of MERU i.e. Model Multidisciplinary Research University in or near every district in order to promote Interdisciplinary education and comprehensive learning. The National Education Policy aims to cultivate the research culture by providing a comprehensive approach towards education. The National Research Foundation lays down various functions like providing funds to peer reviewed grant proposals, seed, grow and facilitate research in HEIs etc.

Sir deliberated upon the impact that the lack of research in the legal discipline in general and interdisciplinary research leads to and therefore policies and legislations on various issues do not lead to the desired outcome. The implementation of these policies also fails due to the wide gap in legal and social narratives. Sir explained this by giving the example of Dowry Prohibition Act,1961 and Prohibition of Child Marriage Act,2006 but these issues continue to exist in the society due to the gap in social and legal dimensions. This also occurs due to the lack of research in the policy area where the researcher seeks to create a law. Prof. Singh succinctly gave examples of various laws which are existing in our societies but are not relevant to the present times as they are not familiar with the ground realities i.e. to say Mining Sector wherein there exists laws that were made in 1950s but the model that is being followed is nowhere close to the 21st century where the economic development and benefit can be extracted out. The other areas that Sir briefly explained included –Energy Sector, Banking sector, Labour Market and Labour Laws, Linguistics and Semiotics etc. However, the ground situation remains to be hazy and there is not much research that is being conducted. Prof. Singh laid emphasis that despite new codes that are introduced in the Labour Sector, the old laws will still remain in existence. In terms of Linguistics and Semiotics, Sir explained that even after India's diverse culture and ethnicity where there are 22 official languages and almost 2000 dialects, no research as such has been conducted in order to grow this area exponentially which will lead to enormous possibilities of legal realities.

Prof. Singh made some concluding observations where he critically analysed that the Law school teachers have developed a vested interest for outdated laws. He also emphasized that even though Law schools have the potential for extensive research, it has remained unexplored and the legal research has not been properly 'articulated' or 'nourished' in law schools.

The session was open for the query of participants that were addressed by Prof. Singh in a very precise manner. The session came to an end after the question- answer round.

DAY 2 :30/7/21

THEME : Emerging Learnings in Criminal Law

Session 3 : 10 AM to 12NOON

Speaker : Dr. Mohammad Asad Malik

Topic : Legality of DNA Technology in Indian Scenario Legality of DNA Technology in Indian Scenario



The topic of the Third session was **“Legality of DNA Technology in Indian Scenario”** and the Hon’ble Resource person who delivered the session was Dr. Mohammad Asad Malik. The session started at 10 AM on the virtual platform Zoom where the esteemed speaker was welcomed by the Faculty Coordinator – Dr. Anuradha Asthana Singh. There were over 50 participants belonging to varied backgrounds ranging from students to research scholars to academicians to lawyers etc.

Dr. Malik comprehensively explained that the impact of the DNA technology on the Legal System is the need of the hour. It affects the legal outcome and provides ‘certainty of identity’. Dr. Malik was of the opinion that DNA is one of the most powerful tools for investigation. Sir deliberated upon the system of UK and US regarding the practice being followed by these nations with reference to the usage of DNA Technology. DNA is the predominant forensic technique for identifying the criminals. Prof. Malik laid emphasis as to where the DNA can be used in the Indian legal system and also discussed the admissibility of DNA which is proven to provide perfect identity. He also highlighted in which cases the DNA technology is admissible.

Sir highlighted the application of the emerging technology of DNA in the Evidence Law of the Country like positively identifying the criminals in grave and heinous crimes. Dr. Malik discussed the recommendations made by the Malimath Committee regarding the application of DNA technology in various cases. In *Neelam v. Ram Asray*, Allahabad High Court observed that DNA test is the most legitimate and scientifically perfect means which the husband could use to establish his assertion of infidelity. Conducting DNA test in the cases of Rape is a part

of fair trial i.e. to say the courts find this way as the most legitimate one.



Sir discussed a wide variety of Supreme Court and High Court Judgements regarding the admissibility of DNA tests in the both civil and criminal cases and there is a possibility of these precedents being acted upon by legislature and parliament in the near future and ultimately leading to the creation of a law.

The session was open to questions by the participants after Dr. Malik comprehensively explained the Legality of DNA technology in Indian Scenario and how have these laws brought in the much desired changes in research and gave wider insights into the topic. Sir systematically addressed the questions raised by the participants. The session came to an end after the question-answer round.

DAY 2 :30/7/21

THEME : Emerging Learnings in Criminal Law

Session 4 : 12.30 PM to 2 PM

Speaker : Prof. (Dr.) Mrinal Satish

Topic : Criminal Law Reforms in Recent Times: Issues and Challenges



The topic of the fourth session was **Criminal Law Reforms in Recent Times: Issues and Challenges** and the Hon'ble Resource person who delivered the session was Prof. (Dr.) Mrinal Satish , former Chairperson of the Delhi Judicial Academy. Currently, he is serving as Professor of Law at the National Law University, Delhi, He also served as Assistant Professor at the National Judicial Academy, Bhopal. Dr. Mrinal is a member of the Supreme Court of India's Gender Sensitization and Internal Complaints Committee as a nominee of the Chief Justice of India.

The session started at 12.30 P.M. on the virtual platform Zoom where the esteemed speaker was welcomed by the Faculty Coordinator –Dr. Anuradha Asthana Singh, Faculty, Department of Law. There were over 50 participants belonging to varied backgrounds ranging from students to research scholars to academicians to lawyers etc.

Dr. Mrinal comprehensively deliberated upon various judgements of Supreme Court and High Court with reference to the criminal justice system wherein the Court passed judgements that in order to bring the changes in statute it is essential that the same must be done by legislature. He referred to the Sakshi v. Union of India case, where the Supreme Court asked the Law Commission to look into issue of reform of the Rape clause and subsequently, Law Commission gave their recommendation in 172nd Report which came out in year 2000. The Sakshi Case decision came out in 2005 wherein most of the recommendations were agreed upon but the judiciary stated that it is something which can be done by Legislature and not Judiciary. In the span of 10 years from 1995 – 2005, various reforms through judicial decisions came into picture but not much contributions were made by the legislature except for repealing the section 156(4) of Indian Evidence Act which states that past sexual history of women is something which cannot even be asked during cross examination.

Sir briefly discussed the Criminal Law Amendment Bill of 2008, 2010 and December 2012 which were mostly based on the recommendations made by the Law Commission in its 172nd report. Justice Verma Committee also made recommendations that all the acts covering the criminal justice system are based on the Constitution and should be in consonance with the Fundamental Rights. In context of the procedural laws, the entire recommendations of the Justice Verma Committee are based on the Access to the Legal System. The criminal law reforms also involved amendments in the POCSO act which included higher punishments rather than looking at substantive or procedural issues.

Dr. Mrinal comprehensively discussed whether the amendments and law reforms that are introduced in due course have been able to achieve the objective of safeguarding the sexual autonomy and bodily integrity of women as Justice Verma Committee had envisaged and gave few examples regarding the same. Another aspect which was focused on by Prof. Mrinal was whether the amendments were able to provide better access to the legal system. Sir succinctly deliberated upon the challenges of these amendments which are introduced in the criminal legal system. Sir discussed the provision of 'Mandatory Reporting' in the POCSO Act and how well this provision in the POCSO Act has worked. Justice Verma Committee recommended that it is essential to have a different approach in terms of rape as to shift the focus from "virginity or chastity" of a woman to their "bodily integrity". The recommendations made by the Gender Neutrality approach towards the Victim was not accepted by the legislature but as per the recommendations, it is vital to introduce these reforms however, these can only occur if we move ahead from the patriarchal structure of society. The Chapter XIV of the Justice Verma Committee makes recommendations that in order to introduce long term changes in the societal structure it is essential to bring concrete reforms and increase awareness and understanding amongst people.

The session was open to questions by the participants after Prof. Mrinal comprehensively explained the Criminal Law Reforms and how have these reforms brought in the much desired changes or not. in research and gave wider insights into the topic. Sir systematically addressed the questions raised by the participants. The session came to an end after the question-answer round.

DAY 2 :30/7/21

THEME : Emerging Learnings in Criminal Law

Session 5 : 3 PM to 4 .30 PM

Speaker : Prof. (Dr.) Viney Kapoor Mehra

Topic : FEMINIST CRIMINALOLOGY : THE RISING TREND

The fifth session of the FDP was addressed by Prof. (Dr.) Viney Kapoor Mehra, Vice Chancellor of the BR Ambedkar Law University , Sonapat. The topic of the session was "Feminist Criminology: the Rising Trend".

Explaining that the Criminology had been androcentric (male-centric) field of study in social sciences in the past and a majority of study is based upon male criminality, but things have been changing and the female criminology is the new school of thought which focuses on both male and female offending as well as criminal justice system responses to their crimes. Feminist criminologists seek to keep gender at the centre of the discourse . It encompasses a wide range of theoretical perspectives and methodologies . Dr. Mehra explained that it incorporates the liberal feminist focus on equal opportunity.

Discussing about the latest and more pressing issue of cyber crime Prof. Mehra termed the cyber crime as "Cyber Harassment" of women and said that the women need to be very careful while sharing any content on the media platform. She stressed the need of educating the rural folk regarding the cyber crimes and how the reporting of such crimes can be done. It is only by reporting that we could help the police in catching the criminal by simple yet very effective method of tracking. Prof. Mehra emphasised on cyber harassment and said that it had become the most common crime against women in the recent days. She explained how these crimes could be controlled. The phone tracking and the IP address tracking are some of the important

tools through which the police can easily nab the criminal. Now every police station has a cyber cell where the affected person can go and complain.

At the same time she advised that we should be very careful while sharing content on the internet. Posting of too many pictures and personal details could be quite dangerous as the hackers are always in a chance to extract valuable information from the net and then blackmail the person.

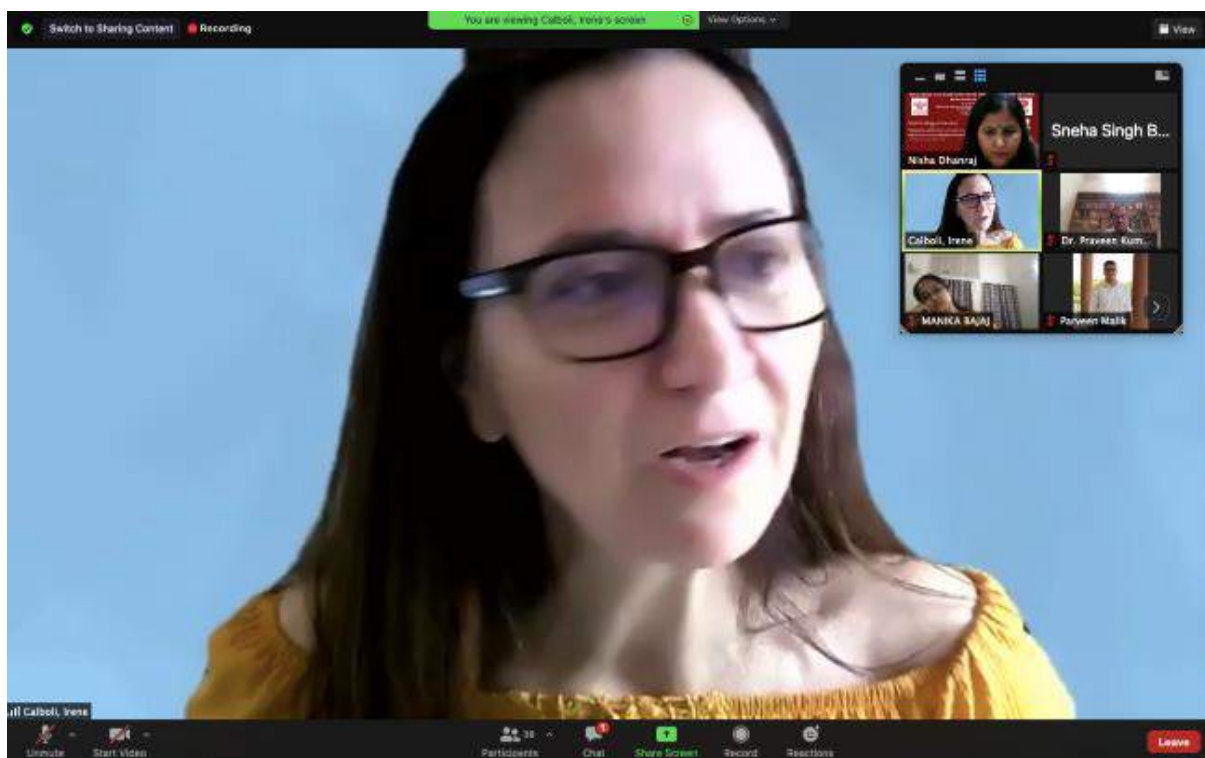
DAY 3 :31/7/21

THEME : Intellectual Property Rights

Session 6 : 10AM to 12 Noon

Speaker : Prof. Irene Calboli

Topic : Empirical Research in IPR



Resource person in the sixth session was Prof. Irene Calboli was the expert resource person of the session. She is Professor of Law at Texas A&M University School of Law, Academic Fellow at the School of Law, University of Geneva, Fellow at Melbourne Law School, and Transatlantic Technology Law Fellow at Stanford University. Her research focuses on IP, International Trade, and Cultural Heritage Law.

The webinar commenced with an opening remark by Dr. Nisha Dhanraj Dewani, Associate Professor, Department of Law, MAIMS, wherein she extended her warm welcome to the participants and resource person of the Webinar.



Prof. Irene in her lecture provided an overview of empirical studies in different areas of IP. She told the participants about how to approach and use data in their own research and scholarly work. The session was an effort to enrich research scholars and faculties in Intellectual property related areas on research methodology.

Around 100 participants composed of Academicians, Research Scholars and faculty members from various reputed Colleges and institutions participated in the session.



In the end, Dr. Nisha Dhanraj Dewani, Associate Professor, Department of Law, presented the vote of thanks to Prof. Irene Calboli expressing her gratitude.

DAY 3 :31/7/21

THEME : Intellectual Property Rights

Session 7 : 12 Noon to 2 PM

Speaker : Mr. Raghavendra GR

Topic : An Analysis over TRIPS Compliance and India

(Under preparation by Parveen Malik)

The seventh session of the Faculty Development Program, organized by **Department of Law, MAIMS** was conducted on **31st July 2021**. The topic of the session was **“An analysis over TRIPS Compliance and India”**.

Mr. Raghavendra GR was the expert resource person of the session. Mr. Raghavender is a civil servant from Central Secretariat Service (CSS) 1988 and currently posted as Joint Secretary, Department of Justice, Ministry of Law & Justice, Government of India, New Delhi. Sir is very passionate about Intellectual Property Rights, especially Copyright and Related Rights. He worked as Registrar of Copyrights of the Indian Copyright Office from 2007 to 2014 and played a key role in the introduction of amendments to the Copyright Act in 2012 and introduction of the Copyright Rules, 2013.

The Webinar was inaugurated with a welcome speech from Dr. Nisha Dhanraj Dewani, Associate Professor, Department of Law, MAIMS.

Mr. Raghvendra elaborately talked about “The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).” Sir discussed about patents prior to the Covid-19 outbreak, patents post Covid and patents related to Covid Virus. Sir further highlighted the various pros and cons of the TRIPS waiver.

The session ended with vote of thanks from Dr. Nisha Dhanraj Dewani, Associate professor, MAIMS.

Day: 3 31/7/21

Theme : Intellectual Property Rights

Session 8 : 3PM to 4.30 PM

Speaker: Prof. (Dr.) Alka Chawla

Topic : Copyright and Plagiarism Issues in Educational Sector

The topic of the eighth session of the Faculty Development Program, was **“Copyright and Plagiarism Issues in Educational Sector”**.

The resource person Dr. Alka Chawla was the expert resource person of the session. Dr. Alka Chawla is a Ph.D. in Copyright Law from the University of Delhi. She teaches Intellectual property rights, Administrative Law and Jurisprudence. She is nominated as a “National expert on Intellectual Property” by the European Trade and Business Council, Mentor to the Intellectual Property Protection Organisation and Advisor to National IP Organisation and Member Education Committee, FICCI. The webinar commenced with an opening remark by Dr. Nisha Dhanraj Dewani, Associate Professor, Department of Law, MAIMS, wherein she extended her warm welcome to the participants and resource person of the Webinar.

Dr. Chawla gave a detailed presentation on **Copyright and Plagiarism Issues in Educational Sector**. She talked about the process of imparting education, where it starts and where it ends. Ma'am also briefed about the University Grants Commission (Promotion of Academic Integrity and Prevention of Plagiarism in Higher Education Institution) Regulations, 2018.

Later, Dr. Chawla responded to the Questions and doubts raised by the participants. In the end, Dr. Nisha proposed the vote of thanks. She expressed special gratitude to Ma'am for her informative and useful presentation.

Day 4: 2/8/21

Theme :Cyber Laws and OTT (Over The Top)

Session 9 : 8.30AM to 10 AM

Topic : From censorship to Classification: Digital Media Rules and Their Impact on OTT

Speaker : Mr. Pavan Duggal

Dr. Duggal started his lecture with a concern over rise in cybercrimes globally. He also highlighted the increase in cybercrimes due to the outbreak of the pandemic in the world. Further he explained the importance of data protection which in the present scenario is one of the foremost important aspect which needs to be secured. While talking about the relevance of digital and crypto currency, he stressed upon the need of a legislation on these aspects which would fill the void in this arena. Finally he extensively discussed about the latest amendments in IT rules in 2021 and how it has impacted the role of intermediaries in this arena. The participants gained a lot from the speaker's enriched experience and expertise in the field.

Day 4: 2/8/21

Theme : Cyber Law and OTT

Session 10 : 12.30 PM to 2PM

Topic : Emerging Legal Issues in an AI Driven World

Speaker : Prof.(Dr.) Angelo Viglianisi Ferraro

Prof. Ferraro started the session while explaining the concept of AI as there is no universal definition for AI. Further he elaborated upon the concept of Artificial Intelligence by focussing on the four basic principles i.e system that thinks like human; system that acts like human; system that thinks rationally and system that acts rationally. He then went on to discuss the importance of AI in the current scenario where in he tried to link the utility of AI in day to day life. But at the same time he also highlighted certain disadvantages in the field of AI. Lastly he stressed upon a well-defined legislation in the field of AI given the rising relevance and utility of AI in everyday life.

DAY 4 : 2/8/21

Theme : Cyber Law and OTT

Session 11 : 3PM to 4.30 PM

Topic : Cyber Crimes in India: Are Women A Soft Target

Speaker : Dr. Archana Sarma

Dr. Sarma highlighted various cybercrimes being committed against women in India. She talked about the rise in the incidents of cyber stalking vis a vis the women. She also talked about the new face of cyber stalking amidst the pandemic i.e. cyber stalking being faced by women while working from home. She then discussed the issue of cyber bullying which is the new emergent cybercrime faced by women. Further she highlighted the need of a legislation to deal with the problem of cyber bullying as there is no law to deal with the issue of cyber bullying it is difficult to see conviction under it. Finally she talked about the concept of cyber defamation and emphasised upon the liability of internet service provider. The session turned out to be very intensive for the participants as it touched upon various cybercrimes being targeted upon women.

DAY 5: 3/8/21

Theme : Health Care and energy Laws

Session 12 : 10 AM to 12 NOON

Topic : Consumer Protection Concerns in the Delivery of Healthcare Services in India: Issues and challenges

Speaker: Prof.(Dr.) Bismi Gopalakrishnan

The resource person of the twelfth session was Prof. (Dr.) Bismi Gopalakrishnan, Dean, Professor and Director of the School of Indian Legal Thoughts at Mahatma Gandhi University, Kottayam and a Syndicate member in the M.G. University.

The session started with Ms. Akanksha Gupta, Faculty, Department of Law, welcoming the resource person. The program was attended by more than fifty members which included Academicians, students, research scholars and Faculty members of MAIMS.

The screenshot shows a Zoom meeting interface. At the top, there is a recording indicator and a status bar indicating the user is viewing Prof. (Dr.) Bismi Gopalakrishnan's screen. The main content is a presentation slide with the following text:

Consumer Protection concerns in the Delivery of Health care services in India: Issues and Challenges

Prof.(Dr.)Bismi Gopalkrishnan
Dean Faculty of Law,
Mahatma Gandhi University,
Kottayam, Kerala

Below the slide, there is a video feed of Prof. (Dr.) Bismi Gopalakrishnan. The Zoom control bar at the bottom includes options for Unmute, Start Video, Participants (23), Chat, Share Screen, Pause/Stop Recording, Reactions, and a red Leave button.

Recording... | You are viewing Bhanu Gopalakrishnan's screen | 10:00 AM

Consumer in health care is subject to three links

- the link between state and consumers entitlement for health,
- the link between the consumer and provider of health services
- the link between the physician and consumer

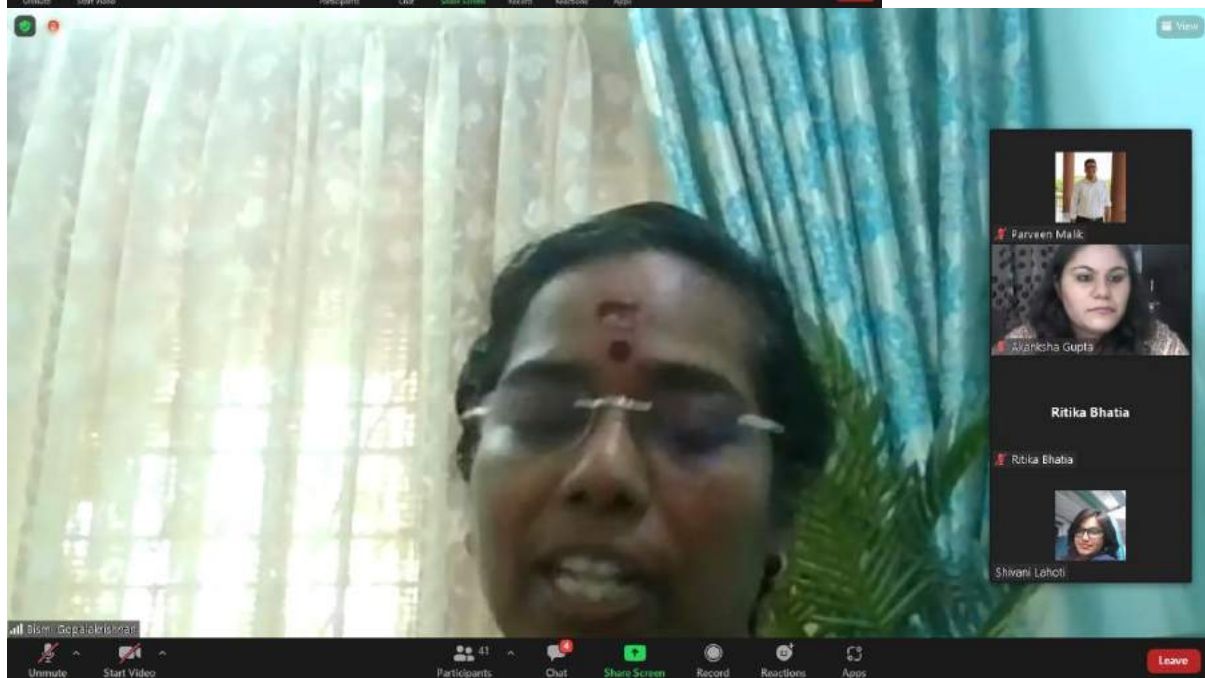
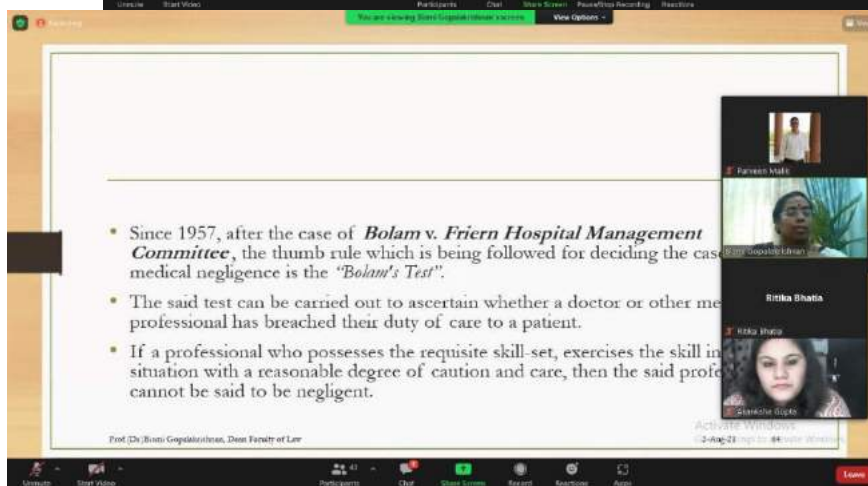
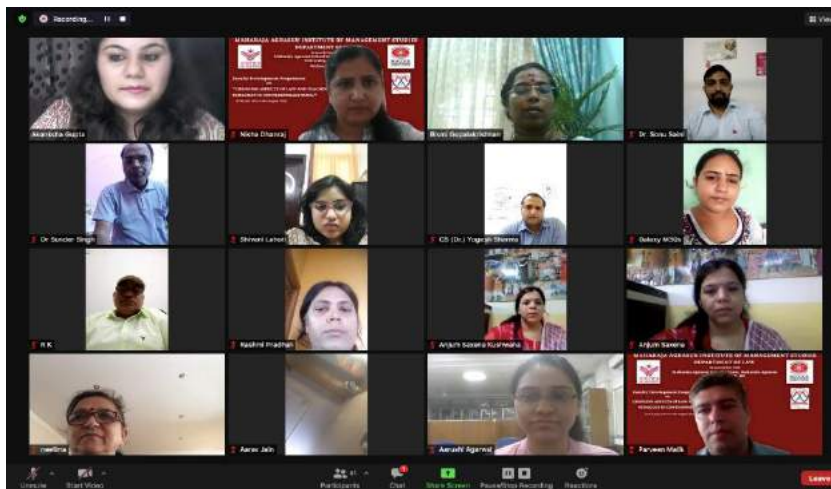
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Bhanu Gopalakrishnan

Unmute | Stop Video | Participants | Chat | Share Screen | Full Screen | Recording | Help

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Dr. Bismi Gopalakrishnan extensively dealt with the topic starting from the basics of What is a Consumer? Moving further, she explained the link between State and Consumer, Consumer and Service Provider also Physician and Consumer. In support of her discussion on the topic she has quoted many landmark judgments on medical negligence and responsibility of the state towards the vulnerable people of the society. She has elaborated the concept on 'Right to Health' with 3As – Availability, Affordability and Accessibility linked with Right to Life. She

also mentioned in her lecture about the challenges faced by the people of the society during COVID 19 Pandemic and what is the duty and responsibility of the doctors and the state towards the situation. The session was very thought provoking and insightful.

At the end of the session there was an extensive question answer round where the participants asked questions relating to the consumer protection and concerns regarding health care delivery system. Dr. Bismi answered all the queries in a satisfying manner.

DAY 5 : 3/8/21

THEME : Health Care and Energy Laws

Session 13: 12.30 PM to 2PM

Topic : Human Health and Business in India: Need to Develop Jurisprudence Under Food Safety Laws and Drugs and Cosmetics Regulations

Speaker : Prof. (Dr.) Anju Wali Tikoo

The thirteenth session of the FDP was held on the topic “Human Health and Business in India : Need to develop jurisprudence under food safety laws and Drug and Cosmetics Regulations”. The event started with the felicitation of the guest speaker by the Moderator of the session Dr. Anuradha Asthana Singh, Assistant Professor, Department of law. The Resource Person for the

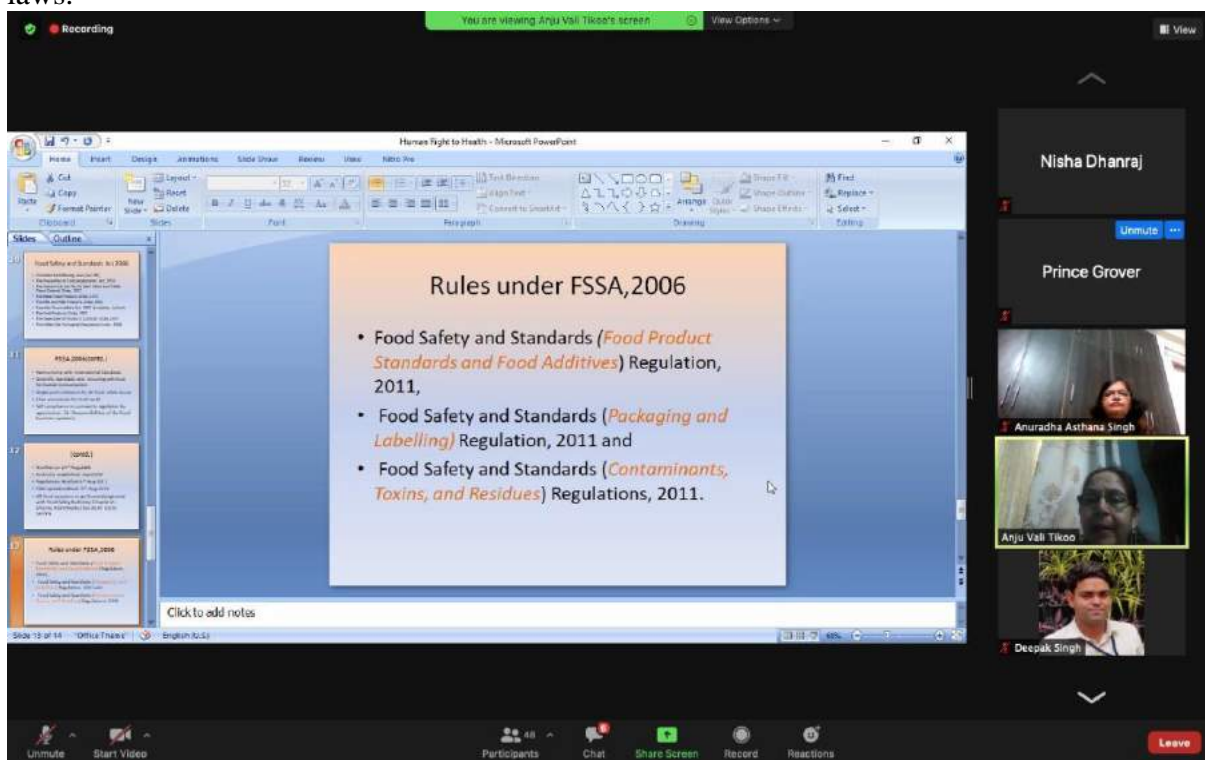


session was Prof. (Dr.) Anju Wali Tikoo who is Professor in the Faculty of Law, University of Delhi and has teaching experience of approximately 32 yrs. Currently she is the Convenor of Legal Services Society , LC-1, Faculty of Law,University of Delhi and also University Representative in the Governing Body of Laxmi Bai College, University of Delhi.Her areas of interest are Criminal Laws, Criminology,Victimology,Gender Justice and Public Health Laws.. Formerly as the Professor of Law, National Law University Delhi ,she taught Law of Crimes and Advanced Jurisprudence to LLB and LLM students of NLUD from 2009-2012.

It was an interactive session where Prof. Tikoo began with asking a question from the participants “what are the expectations of the participants from the topic in discussion ?”. The resource person Dr. Anju Wali Tikoo gave her profound knowledge on the topic “HEALTH”. She intended to give a brief idea about what is the meaning of the word ‘HEALTH”. She then asked from the participants as to what is their understanding on the topic of health. She then demonstrated a powerpoint presentation on the given topic. She then explained that in 2015 the UN general body came up with an agenda for 2030 which is labelled as sustainable development goals. She explained the concept of AAAQ.

The resource person addressed the definition of health given by World health organisation. She then enlightened the students with the constitutional provision of health. She emphasised

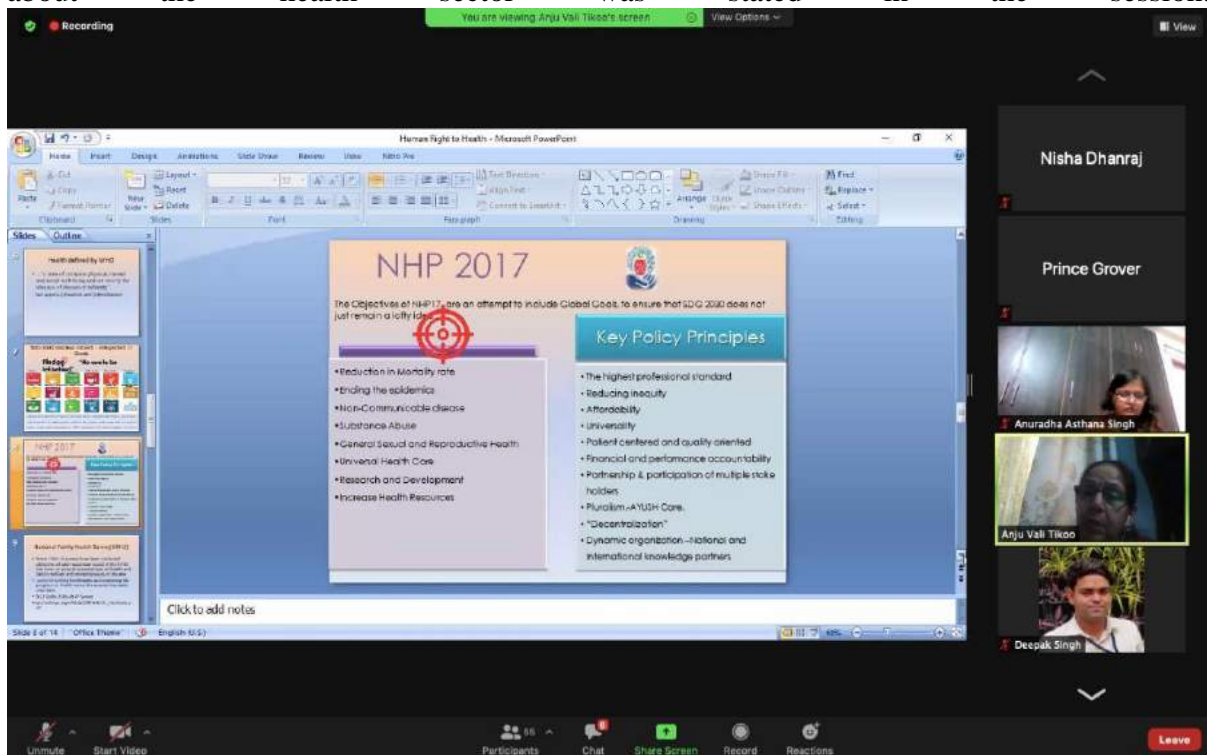
on the holistic concepts “justice”, “equality” and “fraternity” of our Indian preamble in relation to health. She talked about social and economic drawbacks. We need to regulate agriculture sector when we talk about food sector. In India the sustainable development goals are being taken care of by the NITI Aayog. She also conferred about disability and unemployment in relation to health and food. She gave an insight about various rights, articles and schemes promoting health of individuals. Ma'am also mentioned some judicial case laws.



She then emphasised on the Seventeen global goals. She drew the attention to the 3rd goal specifically which is well being and good health. She also acknowledged the National Health Policy of India, 2017 and its principles.

She briefly explained the five National Health surveys conducted in India. After that the components of Food safety and Standards Act, 2006 were discussed. The FSSA Act is intended to harmonise with the International Standards. The objective is to lay down the scientific standards. She discussed the FSSA Act verbosely. She explained the process that takes place for the safety of food. She then talked about the three rules and regulation under the FSSA Act. Then she moved to Drug and Cosmetic regulations. She explained the concept of drugs as being a curative aspect. The cosmetic industry over the period of time has rapidly grown. What a person feels about oneself should be a concern of health. She gave the example of the trend “Zero Figure” which meant people to be thin. Cosmetic is not only putting certain creams and ointment but there is a whole concept of cosmetic surgeries which needs to be regulated. In

1940 a legislation was announced which stated that on account of usage of a certain cosmetic if there is any allergic reaction in order to address that allergic reaction we need to use drugs, that's how the two were brought together and a set of system was laid down for the same. She then gave an insight about the CDSCO which is a nodal agency recognised by the Government of India which maintains the standards of drugs and cosmetics. She talked about various lists and entries of the Indian constitution. She also addressed the low percentage allocation of budget into health sector. She also talked about the downside faced by the society and how health needs to be recognised. After the lecture the floor was opened for the participants to ask questions from the resource person. Several participants asked questions and they were briefly answered. The overall session was very insightful, a lot of knowledge about the health sector was stated in the session.



DAY 5 : 3rd August 2021
THEME : Health Care and Energy Laws
Session 14 : 3PM to 4.30 PM

**Topic :Energy Laws and Environment in India: Issues , Challenges and Way Ahead
Speaker : Dr. Raj Singh Niranjn**

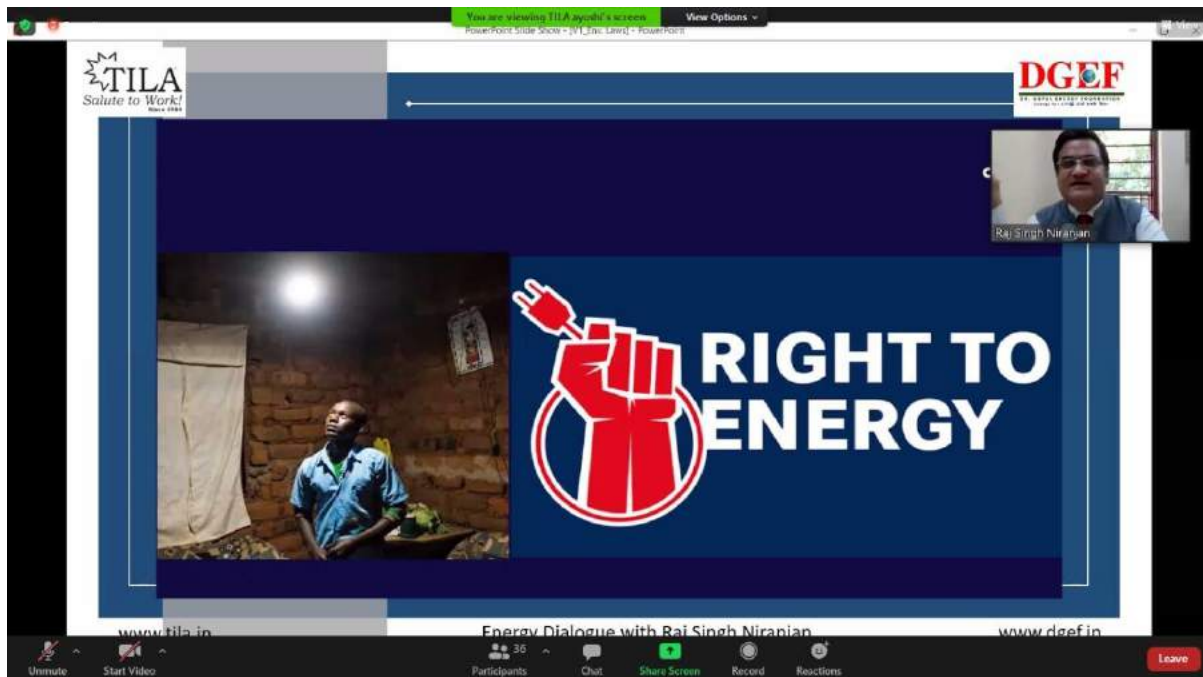
Speaker of the day Dr. Raj Singh Niranjn, has been working in the energy sector for the last two decades and has a huge knowledge of it. Dr. Raj Singh Niranjn in his presentation mainly emphasised on Energy laws as well as environmental laws. He was assisted by Ms Aayushi of his organisation TILA to make the session more interactive.

Firstly, the speaker talked about how energy became the right to energy. He divided the whole energy related challenges in three types, the first challenge which the world is facing is that around 1.2 billion people in the world do not have electricity and second challenge which the expert identifies 3.2 people across the world do not have the access of the clean fuel to cook food, still today most of the ladies cook food on the wood and inhale poisonous gases due to which according to 2017's report 5 billion people lost their life. Third and the most concerning challenge is that the per capita power consumption in India is 500-600 units. On the other hand some developed countries like the US has 1500-2000 unit per capita consumption, this gap is very huge and is known with the name of Energy Poverty. The right of energy is the first right which originated in the India before it we have adopted all the eastern countries law but this was the first time when India realised the need that whole world have a need of right to energy like other fundamental rights. Right to energy should be treated like the human rights like right to life, right to freedom, right to energy, and it should be added in the fundamental rights of the constitution and must be added in world declaration as the basic human right.



In today's world, the right to energy is an important right because without energy life cannot be imagined. It is an old saying that to live food, shelter and clothes is necessary but the speaker added to the point that like food, Shelter and clothes ,energy has also become the basic necessity of the life without which life is impossible to live.

The next he told us about the biggest collective challenge of human beings



In 1945, when the UN came into the picture, international cooperation started working to its great extent after the world realised a need for cooperation on energy laws. It is truth that in environment diplomacy India always remained at the fore-front. In 1924 the first world power conference was held followed by 1968. In 1970 it was consolidated as the International Energy Agency. The work in the environmental sector started in 1972 when we had UN Convention on human environment. This convention was attended by only 2 country's PM (India and Sweden) .Other countries sent their state representatives. After that we had Vienna convention in 1985 and many other conventions on the environment. It is evident when the whole world took initiative to protect the ozone layer so they got success. Both the Environment law and Energy law converse at this point and this conversion is called the earth summit 1992. The three important documents outcome of this submit is-

- UN Convention on biological diversity.
- UN Convention to combat desertification
- UN Framework convention on climate change.

Raj Singh Niranjani ji emphasised that the world at different time called different meetings according to the need of the hour. He divided it in 7 stages.

In the first stage people used to give importance to the petroleum and coal for energy sector. When the world reached 1992 and observed climate change due to human intervention then the focus shifted to energy security. In the third stage the need for renewable energy was felt. Many countries did not have the structure of energy policy and it impacts the environment at great extent. To discuss the meaning of the renewable energy in 2009 another conference was organised with the name of statute for international renewable energy 2009. In 2015 International Solar alliance was formed by India and France to resolve the issue of funding. In SDG goal 2 goal were included first to provide clean and affordable energy and second was climate action. In 2019 next conference happened in the Vienna which is called as the statute of the renewable energy and energy efficiency partnership 2019. The goals were to provide affordable and clean energy without effecting the environment and climate change .The purpose was to make the market ready for adoption of renewable energy. On Indian law about the energy Niranjani ji said that during constitution formation the developer of the constitution did not realise the need of the environment law because on that time environment protection

was not as much important but with the flow of the time need of the environment law in the India was realised and in 1972, Constitutional provision for energy law got recognition on human environment. Article 48(A) was introduced for protection included in DPSP and Article 51 for fundamental duties Electricity is concurrent list of constitution. Exclusive powers of central government, state government and some are concurrent. Only central government has the power to nuclear power plant.

Wine J principle was

1. Test of sustainable development fin 1996)
2. Polluter's based programme (1926)
3. Precautionary Principle (AP Pollution control) in 1999
4. Doctrine of pollution trust started by Kamalnath in 1997

Next was hydropower project. Construction of dam leads to ecological upgradation. According to people for Narmada project, hydropower is essential for sustainable development.



Solar is the cleanest source of energy. Power sector consists of a) electricity b) transmission of electricity c) attribution of electricity (d) supply of electricity (e) usage of electricity. Transmission and distribution of power from (a bird name too) is the great bustards found in Kutch or Jaisalmer.

Next, he talked about impactful law of environment protection.



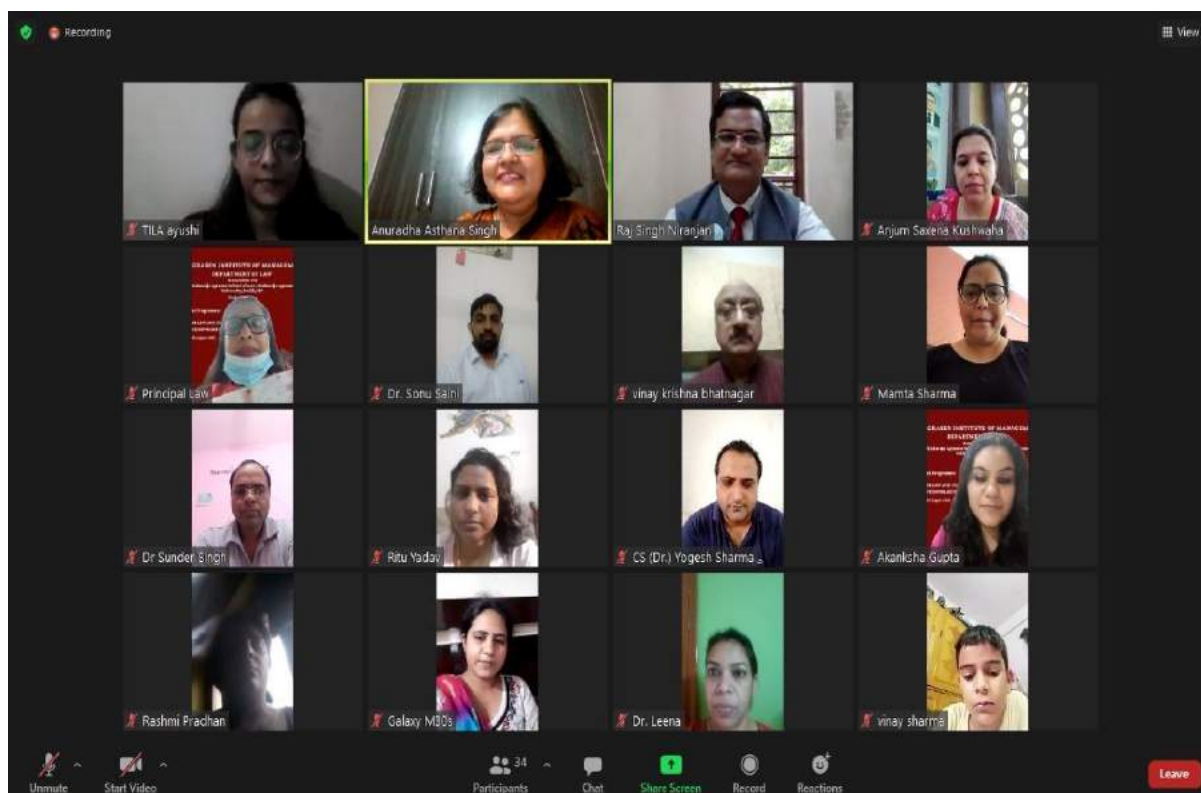
For this constitution amended electricity act in 2003 which says that to never avoid environmental damage. It's preamble stated That: an act to consolidate the laws relating to generation, transmission, distribution, trading and use of electricity and generally for taking measures conducive to development of electricity industry, promoting competition therein, protecting interest of consumers and supply of electricity to all areas, rationalisation of electricity tariff, ensuring transport policies regarding subsidies, promotion of efficient and environmentally benign policies, constitution of central electricity authority , Regulatory commission and establishment of Appellate Tribunal and for matter's connected therewith or incidental thereto.

He also included about Section 68 of electricity act, 2003. The details are + 1) An overhead line shall, with prior approval of the appropriate Government, be installed or kept installed about ground les accordance with the provisions of sub- section (2).



Since energy is demolishing, and it is a matter of discussion; is there any state lacking steps for that? So he told us that various states are taking steps to save energy and using it wisely. With that, on a very knowledgeable note, this meeting ended.

Vote of thanks was given to the members of the meeting by Dr. Anuradha Asthana Ma'am



DAY 6 : 4th August 2021

THEME : ADR (Arbitration & Mediation)

Session 15: 10AM to 11.30AM

Topic :Legitimacy of Mediation in Indian Context

Speaker : Mr. Hemant Batra

The 1st session of the 6th day of the FDP was on the topic Legitimacy of Mediation in the Indian Context and our resource person for the session was Mr. Hemant Batra.

Mr. Batra is a corporate, commercial and public policy lawyer and counsel with global experience spread over 30 years. He is an accomplished author of various books on law and public policy of which one on Due Diligence and another on Mediation have been best sellers. He is Vice President of SAARCLAW (a regional apex body of SAARC). Earlier, he was the longest-serving Secretary-General of SARCLAW. He is a faculty at the Indian School of Public Policy and a Mentor at the Centre for Civil Society. He is a recipient of the Mahatama Gandhi Seva Medal for outstanding contributions to the legal fraternity in the South Asian region. He is a prolific speaker and has delivered talks and lectures across the globe on more than 300 occasions.



He extensively elaborated on the reasons and need for mediation in the current dispute resolution system. Sir, you have dealt with the reasons for preference of mediation over other modes of dispute resolution. Also, the dynamics of mediation procedure, mediation management and forms of mediation highlighting the role of local self governing bodies in informal mediation or a self styled people's forum.

The session was highly interactive and participants showed great interest. The above interaction ended with a question answer session followed by a vote of thanks.

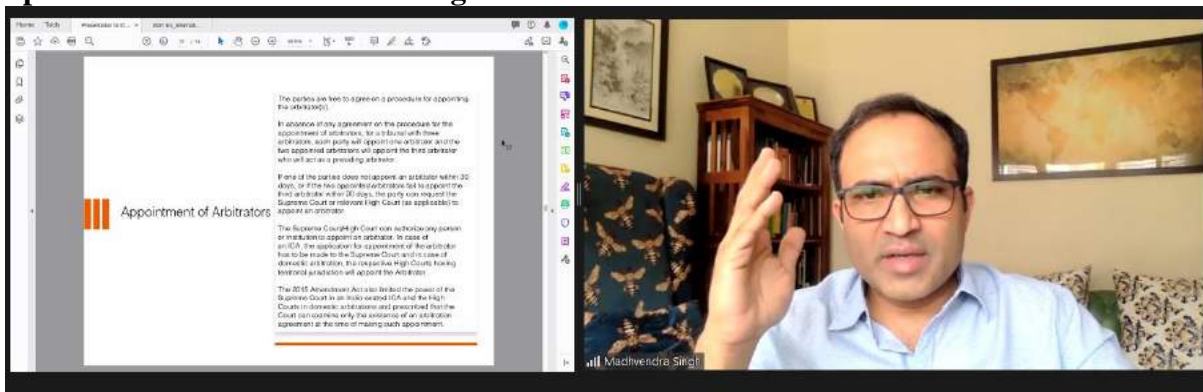
DAY 6 : 4th August 2021

THEME : ADR (Arbitration & Mediation)

Session 16 :12.30 PM to 2 PM

Topic :Conducting Arbitration: Procedure, Practice and Emerging Trendst

Speaker : Mr. Madhvendra Singh



The second session of the day was on the topic Conducting Arbitration: Procedure, Practice and Emerging Trends. Our resource person of the session was Mr. Madhvendra Singh who is a Naval officer appointed with the Ministry of External Affairs. He is fellow Arbitrator with Chartered institute of Arbitrators London and is a Member and Arbitrator with the London maritime Arbitrators Association and other institutes like MARC Mauritius and MCIA. He is an international faculty for international commercial arbitration, maritime Arbitration and Sovereign immunity. He has authored chapters with publishers like Thomson Reuters and is on the advisory board of many universities like GNLU, MNLU and Nirma University. He is a consultant with IORA Sectarariate and working towards creating network of ADR centres in IORA region. He is a reputed and sought after international Arbitrator and promotes technology in arbitration. He has authored publications and spoken at various conferences about use of Blockchain, Artificial Intelligence and Smart Contracts in Arbitration. He has advised many ODR platforms and is also a member of task force on Blockchain for chartered institute of

Arbitrators London. He comprehensively explained the arbitration procedure, remedies available for challenging the award and how court decides jurisdictional issues and the emerging trends like emergency award, fast track mechanisms etc. He discussed the nuances of arbitration practices prevalent in India, the legislative amendments till date and the efficacy of the procedure. He also threw light on the strengths and weaknesses of various legislative enactments.



DEPARTMENT OF LAW, MAIMS
Faculty Development Programme

Valedictory Ceremony

4th August, 2021



**Faculty Development Programme on
Changing Aspects of Law and Teaching Pedagogy in Contemporary India**
From 29th July 2021 to 4th August 2021

