



# MAHARAJA AGRASEN INSTITUTE OF MANAGEMENT STUDIES

(A Unit of Maharaja Agrasen Technical Education Society)

Affiliated to GGS IP University; Recognized u/s 2(f) of UGC

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## Report of Faculty Development Program on

### “Emerging Issues of Law and Justice in Contemporary Era”

(27<sup>th</sup> July, 2022 to 2<sup>nd</sup> August,2022)

Department of Law, Maharaja Agrasen Institute of Management Studies under the aegis of IQAC MAIMS and in collaboration with Dr. B.R.Ambedkar National Law University, Sonapat (Haryana) Organised a six day Faculty Development Program in Hybrid mode (Online/Offline) from 27<sup>th</sup> July 2022 to 2<sup>nd</sup> August 2022 on the theme “**Emerging Issues of Law and Justice in Contemporary Era**”. A total of 35 faculty members from various prominent institutes/ colleges including Department of Law, MAIMS registered for the FDP. The main purpose of the FDP was to upgrade knowledge, analytical skills of the participants and to make them aware about significant socio-legal issues of contemporary time.

A total of 15 sessions were conducted by renowned Academician and experts of various fields. The topics covered under FDP ranged from Research Methodology, Changing Socio-Legal Dimensions of Family and Gender, Law regarding Health Care and Data Protection, ADR, IPR and Mental Health Issues during Covid-19 pandemic. Report of Inaugural Ceremony and Sessions conducted under the FDP are as follows:

### Inaugural



Department of Law, Maharaja Agrasen Institute of Management Studies organized the Inauguration Ceremony of One week Faculty Development Program 2022 from 11 am to 12 pm on July 27, 2022. The ceremony took place in physical mode at Seminar hall, 9th block. The event was also live streamed on Zoom Platform for participants who had attended the event online from other universities and colleges outside Delhi. The event began by seeking the eternal blessings of Goddess Saraswati and lighting of the lamp.

The initial address to the audience was given by Prof. (Dr.) S K Garg, Director General, MAIMS who emphasised on the importance of Faculty Development Program in an academician's career graph and encouraged the participants for such initiatives.

The audience received a Special Address by Dr. Nand Kishore Garg, Founder Chairman & Chief Advisor, MATES, Chancellor- MAU (H.P.). Sir laid emphasis upon low cost and high quality legal education. Sir also talked about traditional knowledge and traditional ways to solve legal problems.

It was indeed a privilege to have Hon'ble Vice Chancellor Prof (Dr.) Archana Mishra, B. R. Ambedkar National Law University, Sonapat (Haryana) as the Guest for the inaugural ceremony. Mam talked about the importance and need of safe and secure cyber law as a crucial Emerging Issue of Law & Justice in the Contemporary Era. The event was also graced by the presence of Dr. Amit Kamboj, Registrar B. R. Ambedkar National Law University, Sonapat.

At the culmination of the inaugural ceremony, a vote of thanks was delivered by Prof. (Dr.) Rajni Malhotra Dhingra, Principal, Department of Law, MAIMS. She thanked all the dignitaries for their esteemed presence and guidance on conduct of one week Faculty Development Program. She also highlighted the importance of the MOU signed between the two institutions.

After the end of the Inaugural Ceremony, high tea was served to our respected guests, as well as the faculty present at the venue. The Inaugural was followed by the online session by Prof. (Dr.) Manoj Kumar Sinha who talked about types of research techniques, research design in accordance to latest trends in Legal Research.

**DAY 1: 27<sup>th</sup> July, 2022**

**Theme: Overview of Research Methodology**

**Session 1: "Identifying and Formulation of Research Problem and Hypothesis"**

**Time: 9.30 am- 11.00 am**

**Speaker- Prof. (Dr.) A. P. Singh**



The very first session of the Faculty Development Programme welcomed renowned Professor in Law, Prof. (Dr.) A.P. Singh, Dean, University School of Law and Legal Studies (USLLS), Guru Gobind Singh Indraprastha University. Prof. Singh has more than 20 years of teaching experience and has received more than 8 scholarships for undergoing the course of LLM (Legal Theory) from European Academy of Legal Theory, Brussels Belgium during the session 2002-03. He is life member of two professional bodies, Indian Law Institute, Delhi and Indian Institute of Public Administration, Delhi. Prof. Singh's area of specialization is Constitutional Law, Environment Law and Legal Philosophy.

Prof. Singh began the session by holding that "Research is a skill". To support his statement, he took an example of riding a bicycle or driving a car. Without learning the skill of riding or driving, one cannot ride a bicycle or drive a car. Similarly, without learning the skill of researching, one cannot conduct a research.

Also, research is that skill that needs a continuous practice and upgradation. It needs to be cultivated continuously to keep it afresh. Research is identification/concretization of an idea in the mind, discovering the personality of an idea. Ideas also have personality. Research is concretization of an idea that generates in the mind. In his words, "*Koi bhi vichar ho, uska samayakulan bohot zaroori hai*".

In the articulation of a research problem, one needs to differentiate between a social problem and a research problem. One is cognitive whereas the other is a matter of evaluation. For example, identifying law abiding citizens may be a social problem only, but is not necessarily a research problem.

Next, he spoke about the criteria for the formulation of a research problem. Formulation of a problem is input and study is an output. While formulating a research problem, one should do progressive elimination of irrelevant and specification of the relevant. The speaker explained that whenever we work on a research problem, some kind of confusion ought to arise. Mahatama Gandhi calls it creative conflict. Confusion is thus a necessity. He also compared those pursuing PhD to be philosophically confused.

There are 4 Ps on which research can happen- People, Problem, Programs and Phenomenon (People's association with problems, causation etc or effectiveness of a program, a scheme, and its utility). Interest, magnitude, measurement of concept, level of expertise, relevance, availability of data, ethical issues are some of the considerations as to a research problem. Thinking law is thinking god. Like god, law is also everywhere. Science is also regulated by certain rules.

Dr. Singh further explained the steps in formulation of a research problem and characteristics of a good hypothesis. Hypothesis is an assumption. It is pure thinking. It is a prediction you create prior to conducting a study. Hypothesis is there in every research, but the effectiveness of a research will depend on the fact whether your hypothesis is a healthy one or not. It is a tentative generalization.

However, he pointed out that a hypothesis is not necessary in all cases. Exploring an area which is not known can also be done without a hypothesis. It arises from a bunch of hunches. It gives a direction to the study and clarifies the structure of a research. It is a formal question that seeks to resolve a predictive statement, capable of being tested in a scientific manner.

Dr. Singh concluded his session on the remarks that well begun is half done, which is precisely the function of a well designed problem formulation. Problem formulation and hypothesis taken together constitute the soul of a research proposal.

The whole session was full of learning and a plethora of knowledge. It was an extremely fruitful beginning of the whole program.

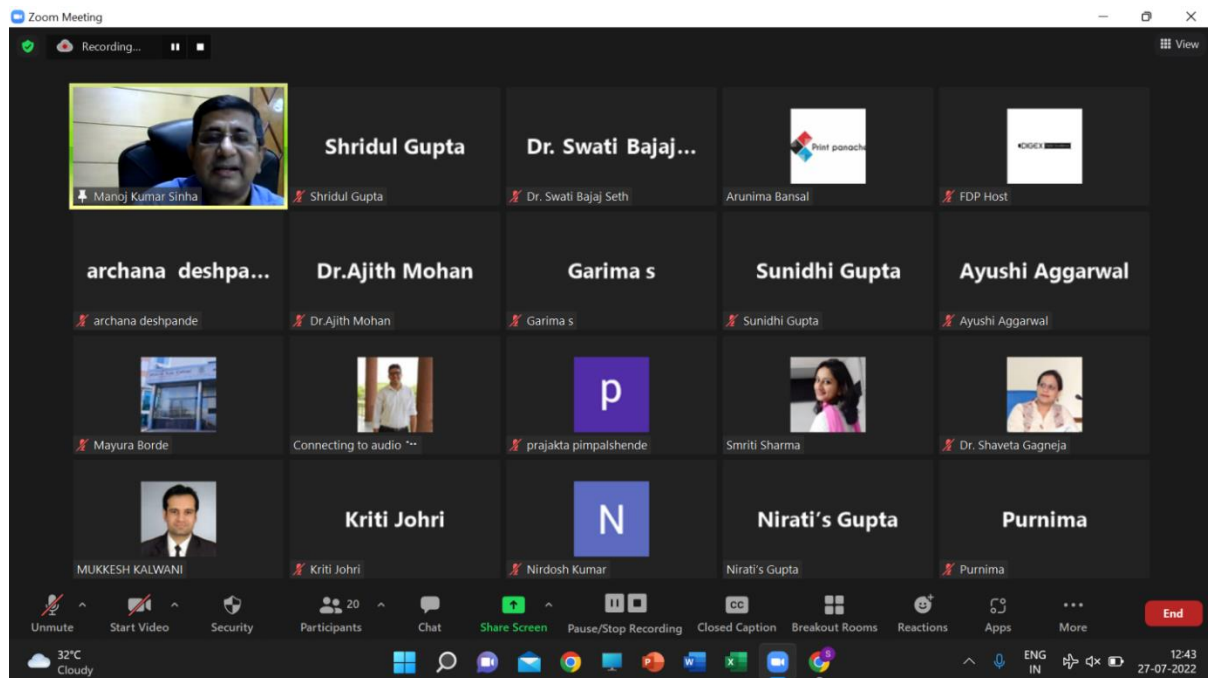
**DAY 1: 27<sup>th</sup> July, 2022**

**Theme: Overview of Research Methodology**

**Session 2: "Types of Research techniques, Research design in accordance to latest trends in Legal Research"**

**Time: 12 pm- 1:30 pm**

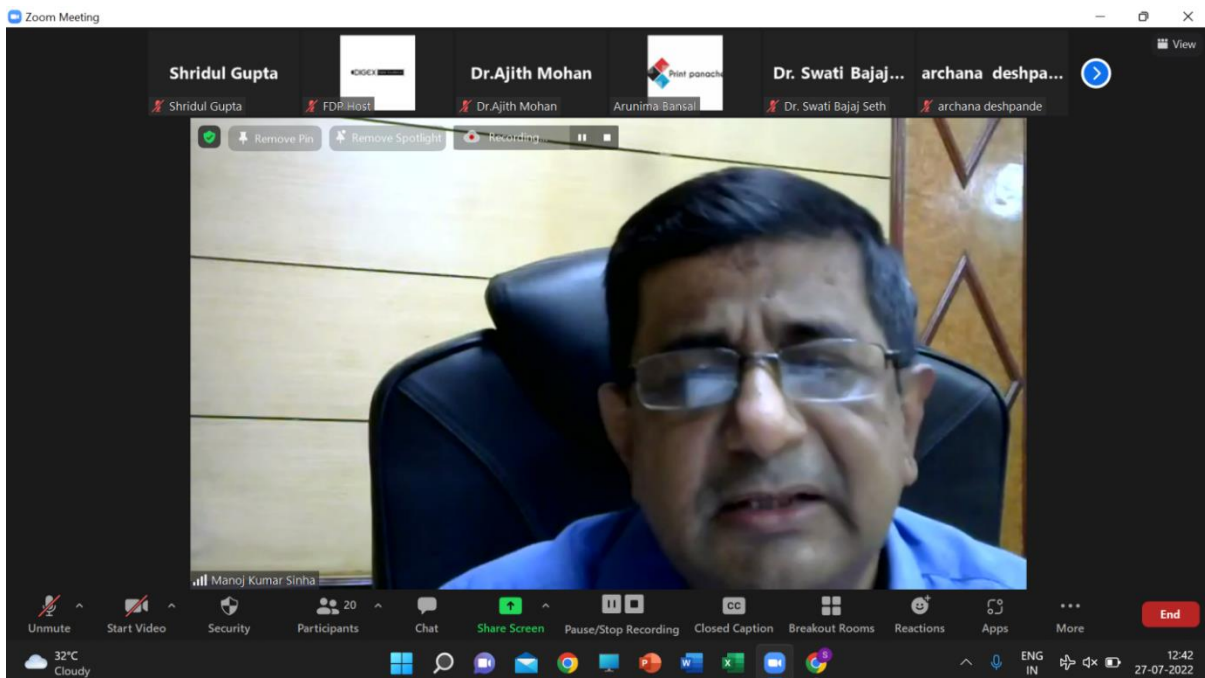
**Speaker- Prof. (Dr.) Manoj Kumar Sinha**



The Resource person for 2<sup>nd</sup> session was Prof. (Dr.) Manoj Kumar Sinha. He is currently working as Director of the Indian Law Institute. Prof. Sinha holds a permanent position as a Professor in Law at WB National University of Juridical Sciences. He did his Doctorate in International Law from Jawaharlal Nehru University, L.L.M. from the University of Nottingham and L.L.B from University of Delhi.

Prof. Sinha described about need of research and motivation for doing it. Few responsible reasons about research which were concluded are as follows:

- To get academic benefits.
- Desire to resolve unresolved conflict.
- Desire to offer solution to a particular problem.
- Desire to get intellectual joy and happiness.
- To add something in our existing knowledge.



He also defined research as 'systematic and scientific investigation/ inquiry about specific problem which is undertaken by researcher. The primary goal of research is contribution of authentic, verifiable, reliable and useful knowledge in addition to the field of Study.

Prof. Sinha apprised about the types of Research Methodology which can be divided into: Doctrinal and Non Doctrinal (Empirical), and further explained them.

He also highlighted that Research Methodology guides in overall manner. Literature Review helps us to identify the gaps in existing research and to work upon it. The session was very insightful and knowledgeable.

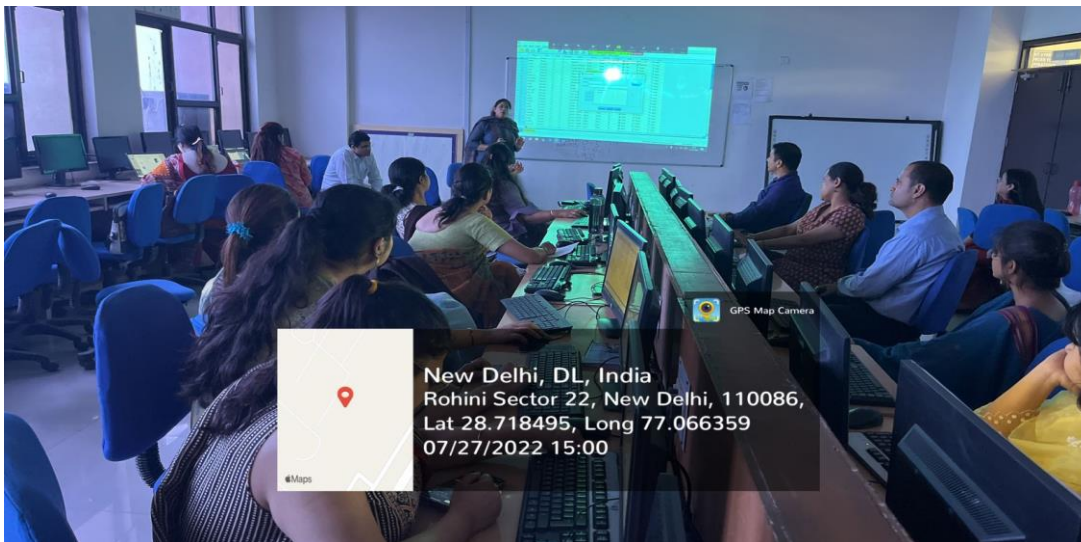
**DAY 1: 27<sup>th</sup> July, 2022**

**Theme: Overview of Research Methodology**

**Session 3: "Statistical Analysis using SPSS in Empirical Research"**

**Time: 2:15 pm- 3:45 pm**

**Speaker- Dr. Rachna Jain**



Dr. Rachna Jain is an Associate professor at Maharaja Agrasen Institute of Management Studies, Delhi. In 2014, she was awarded a doctorate in finance from University of Delhi. She has over 12 years of experience in teaching. Besides, she has published 16 research papers in national and international journals. Her published research is in the area of financial market, mentoring and behavioural studies. She has presented papers in national and international conferences. She has published book on Research Methodology especially for undergraduate students.

Prior to session Participants were asked to download soft files to be used in the session for learning purpose. Session started with brief introduction of SPSS Software that comprises of three windows of which two windows are important- Data view and variable view.

She mentioned about nominal data and it's usage and cautioned about the basic principles that operate the system for instance data has to be fed into software because system does not know the discrimination or criteria to distinguish the data. Therefore, she empathised on the significance of category which if not disclosed to software then it is likely to falter and generate irrelevant and uncorrected output.

She later explained about descriptive statistics and how it is entered into the software to convert nominal data into ordinal data. Certain examples were shared by her for better understanding of concepts. For instance, name, marital status gender, if coded then nominal data is converted into ordinal scale.

In ordinal scale there is always coding. Scale is an instrument that can be measured. To need data in scaling – scale can be interval scale or ratio scale. Likert scale is used for feedback analysis. It is relevant to measure the entry. Variable view should be fed with correct entries so as to use SPSS.

The speaker also elaborated about the concept of rows and columns with participants for their better understanding.

She reminded participants that it is important to enter data in variable column because it will not take space in between the variable and it is only this language is readable by SPSS. # and ! do not work as they are connectors. She again highlighted that it is important to note the language of data entered.

For analysis on balance sheet – in numbers, commas are used. This should be entered in the variable view so as to analyse the data.

She briefly explained that sorting of data should be done according to the need and desire of researcher and should be decided on the basis of output desired.

For comprehensive understanding of participants she shared a paper that was based on legal research– Empirical analysis of rape sentence based on SPSS- 2022 as an example of relevance and usage of SPSS in legal research.

The speaker also elaborated about the concept of Regression which means what  $Y = A + bx$  -- -- y is dependent variable – X is independent variable. She shared an example to explain it to participants. When relation is single between X and Y then it is Simple regression, when it is multiple then it is multiple regression. Multiple regression is more useful.

The session was very interactive and comprehensive. The participants simultaneously worked on the SPSS sheet to understand the software and to learn it step by step. They raised their doubts and the same were resolved by the speaker in a detailed manner.

## **DAY 2: 28th July 2022**

**Theme: Changing Socio Legal Dimensions of Family and Gender Related Issues**

**Session 4: “The Role of Women in Shaping the next generations of legal profession”**

**Time: 10:00 AM to 11:30 AM**

**Speaker: Dr. Rachna Chaudhary**





The Resource person of the 4<sup>th</sup> session of the FDP was Dr. Rachna Chaudhary. Dr. Rachna Chaudhary is an Associate Professor at the School of Human Studies, Dr. B. R. Ambedkar University, Delhi. She researches the impact of sexism on women coming in contact with the Indian legal system. Dr. Chaudhary's current research is on the manner in which different categories of women and their sexuality are constructed and treated within the judicial discourse. She completed her M.Phil. dissertation on "India South-Africa Relations in Post-Apartheid Era" from Department of African Studies, University of Delhi. Her doctoral work at Department of Political Science, University of Delhi, focused on the judicial construction and treatment of the female criminal through an analysis of Delhi High Court Judgments in the 1990s. She was awarded UGC's Junior Research Fellowship in Political Science in 1997.

During the session, she discussed the role of women in shaping the next generations of legal profession. The session was started with a discussion over a very general question that who is a woman? Or to elaborate, the question was asked in reference to the question that who are those women responsible for shaping the generations of legal profession. The speaker emphasized on three main categories i.e., women as law teachers & students, women as judges and women as legal practitioner. The session was interactive and participative. The speaker was very much able to involve the participants in the discussion.

The speaker tried to understand the issues which the participants were facing in their life and their perspective towards their responsibility in shaping legal generations. The speaker explained that "a woman in legal profession is an exception and not a norm". She focused and discussed with the participants personal gender encounter by the society.



The speaker cited the sources which formed the day's discussion such as How under-represented women are in Judiciary? – by Shweta Balakrishnan & Deepali; Open letter by Indira Jaising to the government of India in March 2019; All India Survey of Higher education, and certain articles from The Wire etc.

The Session was concluded with a Vote of Thanks by Ms. Aastha Narula, Faculty, Department of Law, MAIMS.

**DAY 2: 28th July 2022**

**Theme: Changing Socio Legal Dimensions of Family and Gender Related Issues**

**Session 5: “Legality of Live in Relationships in India”**

**Time: 11:45 AM to 1:15 PM**

**Speaker: Prof. (Dr.) Anju Tyagi**



The fifth session of the Faculty Development Program was on the topic “*Legality of Live in Relationships in India*”. The esteemed speaker for this session was Prof. (Dr.) Anju Tygi, Professor at National Law University at Delhi. She has been teaching since 2000, she had taught in various reputed colleges of Delhi and University of Rajasthan Government College, Kota. Besides teaching these subjects at the B.A., LL.B (Hons.) level, Dr. Anju guided several research students for their Post-Graduate Degrees. She has presented many papers in National and International conferences and chaired sessions at various seminars and national conferences. The session began at 11:45 A.M in the offline mode wherein the honourable speaker was introduced by the Dr. Monika Jain, faculty coordinator for the session. More than 30 participants participated both via online and offline mode for the session.

The session began with the hon’ble speaker introducing the concept of live in relationship and tracing some parts of it to history such as the concept of Gandharva form of marriage which was essentially an agreement between two friends to live together. This was followed by discussing the international perspective of live in relationships with special reference to International Covenant on Civil and Political Rights and Universal Declaration of Human Rights.

In the second section, Dr. Tyagi moved to discuss the legal consequences of marriage; what is the status of husband and wife as opposed to partners in a live in relationship, the legitimacy of children, issues of maintenance, custody of children and inheritance rights. The participants then discussed how live in relationships are still considered as a taboo and the reasons as to why a couple would choose to merely live in together and not marry formally.

The next part of the session focused upon the legal aspects, particularly the domestic legal aspects of live in relationships. Some key points that Dr. Tyagi threw light upon included the non-recognition of live in relationships in Cr.P.C, Hindu Marriage Act, The Special Marriage Act etc. It was discussed how some recognition is available to such arrangements by virtue of the Protection of Women from Domestic Violence Act however that too is open to interpretation.

Prior to taking up questions from the audience and participants, Dr. Tyagi discussed a plethora of cases starting from judgements of the Privy Council till the recent judgement of the Supreme Court delivered in the month of June 2022. The decisions showed the trajectory of the evolution of law as regards to live in relationships. Various subjects were touched upon during this discussion such as the recognition by virtue of *Doctrine of factum valet* and the never ending debate of law versus morality. Landmark judgements such as Lata Singh v. State of UP, Mohabbat Ali Khan v. Muhammad Ibrahim Khan, Alok Kumar v. State and S. Kushboo v. Kanniammal and Ors. , Indra Sharma v. V.KV Sharma were extensively discussed.

Dr. Tyagi then took up the questions from the participants which made the session even more interactive and stimulating with discussion on grey areas such as Live-in Agreements, if Indian needs to enact a separate law on this issue, the legalities involved etc. Dr. Monika Jain post the interactive session thanked the speaker marking the end of the session.

## **DAY 2: 28th July 2022**

**Theme: Changing Socio Legal Dimensions of Family and Gender Related Issues**

**Session 6: “Transcending from Gender Binary to Gender Spectrum”**

**Time: 02:15 PM to 3:45 PM**

**Speaker: Prof. (Dr.) Ritu Gupta**



This session was delivered by Prof. (Dr.) Ritu Gupta, National Law School, Delhi. Prof. Gupta has got teaching experience of almost 20 years. Prior to joining NLU Delhi, she has taught at University School of Law and Legal Studies (USLLS), Guru Gobind Singh Indraprastha University (GGSIPU), Dwarka, New Delhi and Vivekananda Institute of Professional Studies (VIPS), Pitampura, New Delhi. She is Research Director of Centre for Banking and Financial Laws, NLUD. She has written two books one on "Sexual Harassment at Work Place and the other on "Law Contract' including the Specific Relief Act, 1963, both are published by LexisNexis. She is a member of the National Human Rights Commission's Core Group of Women. She is also a member of Executive Committee (EC) of Dr. B. R. Ambedkar National Law University, Sonapat and NLUD. She is a member of the Board of Referees of many refereed journals including NCRB Journal and an external expert in the advisory board of NRC's Hindi Magazine 'Nayee Dishayein'. She has been an external expert member of Internal Complaints Committees (ICC) at 'Prasar Bharati' and NLUD. Presently she is an expert member of the Internal Complaints Committee (ICC), Ministry of Women & Child Development (MWCD), GOI. She had been conferred 'REX Karamveer Global Fellowship and Karamveer Chakra Award' in March 2015 for her outstanding contribution to women empowerment.

The Speaker introduced the concept of binary and spectrum terms through her experiences. The speaker started her discussion with a gender-taking social justice system and comparison on the basis of culture, upbringing, education and gender socialization. It was highlighted that Gender Binary was perpetuated by the culture specifically. She suggested for the valuable expression "*ought to*" rather than the law as it is. There is a need to remove ambiguity in the terms and definitions just to meet societal needs. There is a need to think about the change of society's attitude.

The speaker shed light upon gender existence, Gender Identity Gender determination, style of behavior in society. The speaker discussed in detail the Gender Non- Confirming behaviour as it consistently falls outside of what is considered normal for their assigned biological sex.

Following it, the session stressed the problems of Transgender, heterosexual, same-sex and so on... Moving towards the ‘spectrum’ term, the speaker expressed that gender spectrum is where there are multiple gender identities and acknowledges a wide range of gender expression, and their external communications through their behavior, clothes, status, and voice. In addition, the speaker tinted the causes like if there is a lack of access to gender recognition, it would negate the identity of a person to such an extent that it provokes a fundamental rupture of State obligations. Denying someone the legal recognition of their gender negatively impacts all aspects of their life like the right to health, housing, access to social security, freedom of movement and residence; and it also fuels discrimination, violence and exclusion in social settings, including educational and work environments. When States recognize the gender identity of trans persons, they often impose abusive requirements, such as medical certification, surgery, treatment, sterilization or divorce. Lastly, the speaker rationally suggested solutions in the areas of governmental policy, professional development and curriculum content of schools and colleges. The session was really helpful to cross the journey from gender binary to gender spectrum. The audience appreciated the examples, recent reports, and case studies discussed during the session.

**DAY 3: 30<sup>th</sup> July 2022**

**Theme: Health Care Law and Practice with Specific Focus on Community Health Care & Data Protection – Law, Rising Trend of Digital Platform, Safeguards and their Effectivity**

**Session 7: “Understanding evolving Data protection and Privacy Regulations in India”**

**Time: 10 AM to 11:30 PM**

**Speaker: Prof. (Dr.) Raman Mittal**



The topic of the seventh session was “Jurisprudence of Intellectual Property Rights” and the Hon’ble Resource person who delivered the session was Prof. (Dr.) Raman Mittal who is currently a Professor at Campus Law Centre, Faculty of Law, University of Delhi. He had joined University of Delhi in 2005 and has been Professor-in-Charge of Campus Law Centre and Head and Dean, Faculty of Law, University of Delhi. Before joining University of Delhi Prof. Mittal worked at the Indian Law Institute, New Delhi and Winthrop Stimson Putnam and Roberts—a law firm in the USA. He holds LL.M. (University Gold Medalist) and Ph.D. from Panjab University together with M.S.S. from International Space University, France. Prof. Mittal did his Post-doctoral from the Max Planck Institute for Innovation and Competition, Munich

The session started at 10 AM on the virtual platform Zoom where the esteemed speaker was welcomed by the Faculty Coordinator – Ms. Smriti Sharma. There were about 30 participants belonging to varied backgrounds ranging from research scholars to academicians to lawyers etc.

Dr. Mittal started by asking a practical question- to place law, IP and property in a venn diagram and invited participants to answer. A few participants enthusiastically attempted to answer it. The next few questions posed by Sir under the topic ‘Origin of IP’ was “What was the first law that was made?”, “When did we make the first law?” and “why did we make the first law?”. Sir shared a quote by Jeremy Bentham- “Law and property are born together and die together” to discuss the questions posed before.

Dr. Mittal conducted a highly interactive session inviting inputs and answers throughout the session from the participants. Later, Dr. Mittal responded to the Questions and doubts raised by the participants.

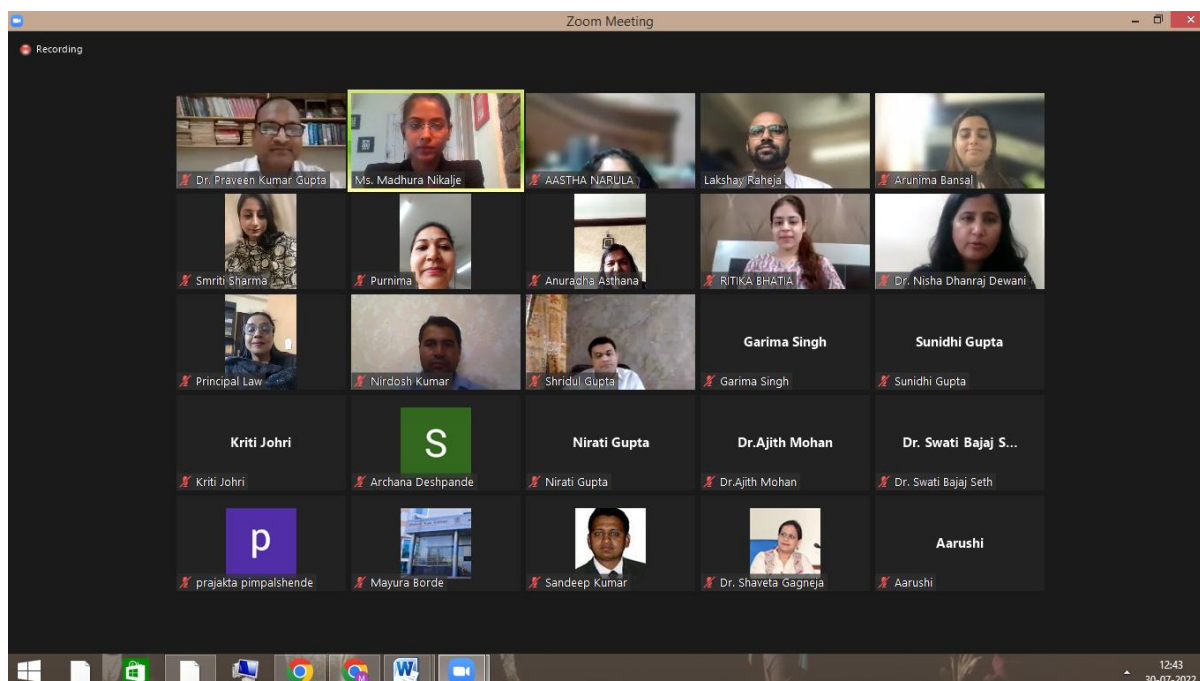
### **DAY 3: 30<sup>th</sup> July 2022**

**Theme: Health Care Law and Practice with Specific Focus on Community Health Care & Data Protection – Law, Rising Trend of Digital Platform, Safeguards and their Effectivity**

**Session 8: “Medico-Legal Perspective Active and Passive Euthanasia”**

**Time: 11:45 AM to 1:15 PM**

**Speaker: Dr. Lakshay Raheja, Neurosurgeon**



The resource person of the second session was Dr. Lakshay Raheja who is a Senior Resident at Department of Neurosurgery in the Medical Trust Hospital, Kochi. He finished his MBBS from Kasturba Medical College, Manipal, Karnataka. and the topic was “Medico Legal Perspective Active & Passive Euthanasia”.

The session started at 11.45 A.M. on the Seminar Hall and virtual platform Zoom where the esteemed speaker was welcomed by the Faculty Coordinator – Ms. Madhura Mohan Nikalje. There were over 30 participants belonging to varied backgrounds ranging from research scholars, academicians and lawyers etc.

Dr. Lakshay Raheja explained that Euthanasia is defined as the administration of a lethal agent by another person to a patient for the purpose of relieving the patient's intolerable and incurable suffering. Physician's motive is merciful and intended to end suffering. Euthanasia is performed by physicians and has been further defined as “active” or “passive.” Active euthanasia refers to a physician deliberately acting in a way to end a patient's life. Passive euthanasia pertains to withholding or withdrawing treatment necessary to maintain life. There are three types of active euthanasia. Voluntary euthanasia is one form of active euthanasia which is performed at the request of the patient. Involuntary euthanasia, also known as “mercy killing,” involves taking the life of a patient who has not requested for it, with the intent of relieving his pain and suffering. In non voluntary euthanasia, the process is carried out even though the patient is not in a position to give consent.



## **What's the difference between active euthanasia and passive euthanasia?**

Active euthanasia occurs when doctors deliberately do something on humanitarian grounds like injecting a substance in the patient's body that causes the patient's death while passive euthanasia is when doctors stop doing something to keep the patient alive like switching off life-support machines or disconnecting feeding tubes. In passive euthanasia what doctors do is that they alter life support system and let nature take its course. Another main difference between active and passive euthanasia is the moral debate that surrounds the killing of the patients. Many thinkers consider active euthanasia an immoral practice and consider it to be an equivalent to murdering a person because doctors in a way are assisting the patient to commit suicide. Active Euthanasia is legal in a handful of countries like Canada, Switzerland etc in comparison to passive euthanasia which is legal in many countries with limitation to specific circumstances and the approval of councillors and doctors or specialists. There is further sub-categorization of active and passive euthanasia which is voluntarily and involuntarily. Involuntarily euthanasia is when the consent is directly taken from the patient whereas involuntarily euthanasia is when the patient is unable to give consent for example if the patient is in coma or the patient is a very young baby or the patient is not in an age of making the decision for himself. There are countries like Belgium, Netherlands, Luxemburg where active euthanasia is banned but voluntary-active euthanasia is legal.

Dr. Lakshay Raheja explained that the term passive euthanasia is used by the Supreme Court of India which basically means withdrawal of artificial medical support system to patients. It is only available to patients who are terminally ill and are at the last stage of their life without any hope of recovery or improvement.

Sir, also emphasized that the research title should be self-explanatory and should be clear and precise. The session was open to questions by the participants after Dr. Lakshay Raheja comprehensively explained the euthanasia 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.

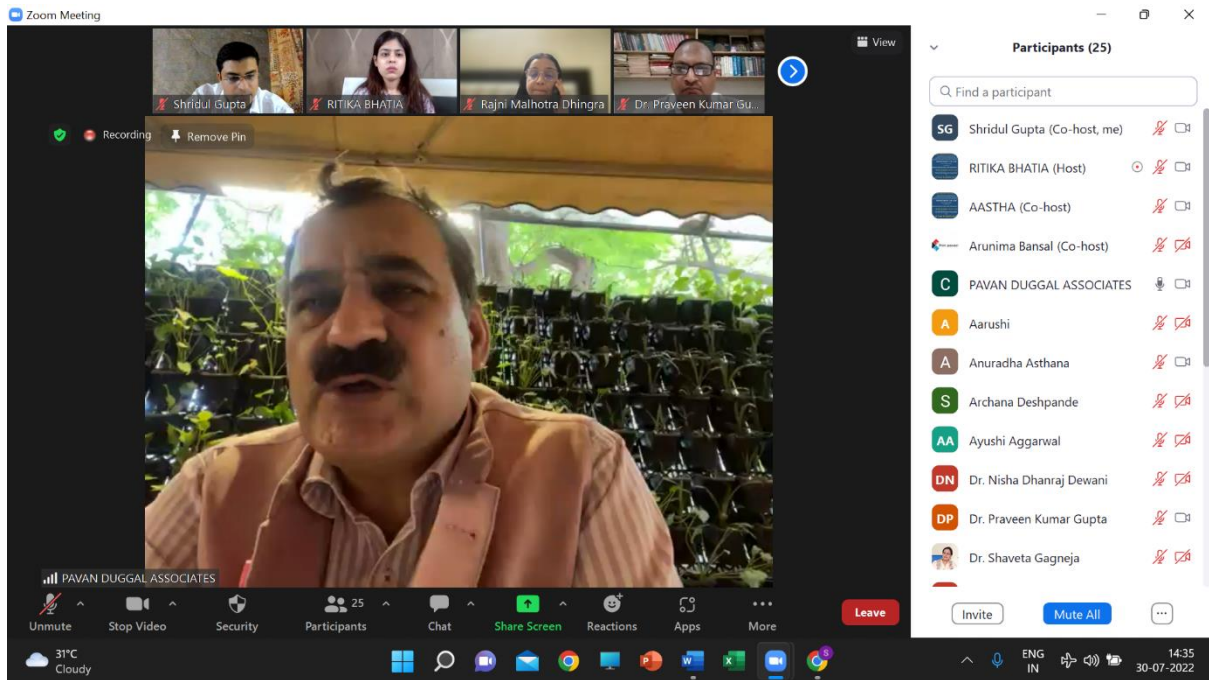
### **DAY 3: 30<sup>th</sup> July 2022**

**Theme: Health Care Law and Practice with Specific Focus on Community Health Care & Data Protection – Law, Rising Trend of Digital Platform, Safeguards and their Effectivity**

**Session 9: “Data Protection Laws in India: A Comparative Study”**

**Time: 02:15 PM to 3:45 PM**

## Speaker: Dr. Pavan Duggal



The third session of the FDP started at 2:15 PM on 30th July 2022. Topic of the session was **“Data Protection Laws in India: A Comparative Study”** and the speaker was Dr. Pavan Duggal.

Dr. Pavan Duggal is a practicing lawyer in the Supreme Court of India and has been acknowledged as one of the top 4 Cyber Lawyers around the world. He conducts 44 different online courses at Cyberlaw University, which have been subscribed by an overwhelming 27,500 students from 174 countries across the globe.

Dr. Duggal is empaneled as a consulting expert with numerous International organizations and has been associated with Ministry of Communications & IT, Govt of India on issues relating cyber arena, technology & information security. Sir is as vivid in the academic circuit as well. No holds barred, He has spoken at over 2500 Conferences, Seminars and Workshops in the last two decades, and has lectured extensively in elite Law Colleges. As a Writer, he has stands to his credit with 179 Books on various aspects of the law.

Dr. Duggal discussed the latest cyber offences like cyber stalking, e-forgery etc. and also mentioned the recent cases related to cyber offences. Sir stated that the present Information Technology Act is twenty-two-year-old yet there is very less conviction rate with the result that there are reported cases. Dr. Duggal made the following observations: a.) First conviction under the Information Technology Act was in the year 2003 and almost all the cyber offences are bailable; b.) There’s a National Cyber Helpline Number – 1930 which is manned by the Law

enforcement agencies; c.) Cyber offences should be reported promptly esp. instances of breach of cyber security; d.) Smart phones are a sea of information so data should be kept secure and Data Security should be considered as a way of life; e.) India's upcoming Data Protection Law, Proposed Amendments to I.T Act and rules there under will definitely assist in Data Protection; f.) Ignorance of law is no excuse and every activity of ours has legal ramification, so online content should not be published in a hurry; g.) Damages up to Rs. Five Crores can be claimed u/s 43 of the I.T Act with claims being filed before the Adjudicating Officer; h.) The I.T (Reasonable Security Practices & procedures and sensitive personal data or information) Rules, 2011 gives recognition to the e-transactions, digital signatures, electronic signatures, e-records and also recognizes their evidentiary value.

The session was indeed very helpful for all of us as we learnt new things in such technical and complex field of law.

#### **DAY 4 : 31<sup>st</sup> July 2022**

#### **Theme: Effectivity of Diverse forms of ADR Mechanism**

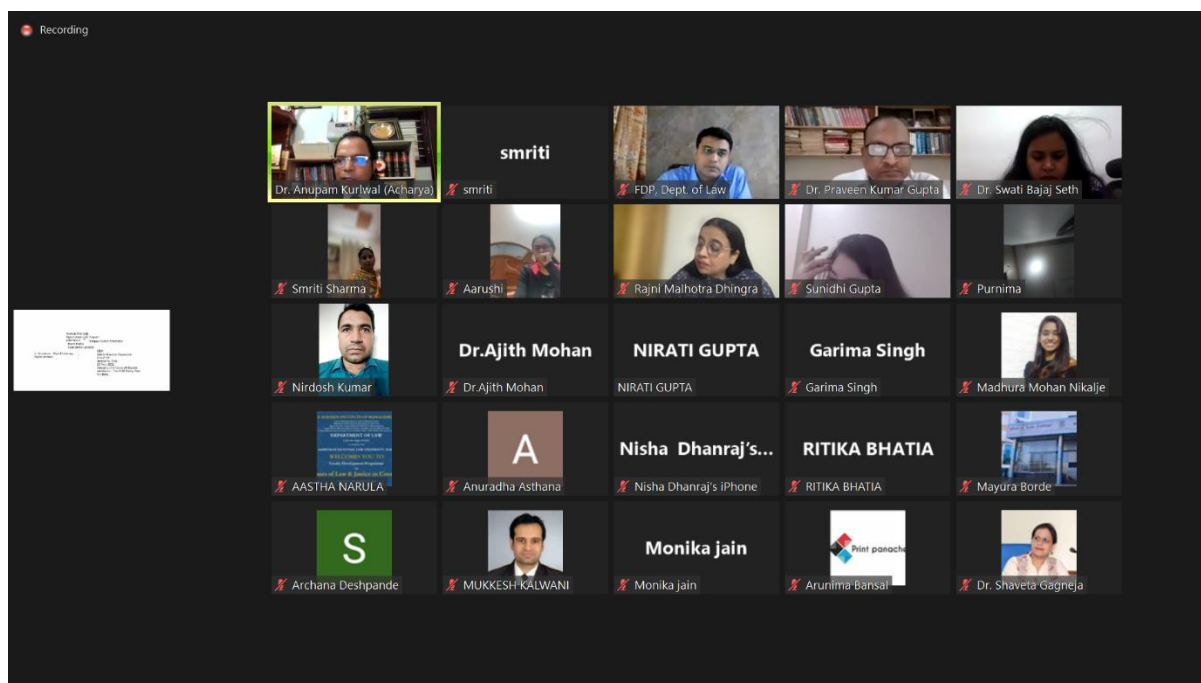
#### **Session 10: "ADR v/s ODR as Means of Dispute Resolution"**

**Time: 10:00 AM to 11:30 AM**

**Speaker: Acharya Anupam Kurlwal**

The topic of the tenth session was "ADR v/s ODR as Means of Dispute Resolution" and the Hon'ble Resource person who delivered the session was the bestselling and award winning author Dr. Anupam Kurlwal (Famous Name-Dr. Anupam Acharya). He has been "Asian Admirable Achiever" and finds a place in Asia's Who is Who. He has received the "Bharat Excellence Award", "Certificate of Felicitation" and "Certificate of Excellence" for his accomplishments. He delivers motivational and legal lectures at various platforms and his audience varies from IPS/IAS, Corporate Heads to Principals/Directors. He is invited as expert in workshops of corporate heads, principals, teachers and officers at NCERT, SECRT, HIPA , Central Schools etc. He is also invited as a jury member for National Essay Writing Competitions, National Debate Competitions and National Awards. He is Professor of law by profession and human potential enhancer by interest. He has done his LL.B., LL.M., Ph.D. in law from Maharshi Dayanand University Rohtak (Haryana) and qualified UGC-NET exam. He has written over 13 books on law and motivation. His famous motivational book "30 Powerful Laws of Personal and Professional Success" is the bestseller on Amazon and Flipkart. His law books on ADR , Equity are prescribed in many Indian Universities in their syllabus. He is a member of many distinguished academic and occult organizations. He has participated and

presented numerous research papers on law and mystic subjects in many seminars and conferences around the globe. He got Best Presentation Award for his presentation in international conference at Toronto in June, 2019. He has been nominated as a member of International Scientific Committee during his recent visit to Canada by World Academy of Science, Engineering and Technology. He, has received Gurugram Achiever Award for his accomplishments in 2019.



The session started at 10 AM on the virtual platform Zoom where the esteemed speaker was welcomed by the Faculty Coordinator – Dr. Praveen Kumar Gupta. Dr Anupam Acharya started the session by asking the full form of the abbreviation “ADR”, meaning of certain terms like – ‘dispute’ and ‘resolution’ and invited participants to answer. A few participants enthusiastically attempted to answer it. The next few questions posed by Sir were, “What are the modern methods of dispute resolution?”, “What is the difference between mediation and conciliation?” and “What are some methods of ODR?” etc.

Dr Anupam Acharya conducted a highly interactive session inviting inputs and answers throughout the session from the participants. Later, Sir responded to the Questions and doubts raised by the participants.

The session ended with a vote of thanks from Dr Praveen Kumar Gupta, Head of Department, Law, MAIMS expressed special gratitude to Sir for his informative and useful presentation.

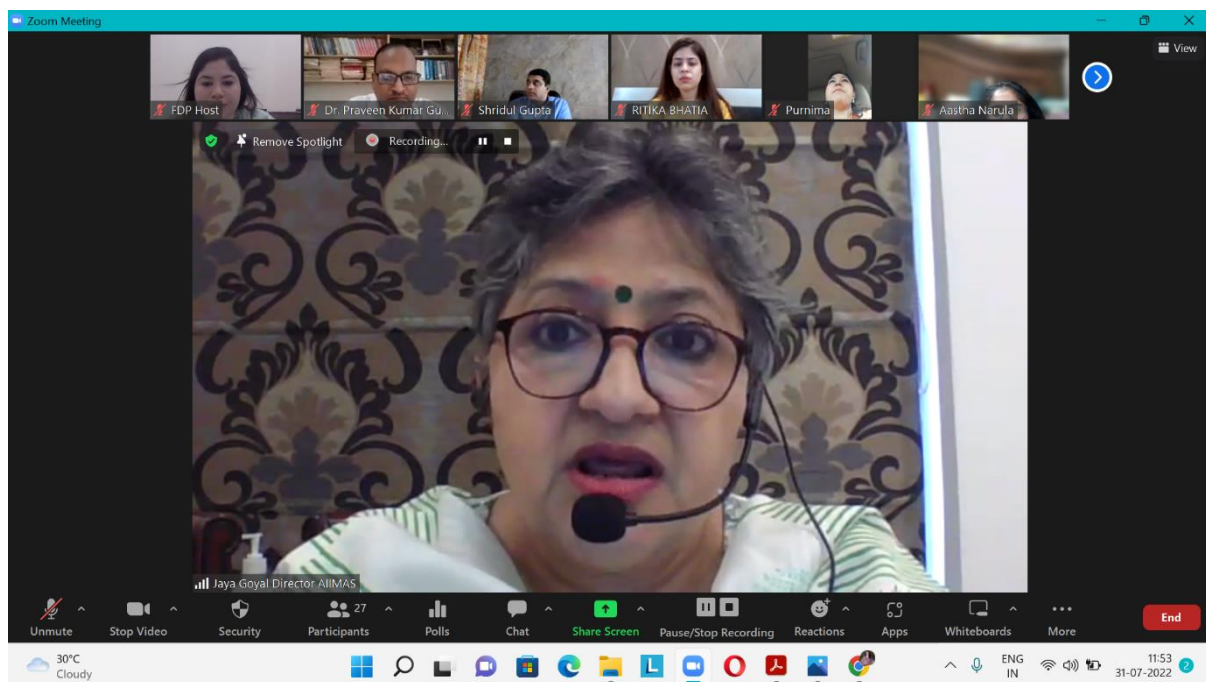
**DAY 4 : 31<sup>st</sup> July 2022**

**Theme: Effectivity of Diverse forms of ADR Mechanism**

**Session 11: “India as an International Commercial Arbitration Hub: The Challenges”**

**Time: 11:45 AM – 1:15 PM**

**Speaker: Ms. Jaya Goyal**



The 11<sup>th</sup> Session welcomed Ms. Jaya Goyal, Managing Partner, NEO JURIS LLP, Advocates & Solicitors, New Delhi. She is the Director Trainings & Courses at AIIMAS- Association for India International Mediation & Arbitration Services. She is a trained Mediator in Delhi Mediation Centre since January, 2007 and is a trainer and resource person in various Mediation Awareness Programmes, Training Programmes for Judicial Officers and Advocate, Refresher Courses for Mediators being conducted all over India under the aegis of Mediation and Conciliation Project Committee, Supreme Court of India.

Ms. Goyal spoke extensively about the Arbitration and Conciliation Act and the challenges India faces, as well as the large leaps the country has taken, in making India an International Arbitration hub. She mentioned the decision of the Supreme Court to build an International Arbitration Centre in Goa on its newly acquired land.

Ms. Goyal discussed various provisions of the Arbitration Act, pioneering cases related to snagging areas, as well as the recent amendments brought about in the Act. Through various

judgments she showed that the dispute resolution system is yet not following the mandate of Section 5 of the Act, which aims to minimise judicial intervention in arbitration proceedings. In her opinion, this is the biggest challenge to party autonomy and, indeed, it impacts the claim of India as an International Arbitration hub.

She highlighted the problems in the new amendment acts of 2015, 2019 and 2021 and remarked that ease of doing business in India needs to improve, rather than more judicial intervention at every stage of the proceeding.

She also discussed the Amazon–Future Group–Reliance Group dispute and discussed the orders passed by SIAC, Delhi High Court as well as that of the Supreme Court in detail. She also highlighted all the factors that are connected with the matter, including the livelihood of thousands of employees of the Future Group.

Her knowledge of the subject is exceptional and it was a great learning opportunity to listen to her research on the subject. She made the session very lively and interactive and lawyers really enjoy being taught with the help of practical cases, which Ms. Goyal did. Her research was updated and she brought the most recent scenario for discussion. The session helped us understand many nuances of International Commercial Arbitration and its future in India.

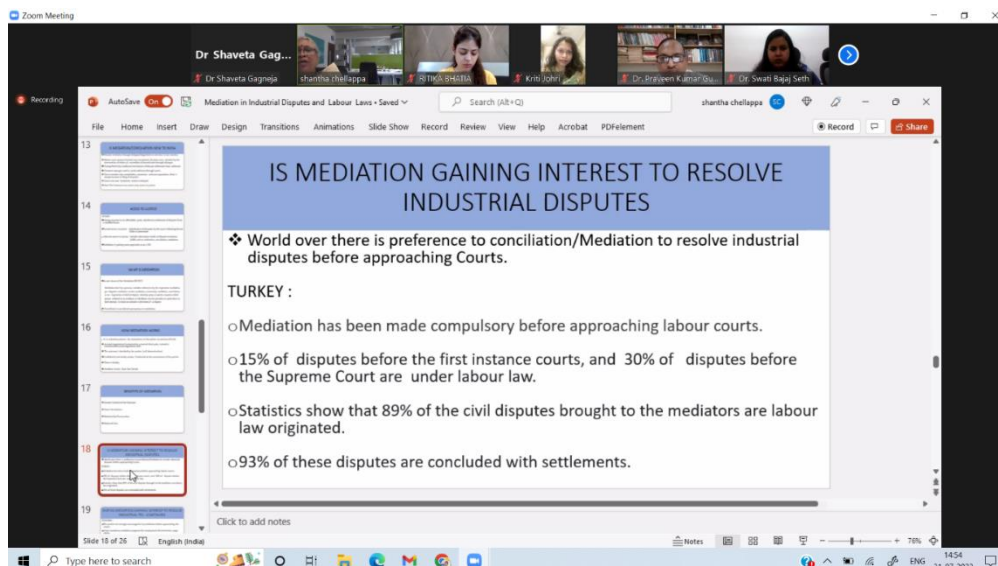
## **DAY 4 : 31<sup>st</sup> July 2022**

### **Theme: Effectivity of Diverse forms of ADR Mechanism**

### **Session 12: “Mediation in Industrial Dispute and Labour Law”**

**Time: 2:15 PM – 3:45 PM**

**Speaker: Ms. Shantha Chellappa**



Zoom Meeting

Dr. Shaveta Gag... shantha.chellappa Dr. Thejaswini Kripa Jothi Dr. Brajveer Kumar B... Dr. Swati Raju Seth

Recording

AutoSave On Mediation in Industrial Disputes and Labour Laws - Saved Search (Alt+Q) shantha.chellappa Record Share

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### IS MEDIATION GAINING INTEREST TO RESOLVE INDUSTRIAL DISPUTES

- ❖ World over there is preference to conciliation/Mediation to resolve industrial disputes before approaching Courts.

TURKEY :

- Mediation has been made compulsory before approaching labour courts.
- 15% of disputes before the first instance courts, and 30% of disputes before the Supreme Court are under labour law.
- Statistics show that 89% of the civil disputes brought to the mediators are labour law originated.
- 93% of these disputes are concluded with settlements.

Click to add notes

Slide 18 of 26 English (India) 14:54 31-07-2022

The 12<sup>th</sup> session welcomed Ms. Shantha Chellappa having more than 35 years of experience at the Karnataka Bar on the civil side with focus on commercial, personal, matrimonial, and service/labour matters in Trial and Appellate Courts of Karnataka. She has been on the panel of large institutions like Insurance Companies, Housing Finance Companies, Indian Railways and Banks and also conducting the Mediation Training Program. She is also trained by Singapore International Mediation Centre to mediate in Cross border disputes and Appointed as Member of Specialist Mediator Panel (India) by SIMC. She is an experienced mediator having mediated over 600 cases in civil and commercial areas such as breach of contract, partnership disputes, company matters, employment, property, real estate, money recovery, matrimonial and its connected criminal cases, compoundable criminal offences and criminal matters predominately civil in nature like cheque bouncing cases.

At the outset, the speaker focussed on the significance of Mediation and how it has emerged as a fast growing disputes redressal mechanism. Mediation, Conciliation and Arbitration, in their earlier forms are historically more ancient than the present day Anglo-Saxon adversarial system of law. Various forms of mediation and arbitration gained a great popularity amongst businessmen during pre-British Rule in India. The concept of mediation received legislative recognition in India for the first time in the Industrial Disputes Act, 1947 and detailed procedures were prescribed under the Act. The conciliators appointed under Section 4 of the Act are “charged with the duty of mediating in and promoting the settlement of Industrial disputes”. The speaker further discussed that mediation is being promoted by labour laws and the authorities on whom the Act confers authority to carry out settlement and investigation purposes for an industrial dispute Act. The settlement machinery as provided by the Act consists of the three methods: Conciliation Arbitration Adjudication. Subsequently, speaker discussed the 129<sup>th</sup> Law Commission of India Report recommends courts to refer disputes for mediation compulsorily and also measures for effective implementation and growth of Mediation in India:

- There is an urgent need for a uniform statute exclusively governing the mediation process in India.
- Private mediation is less preferred due to lack of recognition. Requirement of practical recognition of mediation process by the legislature and the judiciary.
- The judiciary mostly deals with matters that require adjudication, but there are situations where mediation techniques would be more appropriate and beneficial to the

parties. Therefore, identification of such matters and situations by parties, lawyers and judges becomes extremely crucial and important in the promotion of mechanism.

At the end speaker suggested that mediation has not been used effectively or served the purpose for which it was created. Nonetheless, both employers and employees do not want the process be abandoned. Indeed, mediation could be a cheap and quick process if used appropriately. And the Government need to work proactively in order to bring Industrial Dispute Act under the purview of mediation.

### **DAY 5: 1<sup>st</sup> August 2022**

**Theme: Mental Health Issues in Covid-19 Era**

**Session 13: “Can the Indian Legal Framework deal with the Covid-19 Pandemic? A review of the Epidemic Diseases Act”**

**Time: 10:00 AM – 11:30 AM**

**Speaker: Prof. (Dr.) Kanwal D.P. Singh**





The 13<sup>th</sup> Session welcomed Ms. Kanwal D.P. Singh, Professor, University School of Law and Legal Studies, Guru Gobind Singh Indraprastha University, New Delhi.

Dr. Kanwal DP Singh started her career as a lecturer in Amity Law School (affiliated to GGSIPU) in the year 1999. In 2008, she was promoted as Professor and Deputy Director and transferred to Amity University. She has teaching and research experience of 14 years. Her specialization is in area of Capital Market and Land Laws. She joined the University School of Law and Legal Studies GGSIPU in 2013.

She began the session by introducing the topic and explaining the concept of Disaster and Pandemic in the context of Covid-19. She discussed about the new work models which started to operate after the emergence of Covid-19 and spoke about the shift towards virtual mode. She mentioned the legal and constitutional provisions and highlighted about the subject of Health. The Constitutional provisions relating to emergency and the centre-state relations were highlighted. She emphasized that the legal system prevailing in India was not sufficient to deal with the issue of pandemic like Covid-19.

She mentioned the provisions of the International Covenant on Economic, Social, and Cultural Rights (ICESCR) which states about the right to the enjoyment of the highest attainable standard of physical and mental health. Through various Supreme Court judgments, she stated that public health is included in the category of Fundamental rights in India. The provisions of Disaster Management Act 2005, Epidemic Act 1897 were explained and their effectiveness in controlling the situation of the pandemic was explored. In the same context, the Centre-state relations and the concept of Co-operative federalism was analysed. She also stated the challenges towards the effectiveness and implementation of the legal regulations to deal with the pandemic situation. At the end suggestions were provided to improve the overall legal governance mechanism so that the situations like covid-19 may be handled more effectively from every perspective.

The session was open to questions by the participants after Prof. Kanwal comprehensively explained the Legal Response of India to Covid 19. She systematically addressed the questions raised by the participants. The session was very engaging and the participants could connect with the topic as everybody was affected by the pandemic in the recent years. It was made lively and interactive through the discussion of real examples. The session came to an end after the question-answer round.

## **DAY 5: 1<sup>st</sup> August 2022**

**Theme: Mental Health Issues in Covid-19 Era**

**Session 14: “Stress Management”**

**Time: 11:45 AM – 1:15 PM**

**Speaker: HG Ravi Lochan Prabhu**

The 11th session of the 5th day of the FDP was delivered by Shri HG Ravi Lochan Prabhu. His Grace Ravi Lochan Prabhu is a very senior preacher and preaches the youth and congregation community in New Delhi. He is known for his devotee counselling and care. He is expert in deity worship, kirtan, discourses and performing yagyas. He is popular among devotees for his wide range of series of lectures and great depth of understanding for Srila Prabhupada Books.



He extensively elaborated on the difference between temporary and permanent relief to a particular problem. With this note he emphasized upon the genesis of his discourse i.e. “From Stress to Smile” and cautioned the gathering as to how our energies are primarily focused upon managing stress which inter alia leads to further stress. He explained various reasons for causing stress including lamenting over the past and worrying about the future. Through short spiritual and interesting stories he mentioned about the four kinds of thoughts that a human mind regularly resorts to namely positive, negative, routine and wasteful thoughts and urged the audience to avoid negative and wasteful thoughts.

Shri HG Ravi Lochan Prabhu dealt with the need for understanding the subtle difference between the concept of being part of problem or being part of solution in his discourse. He beautifully articulated the thought that smile is a curve that keeps many things straight. He specifically mentioned that stress need not be managed instead the same has to be ended. Explaining through acronym “CAUSE”, he emphasized how comparative mentality, association with wrong people, unhealthy life style, spiritual vacuum, expectations that are unrealistic from oneself and others are the causes of Stress.

Further with another acronym: “SMILE” he innovatively explained the means to end the stress. He elaborated that Self-care, Mind and Body Care, Identity Settlement, Learning and lastly, expert conversation with the mind.

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.

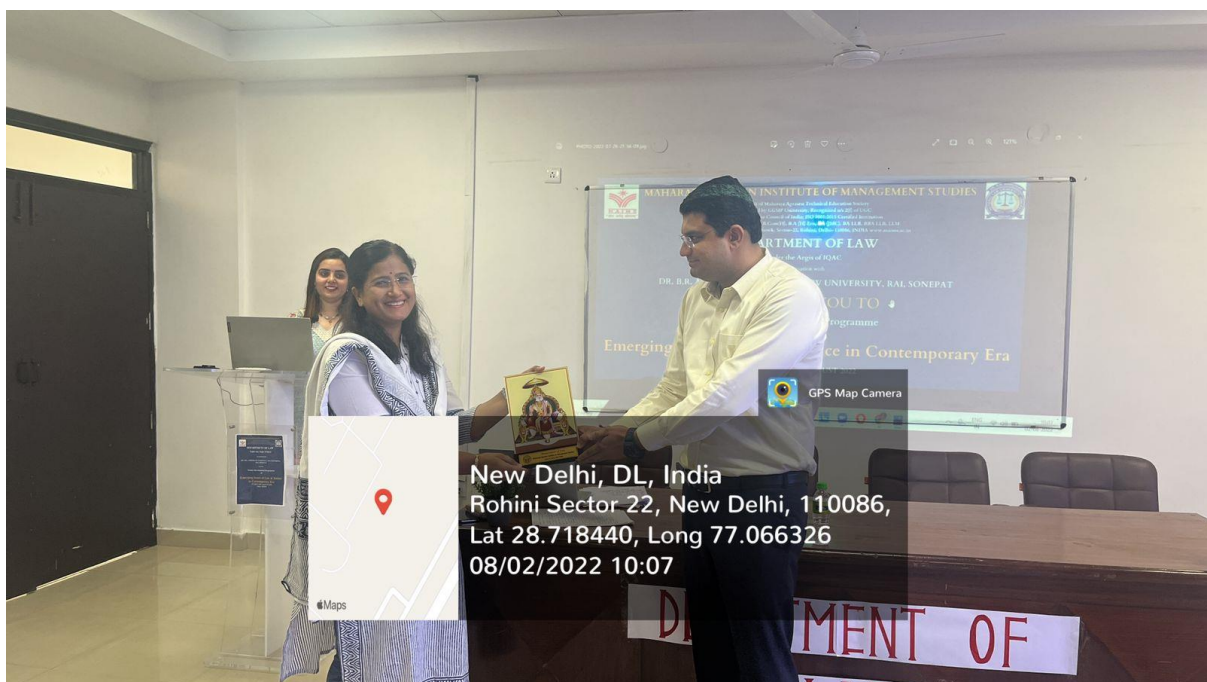
## **DAY 6: 2<sup>nd</sup> August 2022**

**Theme: Role of IPR in Medical Researches**

**Session 15: “Intellectual Property Systematic Responses to Novel Biomedical Technologies”**

**Time: 10:00 AM – 11:30 AM**

**Speaker: Dr. Nisha Dhanraj Dewani**



The resource person of 15<sup>th</sup> session was Dr. Nisha Dhanraj Dewani, Associate Professor, Department of Law, MAIMS. She has around thirteen years of teaching experience and has many published research papers and articles in journals of repute to her credit. She has done her LLB, LLM and Ph.D. from Jamia Millia Islamia, New Delhi. She has been teaching in the Department of Law, MAIMS since 2019.

The topic of presentation was “**IPR , Novel Systematic Responses to Novel Biomedical Technologies**” She explained what are Intellectual Property rights consisted of like patent,

trade secret, patent layout design and copyright. She explained that the IPRs ensure that a person who has put in intellectual efforts has monopoly rights over his / her creation for a limited period of time and must be rewarded for his efforts.

She explained as to what is patent, how patent is granted and she also explained about the patent versus biomedical technology. She explained about various types of patents like Utility patent and design patent.

She also clarified that the IPR does not create any barrier for further R& D. Researchers can use the information for further research. It was very heartening to learn that India has improved its innovation ranking by two numbers and now stands at 46<sup>th</sup> number. India has also become the second most innovative among lower middle income group countries.

She explained about TRIPS compliance and patent in India (Article 27 to 34). Developing countries like India and South Africa have proposed waiver of global IPR law to contain COVID 19. TRIPS council meeting is scheduled from 15 to 16<sup>th</sup> October 2022.

She mentioned about the efforts of the government to facilitate startups in the health care industry. Like NIRAMAI, ARTELUS, CHIRONX, ADVANCECELLS. Most important is the “AAROGYA SETU “ app , launched by the Government of India to trace potential victims and alert individuals and government regarding the potential number of patients and their location.

She also made it abundantly clear that the discovery of new treatment and development of medicines for fulfilling the medical needs demands protection of ideas and innovations. This paves the way for improved and new medication which paves the way for people living longer and living a better life. IP is an important pillar of the health system.

### **Concluding Remark by Dr. Praveen Kumar Gupta, HOD, Department of Law, MAIMS and Convener of the FDP**



After completion of the 15 sessions of the FDP, Dr. Praveen Kumar Gupta gave concluding remark to mark the end of a weeklong Faculty Development Program, 2022 on “Emerging Issues of Law & Justice in Contemporary Era”. The Ceremony took place in physical mode at Seminar Hall, 9<sup>th</sup> Block on the final day of FDP i.e. 2nd August, 2022. The ceremony was also live streamed on Zoom Platform for participants who had attended the event online from other

universities and colleges outside Delhi. Dr. Gupta concluded the learnings of all the 15 sessions of Faculty Development Program. It was also highlighted that such Programmes are an essential exercise in team building as well as to keep the academicians updated about the future of the legal profession.