

New Dimensions of Intellectual Property Rights

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Human Rights and Good Governance

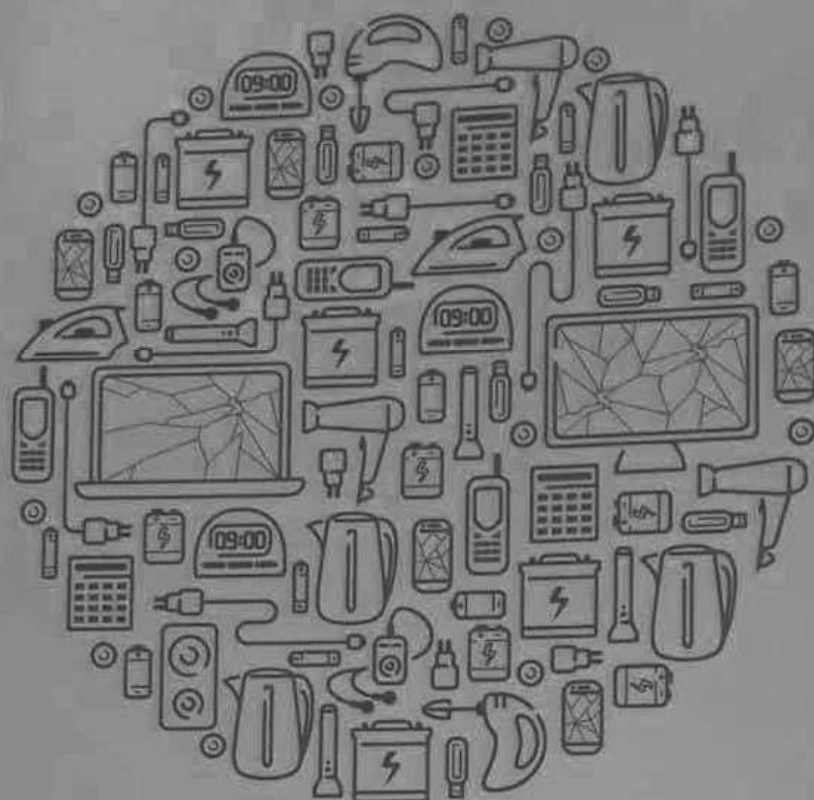
DR. S.K. CHATURVEDI

INTRODUCTION

Every nation is guided by certain values which are shared by the people and the government. National commitment to such values greatly influences the content and the quality of governance. Good governance is a necessary element of durable development is not deniable. Human Rights are another burning issue now days. Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. The growing power of executive authorities sometime causes serious violation of Rights of human. Human right dealt with the rights that every human being routinely qualifies for at birth. These cannot be denied because of the color of one's skin, religion, age or other personal factors. Sometime it seems that there are many contradictions between Good Governance and Human Rights, especially then the question of application is come. How they are related with each other and how they sometime cross their limit and harm each other.

GOOD GOVERNANCE—MEANING AND CONCEPT

There is no hard and fast definition of Good Governance, however good governance means securing justice, empowerment,



FUTURE OF E-WASTE MANAGEMENT

Challenges and Opportunities

Edited by
Dr. Navtika Singh Nautiyal and Shuchita Agarwal

Foreword by
Justice Ajay Mohan Goel, Judge
High Court of Himachal Pradesh, Shimla



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NEED FOR EFFECTIVE E-WASTE MANAGEMENT POLICIES: INDIAN PERSPECTIVE

PROF. (DR.) A.K. PANDEY*, DR. S.K. CHATURVEDI†
AND DR. KM. ARTI‡

ABSTRACT

Today, technology and electronic products have become a part of life for everyone. It has however created many problems related to e-waste in society. Following modernization, the protection of the environment from e-waste has posed a big challenge for developing countries, especially India, where for clean environment, future economic growth and health care needs, an effective e-waste management policies need to be implemented. Our Indian Constitution has promised a clean environment as a fundamental right of everyone. It is the government's prime responsibility and also that of the individual to be aware of and manage e-waste. E-waste management has also demanded the collective responsibility of the nation and also covered all principles of the environment. After an electronic product becomes a waste it becomes a hazardous waste and harms clean air, water and land in the city as well as the village. This issue has attracted the attention of everyone as it poses a big challenge for the future generation as well as barriers to economic growth. E-waste management is not only a national problem but an international issue as well. Millennium sustainable development goal has promised for a clean environment by 2030. This chapter tries to clarify government policies concerned with e-waste management as well as law and the responsibility of individuals in the context of reduce, reuse and recycle. The study is based on legal documents concerning e-waste management in India. The study also finds and examines how we can evolve and develop awareness about e-waste management on the ground level. Responsibility without awareness cannot succeed and without responsibility to all we cannot prevent issues regarding e-waste. The governmental scheme is well in itself but without effective implementation it will not be appreciable. Therefore, it is necessary that we consider it our duty to protect the environment. Dump is always a protected right.

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Family Law in India

Problems, Perspectives and Solutions

Prof. (Dr.) Supinder Kaur | Dr. Ajaymeet Singh



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Law Relating to Women and Children in India



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3.

Vocational and Skill Education in Indian Perspective

Dr. S.K. Chaturvedi*

Introduction

Knowledge, skill, and education are a strong instrument for the development of life. The skill and training term has been used firstly by the European Civil Aviation regulator in 1990 for the airline pilots. It is crucial encouragement and dealing to new world. Skill education produces quality to think descriptive and analytically as well as create the ability to apply knowledge to solve the new problems. Skill education will be a productive contribution to future development. It is based on proficiencies and ability as well as required for a work setting. This kind of education is bringing quality to acquire new skills and understanding to deal and control all situation of the society. COVID -19 wave is demanding new education skill that can give to write well and to communicate effectively orally, ability to evaluate and choose between alternative courses of action, ability to formulate creative and original ideas and solutions, ability to convey meaning through artistic and creative expression,

*Assistant Professor, Department of Law, H.N.B.Garhwal Central University, SRT Campus, Tehri, Uttarakhand.

3.

Academic Leadership: Issues and Challenges in Higher Education

Dr.S. K. Chaturvedi*

Introduction

Leadership is the systematic and colourful art that is motivated and represented a people at large to act toward achieving a common goal. Academic leadership is the backbone of the civilized institution and provides tools and techniques for directing workers and colleagues with a strategy to meet the company's needs. Academic Leadership is a combination of knowledge attitude, capability, and discipline; it is essentials of being able and prepared to inspire others. According to Prof. Warren Bennis, Leadership is a function and self-resilience as well as a connected strong vision that is basic for well-being communication to another with building faith and belief all concerned member of the institution and realized potential and effective leadership. Now days increase of leadership concept in Higher Education institutions for the development and growth of the society. Higher education has

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Career Development in Legal Field: Indian Perspective

Dr. S. K. Chaturvedi*

Dr. Arti*

Introduction

Career development is initiated and promoted by educational opportunities as well as a job opportunity. Today has needed trained, skilled educated person in every field and encourage the young individuals as well as all persons to make something of him. Career development is concerns with a made of designed programs, to match an individual's needs, abilities, and goals with current or future opportunities in the organization. Developmental activities are mentioned kinds of training & techniques on the employment or of employment. The object of Career development is to develop an appreciation of awareness of the law, the ability of the mind, social realities. Education can play a key role in achieving this objective of becoming a global leader of a skilled workforce. Higher education is considered one of the key drivers of growth performance, prosperity, and competitiveness. The ideal of self- dependent and fulfillment through career and work is indeed a well-nurtured sentiment. The socialist ideal has believed to pursue a certain goal, and individual talents and capabilities are

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Climate Change & Collective Action: National & International Perspective

Climate change is a big challenge before the world. A healthy climate is necessary for a healthy life, mentioning the right to dignity, health, food, water, peace, and development. Human life depends upon the environment. Climate or Environment is very wide terminology it is incorporated all aspect of life which is need for the survival of everyone. The environment contains air, water, land, food, and sunlight, etc. without the environment life cannot exist on the earth. Climate change is a big compelling global challenge for the protection of the environment. Climate change influences all living creatures including plants and trees. The general meaning of the Climate is the atmosphere and climate change is creating global warming and the effect of the greenhouse is a natural phenomenon that is essential to maintain the earth's surface warm. Climate change is creating dynamics and we can see the immense results in the frequency, intensity, and magnitude with which natural disasters are taking place. Stockholm conference and Earth summit declared we have to protect the environment including climate change. Even though the government is trying to prevent the problem of climate change by formulating various policies, enacting laws strictly. I consider this paper, in present time for the prevention of climate change need to collective action by all nations. In this context, I consider the collective action theory or the group theory published by Mancur Olson¹. In other words, climate protection is an individual, public as well as social interest it must be protected by the sovereign. Jurist of Sociological School like Ihring, Duguit, and Dean Roscoe Pound was enumerating this idea.

CHAPTER 4

NEED FOR EFFECTIVE E-WASTE MANAGEMENT POLICIES: INDIAN PERSPECTIVE

PROF. (DR.) A.K. PANDEY^{*}, DR. S.K. CHATURVEDI[†]
AND DR. KM. ARTI[‡]

ABSTRACT

Today, technology and electronic products have become a part of life for everyone. It has however created many problems related to e-waste in society. Following modernization, the protection of the environment from e-waste has posed a big challenge for developing countries, especially India, where for clean environment, future economic growth and health care needs, an effective e-waste management policies need to be implemented. Our Indian Constitution has promised a clean environment as a fundamental right of everyone. It is the government's prime responsibility and also that of the individual to be aware of and manage e-waste. E-waste management has also demanded the collective responsibility of the nation and also covered all principles of the environment. After an electronic product becomes a waste it becomes a hazardous waste and harms clean air, water and land in the city as well as the village. This issue has attracted the attention of everyone as it poses a big challenge for the future generation as well as barriers to economic growth. E-waste management is not only a national problem but an international issue as well. Millennium sustainable development goal has promised for a clean environment by 2030. This chapter tries to clarify government policies concerned with e-waste management as well as law and the responsibility of individuals in the context of reduce, reuse and recycle. The study is based on legal documents concerning e-waste management in India. The study also finds and examines how we can evolve and develop awareness about e-waste management on the ground level. Responsibility without awareness cannot succeed and without responsibility to all we cannot prevent issues regarding e-waste. The governmental scheme is well in itself but without effective implementation it will not be appreciated. Therefore, it is necessary that we consider it our duty to protect the environment. Duty is always a protected right.

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special thanks to my loving son Ritwik for motivating me to write this book. I also extend my gratitude to everyone whom I could not name personally, yet who have contributed tremendously in making this book a success.

Sudhír Kumar Chaturvedi
Editor
2020

CHAPTER I

JUDICIAL PROCESS: MEANING AND NATURE

DR S.K. CHATURVEDI*

A Constitution states or ought to state not rules for the passing hour, but principles for an expanding future.

— Benjamin N. Cardozo

INTRODUCTION

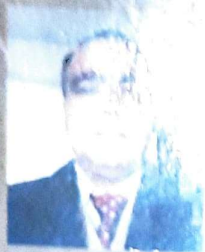
Justice Oliver Wendell Holmes once remarked, 'My freedom to swing my arms stops where the other man's nose begins.'¹ Judicial process is the method of attaining justice² which seeks to achieve the desirable and prohibit undesirables.³ Justice is an essential element of any polity. Without a legal system, force alone would settle disputes. The suitable concept of justice is traceable today only by legal characterization. The laws have to comment on acts that produce and preserve happiness while they forbid those which are injurious to the welfare of man and society. The philosophy of justice in India on the one hand is a balance between the rights of an individual and the duties of the State towards the individual, and on the other the duties of the State towards the social body as a whole. In democratic systems, the judiciary plays a very significant role, which is second to none, and the judiciary is considered the guardian and custodian of the freedom of the people and the Constitution as well. The power to dispense justice is one of the three attributes of a sovereign state, the other two being the legislative and the executive power of the State conceived as the three wings, functionaries, or organs of the machinery of the State.

In order to evaluate the proper role of the judicial process in the exercise of judicial power in a given system of law it will be necessary to take into account the social position of the judiciary in that system, its relation with representative institutions of the legislature and the confidence it commands, if it is a non-elected judiciary, of the legislature, other groups and of the people, in the matter of making changes in the law

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1. B.N. Cardozo, *The Nature of the Judicial Process* (New Haven: Yale University Press, 33rd print in 1974), p.94.
2. Oliver Wendell Holmes, *The Guardian Angel* (E-book, 2004), Collected Papers 230, also available at www.gutenberg.net.
3. Stone Julius, *Social Dimensions of Law and Justice* (W.W. Gaunt & Sons, 1st edition 1971).
4. P.J. Fitzgerald, *Salmond on Jurisprudence* (12th edition, London: Sweet & Maxwell, 1999).

Judicial process is an important area of law which has remained unexplored and about which not much has been written. This book on the judicial process has tremendous potential to identify and address its least known aspects. It has widely covered topics such as Rule of Law, Judicial Accountability, Judicial Dissents, and Legitimacy, and has also included some of the emerging areas of law such as Artificial Intelligence and Judicial Creativity. Students will find *Judicial Process* akin to a textbook and an excellent source for further research as well. Its systematic approach, effortless reading, and wide and well-researched information and analysis make the book a must-have for serious students of judicial process.



Dr. S.K. CHATURVEDI, Assistant Professor, is associated with the Department of Law, SRT Campus, H.N.B. Garhwal University (A Central University), Uttarakhand. He has been actively involved in teaching undergraduate and postgraduates for more than sixteen years. His core areas of interest are Administrative Law, Judicial Review, Human Rights, Constitutional Law, Code of Criminal Procedure, laws relating to women and children, Cyber Law and Intellectual Property Law. Dr. Chaturvedi did his LL.B., LL.M. and Ph.D. from Banaras Hindu University, Varanasi. He is also UGC-NET qualified. He has presented more than 50 papers in various national and international seminars and conferences; chaired sessions in these seminars; published 32 research papers in reputed journals; and written *Delegated Legislation in India* (2015). He has guided 21 master's dissertations and supervised Ph.D. candidates. Among the various positions Dr. Chaturvedi holds are Member of the Board of Studies, Institute Innovation Cell, HNBGU; chairperson of the Legal Aid Centre, Department of Law, SRT Campus; external examiner in many institutions, State Public Service Commissions and universities; and member of the All India Law Teachers Congress.

EDITED BY DR. S.K. CHATURVEDI

JUDICIAL PROCESS

Foreword by

Justice Iqbal Ahmed Ansari

Chairperson, Punjab State Human Rights Commission
Former Chief Justice, Patna High Court

Law Relating to Women and Children in India



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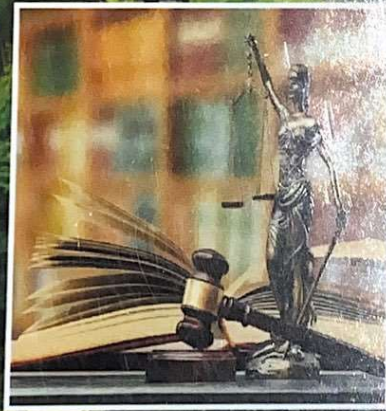
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2022

MODERN RESEARCH IN SOCIAL SCIENCES, LAW, MANAGEMENT AND ENVIRONMENTAL SCIENCES



Prof. Dr. Asha Sundaram | Dr. S. Thangamayan

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Solution to Future Sustainability

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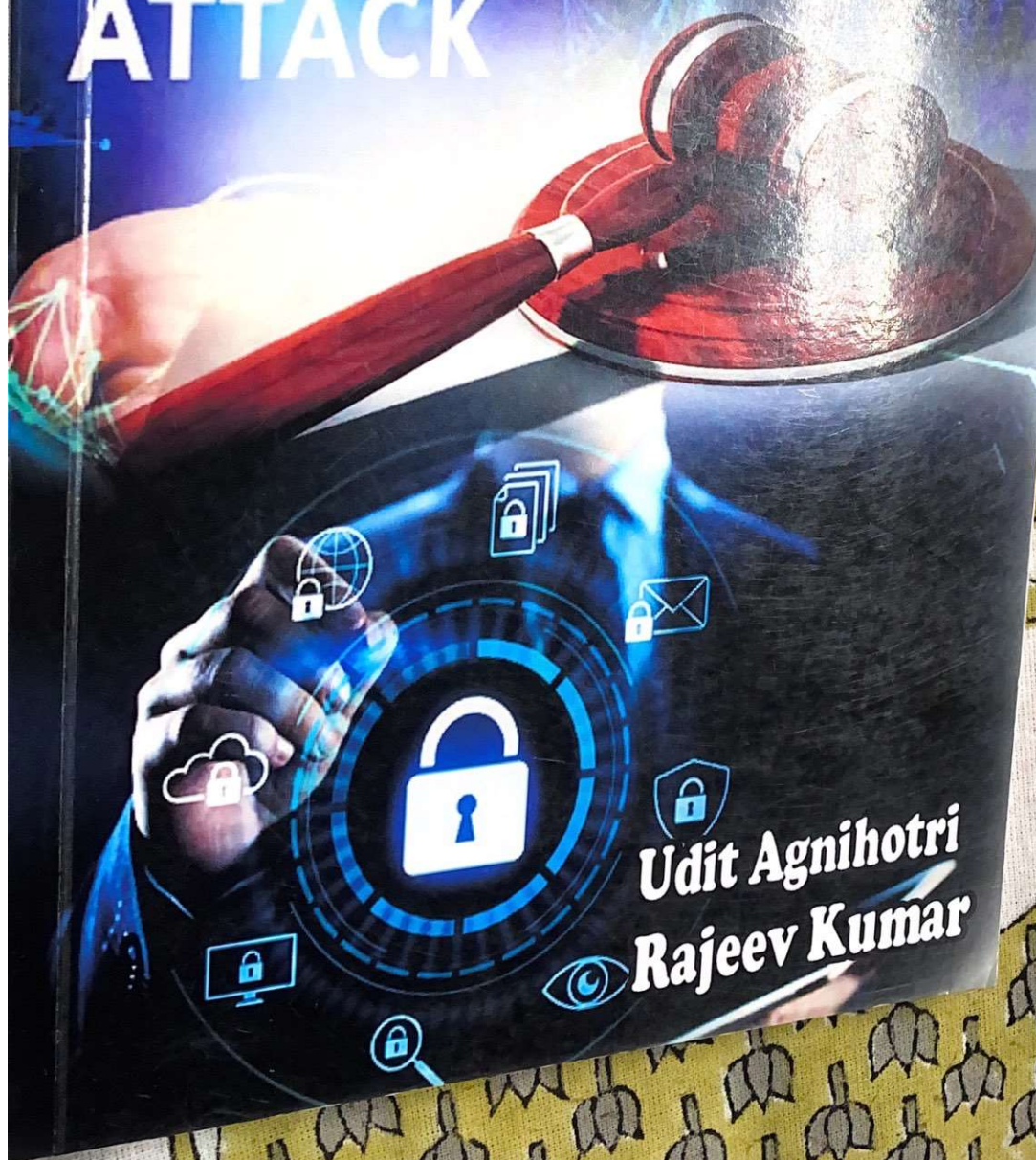


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CYBER CRIME AND CYBER SECURITY

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**Udit Agnihotri
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EMERGING DIMENSIONS OF CYBER LAW AND IPR
Issues and Challenges in 21st Century



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Chapter 5

Interface Between Cybersquatting and IPR Perspective and Challenges

Mr. Shivam Chaurasia*
Dr. Mamta Rana**

ABSTRACT

Cyber squatters have been characterized as individuals who attempt to profit from the Internet by reserving and latter reselling domain names back to the companies that have spent a huge amount of money developing the goodwill of the trademark. On the other hand, Intellectual property laws such as trademark, copyright, patents are the laws which came in force to protect the work of user who have invented or created some newly work by doing research. Cybersquatting occurs when an individual or a corporation registers a domain name that is spelled similar as the existing trademark and which is against the goodwill of the registered Trademark owner. Cybersquatting can be of various categories, most commonly seen is typo squatting, when a cyber squatter registers domain names containing variant of popular trademarks. Typo squatters rely on the fact that Internet users will make typographical errors when entering domain names into their web browsers. The objectives of the study is to understand the phenomenon of cybersquatting and Intellectual Property laws and to identify the limitations and examine the laws with a comparative study and some landmark case laws.

Keywords: Internet, Domain Name, Infringement, Passing Off, Cyber squatter

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CHAPTER ONE



Women Rights as Human Rights

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Abstract

Life, liberty, equality and dignity are the essential tenets of human rights. Human rights are also known as the natural rights, basic rights and common rights. The constitution of India also ensures the equality of rights of men and women. However, inside the sphere of women human rights in India, there exists a good wide hole between idea and practice. Women play a pivotal role within the development of any country. As per Article 15 of the Indian constitution, discrimination can't be made among citizens on the grounds of faith, religion, race, caste or sex. We see that each day and everywhere newspaper news, T V channels and Electronic devices are presenting to the violation of Human Rights of Women in India. Majority of the people presume that our society is a male ruled society wherein guys are continually assumed to be superior to society. The Indian women need to face to discrimination, injustice and dishonor. Although women in India have been given more rights in comparison to guys, even then the circumstance of girls in India is depressing. This paper argues that in India, women's rights are violated frequently in day-to-day life, within in the family, in households and within the property right. In a patriarchal society, women often suffer in silence, deprived of personal liberty and bound by rules made by the allegedly superior males.

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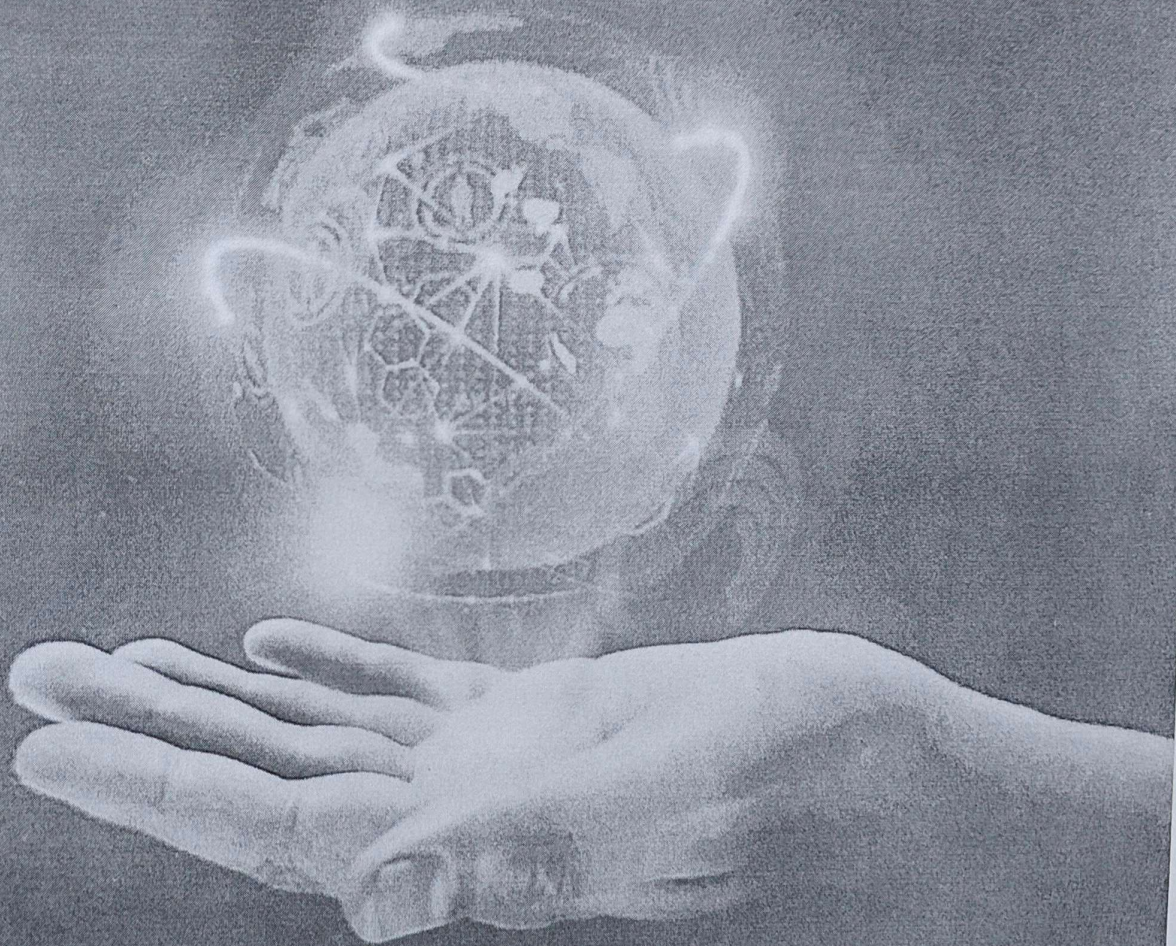
*Dr. Vishal Guleria**

Introduction

Children represent a nation's future and its finest human resource for the next years; hence, the importance of a child for the overall progress of a nation cannot be overstated. Children are, in reality, humanity's greatest gift. Mankind has the most control over itself. They are the reason the parents exist. They represent the love of life in them, and in their innocence, they ease their parents' exhaustion and misery in their daily struggle. In the company of their children, parents find tranquilly and contentment. Children represent the human being's eternal hope and always provide the opportunity for human progress. Neglecting children is a loss for society as a whole. If children are denied their infancy in social, economic, physical, and mental terms, the nation loses a potential human resource for social advancement, economic empowerment, peace and order, social stability, and good citizenship.¹

Bhagwati, J., in *Lakshmi Kant Pandey v. Union of India*², while emphasising the importance of child said "It is obvious that in a civilized society the importance of child welfare cannot be over emphasized because the welfare of the entire community, its growth, development depend on the health and well-being of its children. Children are a supremely important national asset and the future well-being of a nation depends upon how its children grow and develop." It is imperative that the government of each Nation ensures the maximum resources available at its disposal for the protection and promotion of the life and dignity of children. It is in the twenty first century that children face a new and persistent onslaught of the emerging menace of

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CYBER CRIMES

Issues Policy Regulation & Developments



Dr. S.K. Chaturvedi
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Data Protection for Athletes In Cyberspace Contemporary Issues and Challenges

*Gaurav Goswami**

*Mukesh***

*Ranjana Dey****

INTRODUCTION

The uprise of digital technologies in the form of Artificial intelligence, Big data, and Blockchain has caused a disruptive turnaround in the collective lives of humans. The methods of web correspondence, information sharing, and networking have framed a circle of computerized culture and practices.¹ Among this, the relevance of data collection in sports is not new to discuss; the ranks of teams and players are based on the concerned regulator's data. Athletes' performance has been monitored since their minor outbreak in a particular sport. We can all revisit the careers of Maradona, Babe Ruth, and Michael Jordan and observe and analyze their methods and techniques. Bill James, a statistician, developed Sabermetrics, a quantitative process for valuating baseball players, and devised certain equations to predict the runs to be scored by a player.² This whole exercise of statistical analyses was the first instance of objective data analysis in sports and has become an integral part of the sports industry. It provides teams, players, physicians, spectators, and others with the ability to comprehend better and forecast athlete performance and design effective training programs.³

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¹ Jamie Susskind, 'Future Politics: Living Together in a World Transformed by Tech' [2018] Oxford University Press 516.

² Michael Lewis, Moneyball: The Art Of Winning An Unfair Game (2003). 36.

³ Chelsea Rush and Barbara Osborne, 'Benefits and Concerns Abound, Regulations Lack in Collegiate Athlete Biometric Data Collection (2022) 32 Journal of Legal Aspects of Sport 62.

ABOUT THE BOOK

Cyber Crimes: Issues, Policy, Regulation, and Development offer the reader a detailed reading on core aspects of cyber law and cybercrime. The book covers a diverse and multidisciplinary range of topics in cybercrime. It begins with the elementary understanding of cybercrime, raises important policy issues in cybercrime, and further provides hands-on information about the law and procedure in ensuring cybercrime investigation and trial. Some of the important topics the book includes are micro-blogging, Artificial Intelligence, and Digital payment which is not frequently found in other contemporary books. The book is dependable for students of law and also useful as a reference book for legal practitioners and scholars.

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NOTION OF GOOD GOVERNANCE IN SPORTS : A CASE STUDY OF COURT OF ARBITRATION FOR SPORT

Mukesh Rawat *

Abstract

With the internationalisation of sporting activities, transnational organisations like International Olympic Committee (IOC), Court of Arbitration of Sport (CAS), and World Anti-Doping Agency (WADA) are playing a crucial role in the administration of international sports. This study aims to examine the relationship between these Sports Governing Bodies (SGB) to understand the notion of good governance in the international sporting arena. It finds that the CAS code has incorporated the elements of traditional arbitration in its code in a problematic manner, resulting in the victimisation of the athletes. The benefits of institutional arbitration are denied to the athletes. The whole mechanism, i.e. CAS codes, SGBs regulation, are biased in favor of IOC and other SGBs. Ironically, in sports-related disputes, athletes are compelled to participate in the arbitration to save their career, and, in the CAS, the athletes hardly get an opportunity to give free consent. In addition, the adjudication process of CAS violates the principle of natural justice due to the nexus between IOC and CAS.

Keywords: Sports Law, Good Governance, Court of Arbitration for Sport, International Olympic Committee, and World Anti- Doping Agency.

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