CONFERENCE PROCEEDINGS

Law Centre-II

Faculty of Law, University of Delhi

INTERNATIONAL CONFERENCE
ON
THE CONTEMPORARY INTERNATIONAL LEGAL ORDER: PROSPECTS FOR INDIA

CONFERENCE PROCEEDINGS

Date of the Conference

22nd to 24th February, 2026
Inaugural Session- 22nd February 2026
Valedictory Session- 24th February 2026

VENUE OF THE CONFERENCE
LAW CENTRE-II, UMANG BHAWAN
CHHATRA MARG, UNIVERSITY OF DELHI,
NEW DELHI-110007

ABOUT LAW CENTRE-II

Law Centre-II of University of Delhi is India's one of top legal institutions imparting quality education to the students since the last 54 years. Law Centre-II made a modest beginning from the campus of ARSD College, Dhaula Kuan in 1971. It was shifted to its current location at Umang Bhawan, Chhatra Marg, University of Delhi in 2016. It serves a dynamic academic community of nearly 3,000 students at any given time. This building is fully air-conditioned with all modern amenities

Law Centre-II strives to advance legal scholarship by strongly emphasizing ethical values among students. The Centre aims to cultivate a rigorous academic environment that encourages critical inquiry, interdisciplinary exploration, and original contributions to contemporary legal discourse. In this Centre, faculty members engage themselves in meaningful research which informs policy, strengthens legal systems, and promotes social justice. The Centre boasts of distinguished alumni network that includes esteemed academicians, accomplished researchers, prominent advocates, members of the judiciary, and senior bureaucrats.

ABOUT THE CONFERENCE

The International Conference on "The Contemporary International Legal Order: Prospects for India" promises to become a pivotal platform for legal scholars, practitioners, policymakers, and students to engage in comprehensive discussions on India's dynamic engagement with international law. As India continues to assert its influence on the global stage, this conference aims to explore the multifaceted challenges and opportunities that arise in aligning national legal frameworks with international legal obligations.

The Conference will delve into critical themes such as the interplay between international treaties and domestic legislations. India's participation in global legal institutions and the country's role in addressing transnational issues like climate change, cybersecurity, and human rights. By examining case studies and recent developments, participants will gain insights into how India navigates complex legal landscapes while upholding its constitutional values and international commitments. The Centre hosted a national conference on 3rd to 5th April 2025, which witnessed researchers from all over the country. The success of the national conference is a testament to its commitment to legal research.

Keynote addresses by esteemed jurists and legal experts will shed light on India's contributions to the development of international legal norms and its responses to emerging global challenges. This conference aims to enhance understanding of India's evolving role in international law and identify strategies for strengthening legal cooperation and promoting the rule of law at both national and global levels. By bringing together diverse perspectives, the event aspires to contribute to the ongoing discourse on how India can effectively engage with international legal regimes to address contemporary global challenges.

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Institute forInternational Law,
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Dr. Shankar Prasad Sharma,
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Prof. Uma Outka
Kansas University
United States

Sumbul Rizvi,
Representative, UNHCR
Bangladesh

MESSAGE
FROM
THE DESK OF THE DEAN

It is a matter of great pride and academic responsibility that Law Centre-II, Faculty of Law, University of Delhi convenes the International Conference on "The Contemporary International Legal Order: Prospects for India." At a time when global legal systems are undergoing profound transformation, India stands at a decisive moment in shaping the discourse on international law through its constitutional values, democratic commitments, and growing diplomatic engagement.

The conference engages with pressing contemporary concerns including international trade and investment law, climate change and environmental governance, the emerging Global Plastics Treaty, reforms in international legal institutions, cyber security, refugee protection, and other transnational challenges. These themes reflect the dynamic intersections between domestic constitutional principles and evolving international obligations.

This conference aspires not merely to deliberate upon existing frameworks, but to envision India's constructive leadership in fostering a more equitable, inclusive, and rule-based international order. By bringing together eminent jurists, scholars, policymakers, and researchers from across jurisdictions, we seek to generate meaningful dialogue that bridges theory and practice, national priorities and global responsibilities.

I extend my appreciation to the organising team and warmly welcome all participants to what promises to be an intellectually enriching and forward-looking engagement.

Warm Regards

PROF. (DR.) ANJU VALI TIKOO
DEAN & HEAD,
FACULTY OF LAW,
UNIVERSITY OF DELHI

MESSAGE
FROM
DR. ANIRUDDHA RAJPUT

It gives me great pleasure to greet all of the eminent academics, legal professionals, jurists and attendees of the International Conference on International Legal Order: Prospects for India organised by Law Centre II, Faculty of Law. In a time of rapid geopolitical changes, changing global issues and revolutionary legal paradigms, a conference with an emphasis on India and its position on the international stage that shapes the future of international law provides an essential platform for intellectual discussion and fostering innovative ideas. The University of Delhi is dedicated to promoting research and collaboration that connects academia with practical application and organising this esteemed event demonstrates our commitment to excellence in legal scholarship. I commend the organisers, speakers, attendees for their invaluable contributions. May this conclave inspire ground-breaking insights and enduring partnerships.

Dr. Aniruddha Rajput
Former Member,
United Nations International Law Commission

MESSAGE
FROM
PROFESSOR-IN-CHARGE,
LAW CENTRE-II, FACULTY OF LAW,
UNIVERSITY OF DELHI

It is my singular and most profound prerogative to transmit these lapidary yet intellectually rigorous salutations to the pantheon of distinguished delegates, hallowed scholars, and jurisprudential practitioners convening for the International Conference on 'The Contemporary International Legal Order: Prospects for India'. This symposium is orchestrated under the aegis of Law Centre-II, Faculty of Law, University of Delhi and represents a critical node in the discursive mapping of global governance. In an epoch characterized by the mercurial fluctuations of geopolitical realignments, the disruptive intervention of technological paradigms, and the existential exigencies of pandemics and climatic destabilization, the extant international legal framework must be conceptualized as a teleological bulwark of stability and distributive justice. This colloquium serves as an indispensable locus for scholarly inquiry, fostering the dialectical synthesis of creative stratagems to fortify the crumbling edifices of multilateralism and to insulate the rule of law against the entropic forces of global fragmentation. I offer my most erudite commendations to the organizing committee for their success in aggregating a global intellectual conglomerate to deliberate upon these pressing ontological crises. The University of Delhi remains an unwavering bastion, dedicated to the advancement of legal scholarship and the propagation of progressive governance models that harmonize with the transcendental mandates of universal human rights and the egalitarian principles of ontological parity. I extend my most sophisticated aspirations for the conference to achieve a state of resounding fecundity, yielding outcomes of such transformative potential that they shall fundamentally recalibrate the trajectory of our shared global future.

Prof. (Dr.) Anupam Jha
Law Centre-II, Faculty of Law
University of Delhi

MESSAGE
FROM
PROF. (DR.) PINKI SHARMA,
CONFERENCE DIRECTOR

The ontological imperatives of our burgeoning global epoch necessitate a profound reevaluation of the teleological underpinnings governing the current International Legal Order. It is with a sense of profound gravitas and intellectual camaraderie that I offer my most fervent benedictions for the successful fruition of this academic symposium on 'International Conference on The Contemporary International Legal Order: Prospects for India', a gathering that stands as a bastion of jurisprudential inquiry within the hallowed precincts of Law Centre-II. As we stand at the precipice of a shifting geopolitical paradigm, my personal involvement in the conduct of this prestigious colloquium is not merely a ceremonial adherence to tradition, but a calculated immersion into the dialectical synthesis of India's dynamic engagement with supranational mandates. The synergistic confluence of esteemed jurists and legal experts gathered here serves as a catalyst for the deconstruction of archaic hegemonies, paving the way for a more equitable stratification of global justice. The broad sub themes, ranging from the intricacies of Trade and International Economic Law to the esoteric complexities of the BBNJ treaty, demand a cognitive rigour that transcends the pedestrian understanding of statutory interpretation. This conference represents a pivotal node in the cartography of legal evolution, where India's leadership is not merely anticipated but vigorously articulated through the crucible of critical inquiry. May this assembly of minds act as a formidable palisade against the encroachment of legal entropy. I extend my most sophisticated wishes for a series of deliberations that are as intellectually taxing as they are transformative for the prospects of India in the global arena.

Prof. (Dr.) Pinki Sharma
Conference Director

ABOUT THE THEME

The theme of the International Conference "The Contemporary International Legal Order: Prospects for India" focuses on India's growing contribution to the evolution of international law and its proactive engagement with global legal institutions. It highlights India's role in shaping discourse on critical issues such as human rights, environmental sustainability, global trade, and dispute resolution. The conference aims to examine how India's constitutional values, legal traditions, and diplomatic initiatives influence the international legal system. Looking ahead, it seeks to chart a strategic vision for enhancing India's leadership, deepening legal cooperation, and fostering a more equitable and inclusive global legal order.

This conference seeks to provide a platform for academicians, legal scholars, practitioners and policymakers, law researchers to engage in a critical examination of contemporary legal and global challenges.

BROAD SUB-THEMES OF THE CONFERENCE

1. **Trade, Investment, and International Economic Law**
2. **International Environmental, Climate Law and Global Plastics Treaty**
3. **Need for Reforms in International Legal Institutions**
4. **International Terrorism and Cyber Security**
5. **Cultural Property and International Law**
6. **Private International Law**
7. **Public Health Law**
8. **Law of the Sea and BBNJ treaty**
9. **International Humanitarian and Refugee Law**
10. **Emerging Technologies and International Legal Challenges**
11. **Law on Extradition**
12. **Regional organisations and International Law (SAARC, AALCO, BRICS, ASEAN, SCO)**

Research work on any other sub-themes aligned with the main theme and its objective may also be submitted.

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University of Delhi

Prof. (Dr.) Anju Vali Tikoo
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CONTENTS

Themes	Page No.
Trade, Investment, And International Economic Law	2-25
International Environmental, Climate Law and Global Plastics Treaty	26-43
Need for Reforms in International Legal Institutions	44-56
International Terrorism and Cyber Security	57-70
Cultural Property and International Law	72-79
Private International Law	80-85
Public Health Law	86-100
Law of the Sea and BBNJ treaty	101-113
International Humanitarian and Refugee Law	114-122
Emerging Technologies and International Legal Challenges	123-147
Law on Extradition	146-155
Regional organisations and International Law (SAARC, AALCO, BRICS, ASEAN, SCO)	156-159
Other	160-169

TRADE, INVESTMENT, AND INTERNATIONAL ECONOMIC LAW

Navigating Global Governance: India's Trajectory in Contemporary Trade and Investment Law

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Abstract

India's engagement with global governance in trade and investment law shows a rather complex mix of sovereignty, development goals, and the pressure of the international economic order. The wave of investor-state disputes in the early 2000s, most famously White Industries v India, exposed serious gaps in the first-generation BITs and forced a shift.

The study adopts a doctrinal-analytical approach, examining treaties, arbitral awards, WTO negotiations, and policy documents to evaluate India's evolving stance and aims to analyze how India balances global governance pressures with its own policy autonomy in trade and investment law.

This shift was seen most clearly in the 2016 Model BIT, which asserted India's sovereign authority narrowing the definition of "investment", restricting the scope of fair and equitable treatment (FET), and requiring exhaustion of local remedies before international arbitration. India's stance at the World Trade Organization (WTO) places it as a key actor constantly weighing trade liberalisation against domestic priorities. Its push for special and differential treatment (SDT), its resistance to over-reaching e-commerce rules, and its leadership in groups like the G-33, all show an effort to resist the global system's push towards uniformity.India's path in global governance swings between careful cooperation and open assertion. This journey highlights the tension between the global drive for harmonisation and the national need to keep policy freedom. How this balance plays out whether it leads to deeper economic integration or to more defensive, protective postures will ultimately shape India's position in the global structure of trade and investment governance. The study concludes that India's evolving approach reflects a deliberate balancing act, safeguarding sovereignty while cautiously engaging with global economic integration.

Keywords: India; global governance; trade law; investment law; bilateral investment treaties (BITs); WTO; sovereignty; policy autonomy.

India and the Contemporary International Legal Order: Navigating Trade, Investment, and Economic Law

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Abstract

This paper dives into the pressing question of how India can enhance its role and influence in the fast-evolving landscape of international law, especially in areas like trade, investment, and economic law. It explores how well India can align its domestic policies with global legal standards while navigating the changing tides of global trade governance, investment treaty reforms, and the challenges of weaving international norms into its complex legal framework.

Using a doctrinal and comparative legal approach, the paper examines treaty texts, case law, and regulatory changes. It looks at India's recent efforts to renegotiate Bilateral Investment Treaties (BITs), its experiences with the World Trade Organization (WTO) dispute resolution, and the development of special economic zones, along with judicial interpretations that influence the relationship between domestic law and international commitments. The sources include statutes, policy documents, international agreements, academic commentary, and interviews with key policymakers.

The paper posits that India is at a pivotal moment: while it has made strides in global trade and investment, ongoing challenges like regulatory hurdles, gaps in implementation, and the urgent need for infrastructure improvements still hold back its economic potential. India's recent adjustments to investment treaties, particularly its 2015 Model BIT that emphasizes regulatory autonomy, reflect a shift towards balancing investor protection with public interest issues, such as sustainability and national development goals.

The conclusions stress the urgent need for India to strike a balance between liberalization and protective measures for its vulnerable domestic sectors. It’s essential to simplify administrative processes and encourage a closer alignment of state-level policies with the national strategy. India’s active participation in international legal frameworks, coupled with significant reforms in its domestic laws, will play a crucial role in shaping its future as a leader in global trade and investment. The study points out that the current international legal landscape presents both opportunities and challenges; ultimately, India’s path forward will hinge on effectively harmonizing its domestic priorities with its international obligations.

Keywords: international legal order, trade law, investment treaties, economic governance, India

Why India's search for Regulatory Policy Space Requires a World Investment Court- A Move Towards Universal Investor-State Dispute Settlement Mechanism.

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Siddhant Singh, LLM (International Law), South Asian University(est. by SAARC

Abstract

This paper will examine the ongoing crisis of legitimacy within Investor-State Dispute Settlement (ISDS) and looks for a potential radical structural overhaul in future, leading to the establishment of a universal standing mechanism—a World Investment Court (WIC) or Multilateral Investment Court (MIC). The existing ad-hoc mechanism characterized by inconsistent jurisprudence and a fundamental absence of genuine appellate review, undermines the predictability that both sovereign states and foreign investors require. This paper will also point out the past failed attempts to establish a WIC and the reasons why such a universal investment arbitration mechanism was rejected.

The legitimacy crisis plaguing Investor-State Dispute Settlement (ISDS) has driven major economies, notably India, to be more critical to the *ad hoc* arbitral paradigm. Following costly awards stemming from ISDS cases (e.g., Vodafone; Cairn and White Industries Case), India responded by unilaterally terminating numerous Bilateral Investment Treaties (BITs) and adopting the 2016 Model BIT. Furthermore, India's historical non-signatory status to the Convention on the Settlement of Investment Disputes between States and Nationals of Other States (the ICSID Convention), driven by distrust of perceived pro-developed country bias and the lack of domestic judicial review, illustrates a deep scepticism toward the current fragmented enforcement regime. This systemic division means that states like India, operating outside the ICSID enforcement mechanism, lack universal legal coherence with those inside it.

This paper will argue whether India could be a forerunner in developing a World Investment court and what all benefits could a developing state like India gain in terms of investment and exercising state regulatory powers, from the development of a common adjudicatory mechanism in the international investment law.

This paper will examine whether the establishment of a permanent, two-tier World Investment Court (WIC) or Multilateral Investment Court (MIC) can address the systemic flaws that necessitated India's defensive posture in 2016 Model BIT. The WIC can further replace discretionary *ad hoc* panels with independent, salaried judges and, crucially, establishes mandatory appellate review to guarantee a single, cohesive interpretation of treaty law. By professionalizing the judiciary and imposing doctrinal consistency, the WIC can offer the legal predictability and regulatory policy safeguard necessary to reconcile investor protection with the state's sovereign right to regulate—a balance which India according to some scholars unsuccessfully sought through its own Model BIT.

The Role of Regional Trade Agreements in Shaping Arbitration Norms

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Prof.(Dr.) Pinki Sharma, Professor at Law Centre-II, Faculty of Law, University of Delhi.

Abstract

The research paper entitled *"The Role of Regional Trade Agreements in Shaping Arbitration Norms"* seeks to explore the role of regional trade agreements in an increasingly fragmented and negotiated structure of arbitration in contemporary international economic law. Regional trade agreements (RTAs) are on the rise with arbitration-oriented dispute resolution mechanisms embedded in them, leading to the research problem that RTAs can function as vehicles for normative innovation and fragmentation across an otherwise global arbitration system. The research methodology employed is comparative, whereby a specific sample of RTAs, including United States-Mexico-Canada Agreement (USMCA/NAFTA), EU-trade agreements bilaterally and multilaterally, ASEAN region agreements, and RCEP are explored through textual treaty analysis, rhetorical quantification of arbitration-required articles, and correlating analyses of select arbitration case studies based on the doctrinal critical review. Three interconnected arguments are made throughout the analysis. Firstly, RTAs act as laboratories for arbitration norm innovation by fostering quick adoption of new advancements like increased transparency and faster methods, as well as third-party (amicus) participation and institutional hybridization. Secondly, at the same time, RTAs foster normative divergence; imparting regional frameworks of arbitration procedural regimes, institutions, and choices of forum that conflict with

established means of arbitration through international conventions/regimes like the International Centre for Settlement of Investment Disputes (ICSID) Convention or the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards. Thirdly, these two phenomena impact legal certainty, institutional legitimacy and stability of international standards for arbitration. Ultimately, the research study ends with a conclusion that RTAs possess the potential to strengthen arbitration norms through deeper regional cohesion but without intentional alignment with a global multilateral regime, arbitration standards could be rendered inconsistent and unpredictable. Recommendations include bolstering institutional connections, capacity development for developing state signatories and clearer choice-of-forum systems that can appreciate both normative innovation without sacrificing functional consistency.
Keywords: Regional Trade Agreements, Arbitration Norms, Normative Innovation, Forum-Choice Fragmentation, Institutional Harmonization.

WTO DOES NOT WORK ANYMORE? IRRELEVANCE OF THE WTO IN THE US PRESIDENT TRUMP ERA

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Abstract

The World Trade Organisation (WTO) has been passing through a critical phase for the last few years. The United States' unilateral trade war against the whole world has threatened the very existence of the WTO, which once promised to build a system of multilateral trade. The US's recent policies to dismantle the WTO in a systematic manner are dangerous trends which will have far-reaching effects. Moreover, the US President, Donald Trump, after his second term selection, has intensified his battle against the WTO. His unilateral imposition of tariffs against several countries, including India, reflects the hegemonic mindset of a monarch who seeks to defy any rule of law for personal gain. The present article contends that the US President's unilateral imposition of tariffs against several countries, the US's obstruction to the appointment of the permanent members of the Appellate Body of the WTO, and his compulsive bilateral Free Trade Agreements (FTAs) violate the provisions of the WTO and are a great threat to the very existence of the WTO. Further, it has ushered in a new era of international trade in which the multilateral trade system of the WTO, based on universal rules, has become irrelevant, whereas the bilateral trade system

based on the FTA has gained ground under President Trump's leadership. That's why German Chancellor, Friedrich Merz, said, "WTO does not work anymore". The present article adopts the analytical approach supported by credible data to support the above arguments. However, at the same time, the author wants to caution that the present typical movement may be a temporary phase which may wither away after the end of President Trump's era. However, it also contends that there is an urgent need for reforms of the WTO before it becomes totally irrelevant.

Key Words: WTO, FTA, GATT, GATS, Trump Tariffs War, Principle of Most Favoured Nation, National Treatment Principle.

Universal Basic Income Debate in India: Aligning Constitutional Values with Economic Reality in a Global Context

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Abstract

This abstract explores India's intense internal legal and political debates over Universal Basic Income (UBI) as a critical reflection of the nation's constitutional commitment to equity, a prerequisite for its proactive role in shaping a more equitable international legal order. The debate around UBI in India has been acknowledged as catalyzing a fundamental rethink about the nature of the social contract, social protection and poverty reduction.

The research problem addressed is how the contentious nature of domestic reforms related to economic rights and poverty alleviation, specifically the viability of a universal transfer, influences India's projected moral and diplomatic authority on international human rights discourse.

The methodology involves reviewing policy proposals for UBI in the Indian context, drawing upon international comparative models and rigorous analysis detailed in World Bank literature. This includes analysing micro-simulation insights concerning fiscal implications and examining the political economy constraints that challenge implementation.

Key arguments and conclusions indicate that while the notion of UBI resonates powerfully in India, its implementation faces severe challenges due to trade-offs between universality, adequacy and financial costs. Proposals ranging from quasi-UBI rural schemes to poverty-line grants have been extensively modelled, yet fulfilling

ambitious goals, such as eradicating the average distance of the poor from the poverty line (poverty gap scenario), remains daunting. Financing a UBI with meaningful impacts often requires fiscal measures, such as eliminating subsidies or significantly increasing the tax burden on the top decile to politically prohibitive proportions (say increasing direct taxes payers).

Furthermore, critics emphasize that implementing a UBI risks eroding the existing welfare state and may divert resources from public goods. The complexity of India's existing social programs, such as the Public Distribution System (PDS), also complicates substitution strategies. The overall analysis suggests that for a typical low-income setting, UBI is clearly financially demanding India's ongoing struggle to provide universal economic security within the country reveals a fundamental gap between its domestic realities and its global ambition to promote an equitable and inclusive legal order, particularly in matters of human rights and poverty alleviation.

Keywords: India, Universal Basic Income, Social Protection, Economic Rights, Universal Basic Income, Poverty alleviation, Fiscal feasibility, Political economy, Human rights, Global legal order, World Bank.

A Study on Trade, Investment, and International Economic Law

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Abstract

This research paper explores the relationship between globalization and international economic law, focusing on emerging trends in international trade and investment law. The core issue in global economic rule- making is a giant tug-of-war. One one side, we have the relentless global push for maximum liberalization- meaning the fewest possible rules for international trade (WTO) and foreign investment (treaties). On the other side is a nation's fundamental right to govern its own home- to pass laws protecting its environment, public health, or labor rights.

This conflict leads to a "legitimacy crisis." Essentially, when global courts interpret rules like Fair and Equitable Treatment too broadly, they make it too easy for foreign companies to sue governments, effectively handcuffing a sovereign nation's ability to act in the public interest.

Our key move is a side-by-side comparison of how two different court systems- the WTO panels and the investor-State Dispute settlement (ISDS) tribunals- decide if a restrictive law is truly necessary.

We will contrast the necessity test used in trade disputes with the test used when an investor sues a state for environmental regulations. This comparison is vital because it will highlight where the standards are completely inconsistent and offer concrete ways to make the system more predictable and fair.

Key Arguments

1. There is no single legal authority above the current system. This means different courts interpreting similar rules can reach widely different conclusions. This unpredictability is the definition of a fragmented system, making it nearly impossible for governments to know if their new law will stand up in court.
2. The huge financial risk associated with fighting a costly ISDS arbitration case acts as a paralysing threat. This "regulatory chill" discourages states- especially smaller or developing ones- from even attempting to pass challenging but necessary public interest laws. They often back down before a law is proposed just to avoid the litigation risk.
3. The global economic system must stop treating trade and investment agreements as standalone contracts. It needs to adopt the principle of Systemic Integration. This means reading every trade and investment rule in harmony with a state's broader international duties- always affirming that the right to regulate in good faith is the system's foundational principle, not an afterthought.

To regain the trust of the public and build genuinely sustainable global governance, the current economic framework can't just be tweaked; it needs fundamental reform. The focus must shift away from being purely investor-centric towards a balanced model. This requires clear treaty language and judges who apply a consistent, rights-based approach to ensure that a nation's duty to its people is explicitly and consistently protected across all tribunals.

Key Words (5): Regulatory Space, Legitimacy Crisis, ISDS, Systemic Integration, Liberalization

Sovereignty at Stake: Debt, Default, and International Legal Challenges

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Abstract

In the present times, borrowing and lending by States are key features of international economic relations. Borrowing and lending can be between nations *interse* or nations and international financial institutions. International loans, when guaranteed by the government of the borrowing State is termed sovereign debt. Default in making payment of sovereign debts often traps the debtor nations into making compromises with its sovereign rights. In this study, International Law principles are analysed to find the effect on sovereignty, of the nations, in default of payment of Sovereign debt.

The study will follow doctrinal methods, examining principles of International Law, that recognise sovereignty, covering aspects of sovereign debt, and analysing the rights based on the creditor-debtor relationship.

Sovereign debt defaults often result from several factors such as fiscal mismanagement, economic instability, corruption and external pressures on sovereignty. The debt default can also be latently due to the complex interplay of these factors.

This study aims to find the complex interplay between debt crises, legal frameworks for its payment, affects of such debt's on the rights of the debtor State's citizens and issues of national sovereignty within the purview of international law. The implications of sovereign debt defaults, extend far beyond economic effects. In such cases of default, the external compulsion of the lending country, affects the economic rights, policy decisions and sovereign control over natural resources of the borrower nation and overall stability within debtor nations. There is an obligation including a monetary obligation created under a contractual agreement and is owed by the State to external lenders . The study aims to resolve the dilemma as created by two contextual approaches. Firstly, scope of International law in defining State's sovereignty enabling a State to borrow or lend and engage in other forms of foreign financial transactions. However, International law also protects human rights of the citizen's belonging to the State under Debt.

The study analysing the interface of these factors of contrasting nature, raises critical questions about the balance between creditor rights and the sovereignty of the borrowing State, coupled with the rights of its citizens.

Key words: Sovereignty, Creditor rights, Ctizen rights, Sovereign debt, Borrowing State.

Attuning Creditor Priorities With Legal Protection Imperatives In Cross-Border Insolvency Frameworks

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Abstract

When a company goes under, it creates difficult political, economic, legal, and humanitarian problems for the state, its business eco-system, and the vulnerable group of people, who are adversely affected. In an increasingly globalized world, there is an immediate need for a cross-border insolvency framework that caters to the needs of various stakeholders when a multinational company faces financial woes. Notably, most jurisdictions accept, acknowledge, and practice the creditor-centric approach in the insolvency process. Despite extensive scholarship on cross-border insolvency, most studies focus on harmonization of laws, creditor coordination, and asset recovery, with limited attention to socio-legal concerns. This study aims to investigate the intersection of economic and legal protection principles with international insolvency frameworks.

The study initially delves into the creditor-centric model, by making a comparative analysis of the regime followed in the European Union, the United States, and emerging economies, like India. Apart from the comparative analysis of various jurisdictions, the study critically evaluates the UNCITRAL Model Law and examines how it treats the various affected groups. Additionally, the paper postulates diverse ways of improving the said regime by incorporating the needs of stakeholders, other than the creditors.

Further, the paper assesses several case laws, international instruments and policy trends to examine the extent to which the cross-border insolvency framework may safeguard the humanitarian rights of the affected groups. The paper concludes by emphasising upon an inclusive, sustainable, and dynamic cross-border insolvency framework that ignores none.

Keywords: Cross-Border Insolvency, Creditor-Centric Insolvency, UNCITRAL Model Law, Employee Rights, Stakeholders, Insolvency & Bankruptcy Code (IBC) .

Financial Transparency and Sustainable Investment: The Role of PMLA in Strengthening India's Global Economic Standing

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Abstract

In an era marked by increasing global financial integration, ensuring transparency and accountability in financial systems has become pivotal to sustaining economic growth and investor confidence. The Prevention of Money Laundering Act, 2002 (PMLA), as India's principal anti-money laundering legislation, plays a crucial role in reinforcing the integrity of financial transactions and aligning domestic regulations with international standards. This paper examines how the enforcement and compliance mechanisms under PMLA contribute to building an ethical investment environment conducive to sustainable foreign investment. It explores the intersection of financial transparency, regulatory governance, and economic stability, highlighting how effective anti-money laundering frameworks enhance India's credibility in the global economic order. By situating PMLA within the broader discourse of international economic law, the paper underscores the importance of robust financial compliance as a cornerstone for inclusive and responsible economic development.

Keywords:

Financial transparency; Sustainable investment; Anti-money laundering; PMLA & International economic law.

Deconstructing India's Position on Bilateral Investment Treaties through the Lens of Sustainable Development

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Abstract

Bilateral Investment Treaties (BITs) are pivotal instrument in boosting cross-border investments by providing legal protection to the investors and at the same time also provides for the right of the host state to regulate. BITs through various rounds of negotiation eventually try to strike a fine balance between the rights of the host state

and the foreign investor. Post the economic reforms in 1991; India has signed more than 80 BITs with sole prerogative of attracting Foreign Direct Investment (FDI). However, with the enhanced global initiatives on environmental protection and sustainable development led to the change in the India Model BIT, 2016 which for the first time incorporates sustainable development and environmental protection as a goal. This research explores the intersection of India's BITs and the country's sustainable development objectives examining how the legal frameworks governing foreign investments can align with broader sustainability goals. India's approach to BITs has undergone significant transformation, particularly following the severe backlash after White Industries case, Antrix-Devas case, and Cairn India case. In response, India introduced a new Model BIT in 2016, emphasizing state sovereignty, balanced rights, and obligations, and explicitly incorporating sustainable development considerations. The Model BIT aims to reduce the risk of arbitration claims that could obstruct the host state's right to regulate for environmental protections and other issues pertaining to public welfare. This pivotal change highlights a conscious move towards harmonizing investment protection with the environment protection and sustainable development. The research evaluates India's BIT policy through the lens of sustainable development by analysing key provisions in the 2016 Model BIT related to sustainable development practices, corporate social responsibility (CSR), and the regulatory autonomy of the host state. It investigates whether these provisions effectively safeguard India's right to regulate in the public interest, particularly in sectors like environmental protection and sustainable development. The study also explores how India's recent BIT negotiations in the India-UAE BIT, 2024 and the India-Uzbekistan BIT, 2024 reflect a strategic reorientation towards the idea of sustainability in investment. Furthermore, the study also argues that India's current BIT strategy highlights a seminal juncture in aligning foreign investment with the environment protection and sustainable development goals. By amending and re-negotiating its investment treaties to include globally sustainable practices and host state priorities, India is positioning itself as a proactive player in responsible and sustainable investment governance. This research focuses on the contribution that India can make at this critical juncture by improving its BIT practice in a more substantial way and eventually contributing.
Keywords: bilateral investment treaties, sustainable development, foreign direct investment, right to regulate, environmental protection.

Behind The Curtain Of Isds: India's Crossroads Between Silence And Reform In Third Party Funding

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Abstract

Third party funding (TPF) is contemporarily gaining momentum at the global sphere, due to its shift from a prohibitory to regulatory nature. Multiple jurisdictions such as the European Union (EU), Singapore and Hong Kong had seemed to be regulating TPF, where on the one hand, EU had proposed the TPF regulation before the UNCITRAL working group III within the scope of International Investment Law and the other two countries had regulated it through their domestic legislations commonly within the sector of arbitration.

Nevertheless, though India had formulated a modern Model BITs, 2016, once after termination of numerous BITs due to primary concerns over the Investor – State Dispute Settlement (ISDS) mechanism and its implication over national sovereignty, remains silent upon the issue of TPF, thereby creating a hiatus for scholarly research. Against this backdrop, the present research lies at the intersection of two dynamics, namely, India's defensive stance towards the ISDS, expressed through its restrictive provisions under the 2016 Model BITs and the intensifying global normalization of TPF as a financing mechanism for investment claims. Without explicit safeguards, India risks facing speculative and opportunistic claims financed by funders with no stake in the underlying investment, amplifying concerns about costs, conflicts of interest and sovereignty. Consecutively, this research paper tends to interrogate, whether the absence of explicit TPF regulation or prohibition by India within the Model BIT exposes the country to heightened arbitral risks and whether India should adopt unilateral or multilateral approaches to address this lacuna.

Methodogically, the paper adopts a doctrinal and comparative approach, whereby, it critically analyses India's situation concerning TPF and contrasts them with the global practices on TPF. Wholistically the study also situates India's position within ISDS reform and the proposed Multilateral Investment Court (MIC). The key argument advanced is that India cannot afford to remain silent on TPF. Whilst an outright ban may undermine investor confidence, a tailored regulatory approach, emphasizing

mandatory disclosure, conflict of interest protections, etc. provides a well-balanced solution.

Keywords: Third party funding, Model BITs, Investor State Dispute Settlement, Multilateral Investment Court, Sovereignty

Shifting Scales: India's 2015 Model Bilateral Investment Treaty (BIT) and the Future of Global Investment Protection

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Abstract

Due to a lack of a comprehensive global framework for regulating foreign investment, many nations have relied on Bilateral Investment Treaties (BITs) and other International Investment Agreements (IIAs) to attract capital inflows by granting protections to foreign investors. These BITs are supposed to secure investors, yet the implication on real investment flows is ambiguous, which frequently leads to structural inequalities that are more entrenched in developing economies. Nations such as India, Bangladesh, Pakistan and Sri Lanka have in the past resorted to creating their ecosystem of BITs in order to promote growth in the face of increasing tensions. Nevertheless, the latest changes, including the termination of more than 75 BITs and the implementation of a new Model BIT in 2015 by India, indicates the increasing concerns with the way these agreements capitalise on the weaknesses of local populations, including the exploitation of resources and uneven distribution of wealth.

This paper examines the provisions of these BITs through the lens of economic precarity in the turbulent Global South, which intersects with foreign investment regimes. It explores how BITs, while intended to foster stability, do reinforce structural inequalities by prioritising investor rights over host-state economic sovereignty, which leads to fiscal burdens from investor-state disputes. The paper, after reviewing the various states and investment law regime cases in various forums, shows how BITs contribute to investment flow or harm the precarious livelihoods.

The paper's primary *research question* revolves around whether the exclusion of the Most-Favoured-Nation (MFN) Clause from the current Indian Model BIT 2015 is in consonance with International Investment Law and how the Model BITs' Investor-State Dispute Settlement (ISDS) reforms diminish the State's liability or

otherwise strengthen State's economic sovereignty and how far it has shaped India's investment regime with respect to current negotiations with the European Union and major countries of the Global North under the shadow of the unpredictability of the investment regime. Moreover, the *research methodologies adopted* to write this paper are comparative legal research and doctrinal research.

The paper is trifurcated into: first, tracing the historical evolution and proliferation of BITs from post-colonial aspiration; second, comparing key features of India's Model BIT 2015 with pre-2015 versions, focusing on narrowed investment scope, exclusion of MFN clause, etc.; and finally, contemporary challenges amongst United States of America's unpredictable regime and assessing its implications for re-imagining investment law to promote equitable development.

Keywords : International Investment Law, Bilateral Investment Treaty (BIT), Most Favoured Nations (MFN), Fair and Equitable Treatment (FET), Investor-State Dispute Settlement (ISDS) Economic Sovereignty.

The Demise of WTO Multilateralism?: Implications of the U.S. Unilateralism and Emerging Trade Realignments

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Abstract

The current global economic order is a nightmare for those who study and teach international trade law, especially since the World Trade Organization (WTO) is arguably facing its existential crisis (Ranjan, 2021). The future of the rules-based WTO framework looks grim after the WTO Appellate Body paralysed in 2019. This issue has been made worse by the unilateral trade actions of present United States (U.S.) government, often labelled as 'Trump 2.0', which has led to increased tariffs and resultant trade wars, and is somewhat reminiscent of mercantilism. Because the appellate body is presently dysfunctional, the situation has unfortunately allowed 'appeal into the void' (*WTO | Ministerial Conferences - MC12 Briefing Note*) that has shaken confidence in the global trade order based on rules. We also need to take a closer look at new WTO dispute settlement mechanisms like the Multi-Party Interim Appeal Arbitration Arrangement (MPIA) which exemplify credible attempts of some member countries to address the ongoing crisis (*Multi-Party Interim Appeal Arbitration Arrangement (MPIA)*, 2021).

This Trump 2.0 era signals a significant departure from collaborative trade multilateralism towards a fragmented approach characterised by regional deals and one-on-one negotiations. These events may undo years of intense multilateral efforts which led to development of WTO legal standards/jurisprudence, undermining the long-standing foundational economic idea of Ricardian 'Comparative Advantage', and rowing back to trade protectionism (Sreedhar, 2025). The aforementioned trends may hugely impact the global value chains (GVCs), adversely affecting export competitiveness, trade and investment flows. The events as they unfold also illustrate, how closely intertwined the International Law (IL) and International Relations (IR) have really become at present, thus bridging the gap between the two (Slaughter et al., 1998); and how the latter is presently significantly shaping the former. In this proposed conference paper, the above-named presenter intends to explore along-with the other esteemed participants, if the WTO is truly facing a structural collapse/demise or, is it simply undergoing a transformative change and realignment.

It is also hoped, that an academic examination is done into how the recent U.S. unilateral actions have disrupted the predictability of international trade law, and seriously weakened established WTO principles including those pertaining to non-discrimination. This sudden decline of the consensus-based multilateral trade negotiations, and the rise of regional trade agreements (RTAs) (as permitted by the WTO legal framework itself), is veritably shaping newer trade alliances all over the world thereby changing the dynamics of trade negotiations (Blenkinsop, 2025). For India, the economic and political implications are quite nuanced, that may have widespread ramifications; and thus a cautionary approach in trade negotiations is suggested (D'Souza et al., 2025). By being a supporter of trade multilateralism as well complementing it by being an active player in selective concluded/negotiated RTAs, Government of India faces an enormous challenge in maintaining/asserting its economic sovereignty (preserving its policy space for pursuit of its economic interests, including for its domestic constituencies) while also ensuring for its exports access to global markets, amidst sudden unexpected so called reciprocal/penal tariffs imposed by the U.S. in 2025 (Kathuria, 2025). This proposed conference paper will methodologically attempt to coalesce legal analysis with some political-economy insights. The future of trade multilateralism will thus not only depend upon institutional reforms but will also require a renewed commitment of the variably affected WTO members to conduct cooperative trade discussions/negotiations, and

adhere to rule-based governance. This is where India could play a crucial pivotal role that also requires further academic exploration.

Keywords: World Trade Organization (WTO) Crisis; Trade Multilateralism; United States (U.S.) Unilateralism; India; Regional Trade Agreements (RTAs).

Navigating Uncertainties- Economic Diplomacy as India's strategic tool for stability amidst the India-US Tension

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Abstract

In an era where the global power dynamics has shifted from its unipolar nature to a multipolar facet, maintaining international relations has become a need of the hour. With an increase in the geopolitical uncertainties around the globe there is a need for immediate measures by states to maintain their economic stability. Economic diplomacy is the use of diplomatic skills along with economic tools in order to enhance the country's economic growth. Diplomacy is the key player of this era. Incorporating this technique to advance the economic goals of a country would help in forming peaceful international relations. This paper mainly focuses on India's economic diplomacy in enhancing the economic stability of the nation in times of geopolitical tensions especially between India and the United States of America. Over the years the relationship between India and the United States has transformed into a multifaceted relationship encompassing partnerships in various fields such as technology, trade, defence, etc. The countries who were once in the state of a cold war have been able to develop a cordial relationship over the years and economic diplomacy plays a major role in this transition. However, at present this bilateral relationship is strained due to trade disputes, strategic differences and shifting global perspectives. This paper examines how economic diplomacy is used by India as a strategic tool to navigate uncertainties in this complex international relationship. The author has conducted doctrinal research relying on secondary sources of literature, agreements and policies for the examination. This paper takes a look into how India influences trade negotiations and economic partnership while maintaining a constructive relationship with the US. It also reads into the evolution of this bilateral relationship to understand its foundation so as to know the method of approach in dealing with the current situation. The author argues that economic diplomacy plays a

vital role in stabilizing the economy while also maintaining the long term cooperation while tackling this short term friction. Therefore, in this multipolar world it is important for India to position economic diplomacy as its tool in resolving the tension between India and US.

Key Words: Economic Diplomacy, Trade relations, Foreign Policy, Trade agreements and Bilateral Relationship.

Prospects for India in Shaping Global Dispute Resolution through International Commercial Arbitration

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Abstract

International commercial arbitration (ICA) has emerged as a cornerstone of the contemporary international legal order, providing an efficient, neutral, and enforceable mechanism for resolving cross-border commercial disputes. In an era characterized by globalization, transnational commerce, and multi-jurisdictional legal challenges, arbitration plays a critical role in ensuring predictability, legal certainty, and the smooth functioning of international trade. India, as an emerging economic and legal power, occupies a unique position in this evolving landscape. Historically, India faced challenges in arbitration due to judicial intervention, delays in enforcement, and limited institutional infrastructure. However, significant legislative reforms, particularly the Arbitration and Conciliation (Amendment) Acts, 2015 and 2019, coupled with the establishment of institutional arbitration centers such as the Mumbai Centre for International Arbitration (MCIA), have transformed India into an increasingly arbitration friendly jurisdiction.

This paper explores India's prospects in shaping the global discourse on dispute resolution, deepening legal cooperation, and fostering a more equitable and inclusive international legal order. It analyzes the interplay between domestic legal reforms, judicial interpretations, and India's participation in international arbitration frameworks, including UNCITRAL initiatives and bilateral arbitration agreements. The study highlights India's potential to contribute to emerging trends in arbitration, including technology-driven dispute resolution, sustainable development contracts, and inclusive arbitrator representation, particularly from developing nations. Furthermore, the paper examines the challenges India must navigate, such as

balancing domestic interests with international standards, enhancing institutional capacity, and addressing enforcement complexities.

By positioning itself as a hub for high-quality, accessible, and efficient arbitration, India can influence global arbitration norms, promote capacity building, and ensure equitable participation of developing economies in the international commercial arena. The paper concludes that India's proactive engagement, legislative clarity, and strategic initiatives have the potential to strengthen its role in the contemporary international legal order, fostering a more cooperative, inclusive, and just framework for international commercial dispute resolution.

Keywords: International Commercial Arbitration, India, Arbitration and Conciliation Act, Global Legal Order, UNCITRAL, Dispute Resolution, Legal Cooperation, Inclusive Arbitration, Emerging Economies, Enforcement of Arbitral Awards

IP AS AN INVESTMENT: ANALYSING THE USE OF ISDS BY FOREIGN INVESTORS AND ITS IMPACT ON INDIA'S DOMESTIC POLICIES

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Abstract

Intellectual Property ("IP") Rights are increasingly being included within the definition of "investments" in several international investment agreements ("IIAs"). Inclusion of IP within the definition of "investments" has far reaching consequence. When IP is included within the scope of "investments", it lends a rare opportunity to the investors to enforce IP in investor state dispute settlement ("ISDS") mechanism, just like any other "investment" and also challenge the measures undertaken by the host states. This has opened gates for the investors from the tobacco industry to challenge the domestic policies of the host states. The authors aim to examine such investment disputes wherein foreign investors have invoked the ISDS mechanism against the domestic policies of the state on the grounds of breach of IP and explore the resultant impact of the same on the States. The invoking of investment tribunals against plain packaging laws has a substantial deterring impact on other states who are considering implementing tobacco control measures for the sake of public health. There exist instances that countries, planning to adopt plain packaging for tobacco products in their countries, thwarted or delayed adoption of such laws, post initiation

of investment disputes by Philip Morris. The pertinent question herein is whether foreign investors use the forum of ISDS as a tool to implement stricter forms of IP, although TRIPS sets minimum standards of IP protection. More and more countries, including India, want to use plain packaging, to fight the growing tobacco epidemic. In India, all tobacco products have 85% visual health warnings. The Allahabad High Court ordered the Centre and State Governments to explore plain packaging of tobacco products. The purpose of this study is to determine whether plain packaging would be a viable next step in India's sensible tobacco control program. The article evaluates whether the investment agreements executed by India conform to international standards pertaining to public health.

Keywords: Intellectual Property Rights, International Investment Agreements, Investor State Dispute Settlement, Trade-Related Aspects of Intellectual Property Rights.

Grounded And Unprotected: A Legal Vacuum In Safeguarding Consumer And Investor Interests Amidst Airline Insolvency — A National And International Legal Perspective

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Abstract

The Indian aviation sector has witnessed recurring airline insolvencies in recent years, including high-profile collapses like Jet Airways and GoFirst. These events have exposed a critical gap in both national and international legal frameworks that fail to adequately safeguard consumer and investor interests during such financial crises. In this study, we explore the dual impact of airline insolvency on passengers and shareholders, focusing on the lack of enforceable refund mechanisms for consumers and the absence of sector-specific protections for retail investors. This paper analyses the current statutory landscape in India, including the Consumer Protection Act, 2019; the Insolvency and Bankruptcy Code, 2016; and SEBI regulations, and juxtaposes these with international conventions like the Montreal Convention, ICAO standards, and the UK's ATOL scheme, and examine relevant judicial precedents to demonstrate that existing legal frameworks are ill-equipped to address the complexities of airline insolvency. The research identifies a legislative and regulatory vacuum and proposes targeted reforms, including the creation of a statutory aviation consumer fund, investor disclosure mandates, and a multilateral insolvency response model under ICAO. In conclusion, this paper underlines the need for a cohesive legal response that

balances financial viability with the protection of consumer and investor rights in the aviation sector.

REFORMING INVESTOR – STATE ARBITRATION: INDIA'S POST – 2015 TREATY PRACTICE AND CHALLENGES

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Abstract

Investor – State Dispute Settlement (ISDS) has become one of the most debated issues in contemporary international law. Many countries, including India, have faced arbitration claims from foreign investors, which often raised concerns about the protection of public interest and the loss of regulatory freedom. High-profile cases in India demonstrated how foreign investors could challenge government measures on taxation, licensing, or regulation, sometimes resulting in significant compensation claims. To address these challenges, India undertook a major reform in 2015 by terminating many of its existing bilateral investment treaties (BITs) and introducing a new Model BIT. This reform aimed to reduce India's exposure to costly arbitration claims and create a fairer balance between investor rights and state sovereignty.

This paper conducts a doctrinal and jurisprudential analysis of India's evolving approach to ISDS and arbitration post 2015. It examines key features of the Model BIT, such as stricter definitions of investor protection, mandatory exhaustion of local remedies before initiating international arbitration, and limits on the scope of arbitrable disputes. The study also explores how the Indian judiciary plays a crucial role in this framework, including reviewing enforcement of foreign awards, applying public policy exceptions, and supervising arbitration proceedings to ensure alignment with domestic law. Judicial oversight thus acts as a normative safeguard balancing investor interests with India's regulatory autonomy.

This paper highlights both progress and continuing challenges. Reforms and judicial engagement allow India more freedom to regulate in areas such as public health, environment, and taxation, reflecting a measured assertion of sovereignty. However, questions remain about whether these changes may discourage foreign investment or

impact India's credibility as an arbitration friendly jurisdiction. By situating India's experience within the broader global context, including reform initiatives under United Nations Commission on International Trade Law (UNCITRAL) and International Centre for Settlement of Investment Disputes (ICSID), the paper demonstrates how India navigates the tension between maintaining investor confidence and protecting national interests. It ultimately reflects the ongoing struggle of many states to harmonize domestic law, international obligations, and judicial oversight in shaping a contemporary and resilient international economic order.

Keywords: Investor State Dispute Settlement (ISDS), International Arbitration, Bilateral Investment Treaties (BITs), Sovereignty, Investment Protection

China Foregoes Special and Differential Treatment at the WTO: A Watershed Moment for Multilateralism ? Symbolism, Outcomes, and Learnings for India

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Vedang Pawar

Abstract

This paper analyzes China's recent decision to voluntarily forgo Special and Differential Treatment (SDT) at the World Trade Organization (WTO), while retaining its formal developing country status, and explores the implications of this move within the broader context of global trade governance. The study interrogates the symbolic and practical dimensions of China's policy shift, situating it as a strategic recalibration reflecting both its ascendant economic clout and evolving geopolitical positioning amid intensified U.S.–China trade tensions. Employing a doctrinal legal analysis of WTO provisions, complemented by a comparative review of negotiating histories and empirical assessments of SDT's impacts, the research elucidates how China's renunciation challenges entrenched dichotomies between developed and developing country classifications that have historically complicated WTO reform efforts.Key findings indicate that China's withdrawal from claiming SDT privileges may facilitate progress in multilateral trade negotiations by mitigating longstanding disputes over the scope and eligibility of such provisions. However, this approach simultaneously reveals inherent ambiguities, as China continues to assert developing country status in other forums, raising critical questions around the coherence and enforceability of differentiation criteria. For India, the ramifications are multifaceted:

the development underscores the urgent need to advocate for calibrated, transparent, and evidence-based criteria for SDT eligibility that distinguish the diverse capacities and developmental trajectories within the Global South. The paper contends that India must strategically navigate its national interests while assuming a leadership role in shaping a more equitable and rules-based WTO architecture.This study contributes to scholarship on the international legal order by highlighting the complexities of self-designation within WTO frameworks and the broader normative debates on equity and responsibility in global trade. It argues that China's decision marks a pivotal moment that compels reconsideration of the principles underpinning differentiation, with significant lessons for India and other emerging economies aspiring to balance developmental imperatives with constructive engagement in multilateral institutions.
Keywords: World Trade Organization, Special and Differential Treatment, China, India, trade governance, developing countries, multilateralism

INTERNATIONAL ENVIRONMENTAL, CLIMATE LAW AND GLOBAL PLASTICS TREATY

Reconciling Development And Sustainability: Analyzing India's Approach In The Global Plastics Treaty Negotiations

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Abstract

The prevailing discourse for a globally binding instrument addressing plastic pollution portrays a sharp wedge between Like-Minded Countries (LMC), which includes India, and the High Ambition Coalition (HAC). On one side, HACs demand a cap on the production of virgin plastics (unprocessed plastics), whereas on the other side, LMCs oppose such production caps due to developmental ambitions. It shows the existing split in the domain of international law between environmental accountability and developmental needs. This paper examines how the evolving global obligations can be harmonized with the discourse on differentiated responsibilities. The main aim is to strike a balance between the need for national development, while ensuring cooperation to effectively deal with the menace of plastic pollution.

This Paper adopts a doctrinal methodology, comparing and analyzing relevant documents of the "Intergovernmental Negotiating Committee on Plastic Pollution". These documents include Zero Draft, Revised Zero Draft, Chair's Text, and the Compilation Text. This will be done in the light of the core principles of international environmental laws, like - polluter pays principle, precautionary principle, CBDR (Common but Differentiated Responsibilities), UNGA Resolution 41/128 (Declaration on Right to Development), and Sovereignty over natural resources. Comparative analyses with other major environmental treaties, like the Paris Agreement, the Basel Convention, will be done to determine the best model for the Global Plastics Treaty.

The paper contends that India's contentions are validly rooted in its legitimate developmental concerns, which can be reconciled with equitable distribution of responsibilities. It will make place for a flexible structure through which developmental needs can be implemented. It calls for a nation-oriented approach involving commitments on production management, finance, technology transfer, and capacity building. Such a structure would conform with INC's (Intergovernmental Negotiating Committee's) mechanisms while ensuring the smooth transition of informal waste sectors. The paper concludes that binding obligations of differentiated responsibility will ensure the reconciliation between the right to development and sustainability. India's position should be viewed through the prism of fairness and equity and not of obstruction in the rapidly emerging global plastic governance

regime. Finally, opposing groups of countries can be brought on the same page by aligning ambitions with equity by evolving global plastic governance as a synthesis of environmental concerns and developmental needs.

Keywords: Global Plastics Treaty, Right to Development, Production Caps, Common but Differentiated Responsibilities, Intergovernmental Negotiating Committee (INC)

Plastic Pollution Beyond Borders: Legal and Policy Dimensions of the Global Plastics Treaty

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Abstract

In recent years, plastic pollution has intensified into a global crisis, posing grave threats to ecosystems, climate stability, and human health. Responding to this heightened challenge required a binding international instrument capable of addressing the regulation of plastic production, consumption, waste management, and related concerns. The Global Plastics Treaty, adopted in 2024 after extensive negotiations under the United Nations Environment Programme (UNEP), marks an essential step toward addressing these issues. It focuses on tracing obligations and enforcement mechanisms across the entire life cycle of plastics — from production to disposal and recycling — and situates them within the broader framework of international environmental and climate law. Principles such as the precautionary principle, polluter-pays principle, and sustainable development are embedded in the treaty, emphasizing accountability, implementation, and equity between the Global North and the Global South. A more holistic approach can be observed when frameworks such as the Stockholm Convention (2001), Basel Convention (1989), and Paris Agreement (2015) are examined to understand how they interact with plastic pollution governance by highlighting the importance of integrated global responses and cooperative mechanisms.

This paper further provides a comparative perspective by analysing national initiatives and best practices undertaken by major countries, and the extent to which they have acted proactively in combating plastic pollution — for instance, through China's and the European Union's single-use plastic ban, state-level bans in the United States, and India's domestic measures under the Plastic Waste Management

Rules. With the launch of India's National Plastic Waste Reporting Portal in 2025, the paper also examines how these measures align with the treaty's objectives to enhance compliance and transparency. By analysing the treaty alongside these major national initiatives, the study considers the role of international collaboration in ensuring the implementation of treaty provisions without burdening and contribution to understanding how international environmental law can adapt to contemporary global challenges. The paper concludes with a set of recommendations on improving the effectiveness of the treaty, particularly in its phase of implementation.
Keywords: Plastic pollution, International Environmental Law, Policy Implementation, Global Plastics Treaty, Legal Framework

Water Governance in Drought-Prone Areas: Bridging Climate Adaptation and Legal Gaps

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Abstract

Climate change has intensified drought risks worldwide, undermining water security, agriculture, and rural livelihoods. India, where nearly 68% of the landmass is drought-prone, faces recurrent crises in states like Rajasthan, where prolonged water stress affects both farmers and ecosystems. Existing water governance frameworks are fragmented, reactive, and often focused on short-term relief measures rather than proactive adaptation. Legal regimes such as the Easements Act of 1882, state drought relief codes, and fragmented groundwater laws do not adequately incorporate climate adaptation, equity, or community rights.

This paper examines governance and legal gaps in water management in drought-prone regions, with a focus on Rajasthan as a case study. Combining doctrinal research with fieldwork in Krishi Vigyan Kendras (KVKs) in Tonk, Bhilwara, Chittorgarh, and Udaipur, the study investigates how farmers and local institutions experience water stress and interact with formal legal frameworks. A comparative analysis with South Africa, Australia, and California provides additional insights into adaptive, rights-based, and basin-wide governance models. The findings reveal that India's water governance remains relief-oriented, poorly integrated, and insufficiently climate-responsive.

The paper proposes an integrated water governance framework that embeds rights-based access, institutional restructuring, and community participation, while aligning with climate adaptation goals. Bridging legal, institutional, and

socio-ecological perspectives, the framework seeks to ensure equitable, sustainable, and climate-resilient water governance in drought-prone regions.

Keywords: Climate Change, Water Governance, Drought, Legal Frameworks, Climate Adaptation, Farmers' Rights, Rajasthan

Towards a Just Plastic Treaty: India and the Future of Global Environmental Governance

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Abstract

Plastic pollution threatens sustainable development with its pervasive global presence at multiple scales, low recycling rates, and persistent release of toxic chemicals into the environment. In the last few years, the United Nations hosted a series of negotiations to constitute a premier treaty addressing the alarming rates of plastic pollution. However, in the absence of a consensus on critical aspects of the treaty, the recent INC-5.2 talks have been adjourned without any tangible outcome. The negotiations witnessed countries, including India, arguing against the regulation of the production of primary plastic polymers, which will disrupt their economic interests. India argued that the treaty should prioritize addressing plastic pollution rather than imposing production limits.

While plastic poses severe challenges to the environment and public health, it plays a vital role in boosting the economy, promoting industrial growth, supporting livelihood, and alleviating poverty in India. In the background of these domestic priorities and global needs for a plastic treaty, it is necessary to pursue negotiations on the lines of the common but differentiated responsibilities principle. Similar to other environmental issues, plastic pollution is premised upon equitable foundations, and it cannot be effectively dealt with without considering national differences at the global level. India's stand on other treaty provisions relating to the immediate phasing out of plastics, finances, and technology transfer further exemplifies its attempt to incorporate CBDR principles within the final treaty text, paving the way for 'plastic justice.'

The paper examines India's negotiating position in the global treaty discourse, particularly from the perspective of the common but differentiated responsibilities principle (CBDR). The paper will study the treaty drafts, negotiation transcripts, and statements made by state representatives on the issue. The paper will further employ comparative approaches to trace India's approaches within other treaty frameworks,

including climate change and biodiversity, where differentiation has played decisive roles. In its conclusion, the paper realizes the need to move beyond uniform prescriptions, while recognizing differentiated capacities and responsibilities among nations, for the successful implementation of the global plastic treaty. Such inclusion will not only gain legitimacy from the Global South, rather also increase the compliance and long-term effectiveness of any such treaty.
Keywords: Plastic Treaty, India, Common but Differentiated Responsibilities, Environmental Governance, Plastic Justice.

Scrapping of End-of-Life Vehicles in India: Promoting Principles of Sustainable Development and Circular Economy under International Law

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Abstract

The disposal and scrapping of End-of-Life Vehicles (ELVs) presents a pressing challenge for India, combining environmental, economic, and legal dimensions. This paper explores the significance of addressing ELVs as both a waste management concern and an opportunity to foster circular economy practices promoting the principles of sustainable development. The paper examines the causes, effects, and types of ELV generation, situating India's emerging legal regime within the broader framework of international law. Instruments such as the Basel Convention and the European Union's ELV Directive are analysed for their relevance and influence, alongside India's End-of-Life Vehicles Rules, 2025 and related policies. Comparative insights from other jurisdictions further illuminate global best practices. The paper identifies gaps in India's current approach, particularly with respect to integration of the informal sector, clarity in cross-border waste regulation, and enforcement capacity. Methodologically, the research adopts a doctrinal approach, supported by comparative legal analysis. The proposed framework highlights future legal pathways for India, balancing compliance with international obligations, strengthening national regulations, and adapting global innovations to the local context. The findings emphasize the need for a coherent legal landscape that addresses environmental risks, promotes sustainable material recovery, and positions India as an initiative-taking participant in international environmental governance.

Keywords: End-of-Life Vehicles (ELVs), Environmental Law and Policy, Extended Producer Responsibility (EPR), Circular Economy, Sustainable Development.

Towards Legal Coherence: Integrating The Global Plastics Treaty With Basel, Marpol And UNCLOS

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Abstract

The Global Plastics Treaty negotiation is a significant step in the world of global environmental regulation, and the main goal is to reduce plastic pollution throughout its life cycle. The effectiveness of the treaty, however, does not depend only on its substance but also on how it is consistent with the pre-existing multilateral conventions, in particular, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes, the International Convention to Prevent Pollution of Ships (MARPOL) and the United Nations Convention on the Law of the Sea (UNCLOS). Though these instruments overlap in their mandate, they often work in parallel, hence creating risks of normative fragmentation, legal discontinuities, and jurisdictional conflicts.

This paper aims to address the research problem of establishing legal consistency between the nascent plastics treaty and the current tools governing waste management, ocean pollution, and ocean governance.

The methodology of the investigation uses the method of doctrinal legal analysis of the treaties, which is supported by comparative treaty interpretation to examine the normative points of intersections, institutional competencies, and enforcement systems within the corresponding regimes.

Three main arguments are presented, namely, first, the lack of harmonization can breed duplicate or conflicting commitments on the part of states, second, synergies can be achieved by cross-referencing, interpretive alignment, and institutional collaboration, and third, integration of the plastics treaty within the great tapestry of international law can enhance compliance and better environmental outcomes.

The paper concludes that legal coherence is not just a desirable feature but a necessity for the success and longevity of the regime of plastics governance. It suggests that it should be created with systematic connections between the plastics treaty and existing frameworks, thus establishing a coordinated and legally resilient response to the global plastics crisis.

Keywords: Global Plastics Treaty, Legal Coherence, Basel Convention, MARPOL, UNCLOS

Addressing Legal Gaps In The Global Plastic Treaty Through The Lens Of Mountain Sustainability In The Indian Himalayan Region

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Abstract

The Himalayas, globally one of the most environmentally sensitive landscapes, are increasingly being squeezed by climate change, mass tourism growth, and the increasing threat of plastic pollution. Single-use packaging and non-recyclable plastics have become widespread at high altitudes where waste management infrastructure is rudimentary, with resulting long-term effects on ecosystems, water sources, and communities. Against this reality, the current negotiations of a legally binding Global Plastics Treaty under the United Nations Environment Assembly (UNEA) presents an important opportunity to include mountain sustainability within global environmental governance.

As the international community advances towards a binding Global Plastic Treaty, the ecological precarity of mountain regions demands urgent legal recognition. The failure to ratify the Global Plastic Treaty at the United Nations underscores critical legal and policy gaps in addressing plastic pollution, particularly in ecologically fragile regions.This paper examines the overlooked dimension of mountain sustainability within the global plastic governance framework, focusing specifically on Leh district in Ladakh and the Adi Kailash region in Uttarakhand as representative case studies of the escalating plastic burden in the Indian Himalayas. Despite their status as biodiversity-rich, high-altitude ecosystems and vital water towers supporting millions downstream, these regions remain largely outside the scope of concrete international legal protections against plastic pollution.

Through quantitative research, including field data analysis and stakeholder surveys, this study intends to reveal the extent of plastic infiltration in high-altitude ecosystems and its socio-environmental consequences. The findings argue for a recalibration of global plastic governance to include region-specific sustainability imperatives, proposing that future treaty negotiations integrate mountain-centric legal instruments while maintaining a pan-global enforceability. By spotlighting the

Himalayas, this paper advocates for a more inclusive and ecologically sensitive approach to global environmental law.

Keywords: Global Plastic Treaty, Plastic Pollution, Mountain Sustainability, Environmental Law, Legal Recognition.

Flow Or No Flow: Impact Of Granting Legal Personality To Rivers Upon Kishenganga Hydro-Electric Power Plant

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Abstract

Kishenganga Hydro-electric Power Plant (KHEPP) has been a bone of contention between India and Pakistan. In this dispute, the Court of Arbitration had given India a green signal to carry on with its construction. This article examines the impact of KHEPP upon the environmental and the human needs of the Indus River basin. The question that the author answers through this article is that what legal implication would granting of international legal personality to the rivers have upon the hydro-electric power plants especially the determination of minimum flow? The article consequently examines the legal personality granted to rivers by different domestic jurisdictions and analyses the impact such international legal personality would have upon the hydro-electric power plants. The article argues that these transboundary river power plants should be managed through joint river mechanisms and the minimum flow of a river should be affixed keeping in mind the health of the basin.

TWAIL Perspective under Proposed Global Plastic Treaty: Assessing the Role of India Under International Law

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Abstract

The pressing issue of plastic pollution failed to gain traction at the International negotiating Committee (INC- 5.2, August 2025) because of the preferred alignment of countries prioritizing with their national interests. This fundamental deadlock entails a critical legal evaluation through the lens of Third World Approaches to International Law (TWAIL). The North-South divide has geographically divided the globe into

hegemonic/elite class and the global subaltern class (GLC). This division necessitates these countries prioritizing their respective needs while keeping up with the pace of development. To make this development sustainable Global Plastic Treaty was supposed to be entered into. . In contrast to the Common but Differentiated Responsibilities (CBDR) principle, the 2022 UN Environment Assembly Resolution requiring the creation of an ILBI addressing plastic pollution across the "full life-cycle".

The core legal issue is the conflict arising from the Like Minded Countries (LMC) bloc- including India, China, and petrostates- utilizing the CBDR principle and developmental imperatives to resist binding regulations on primary plastic production. This resistance risks transforming the ILBI into a limited instrument focused purely on downstream waste management, effectively relocating the sovereign economic powers (profit from production) in favour of global petrochemical capital while imposing the costly burden of pollution remediation onto developing nations. The central proposition of this research is that India's role in extending the needs and voice of GSC so that the burden is not onerous but which motivates the parties involved.

This research is organized into three analytical phases: a thematic and doctrinal deconstruction of the 'full life-cycle' mandate; a TWAIL critique studying the hegemony of global north while making key policies/treaties ; and a detailed case study of India's diplomacy, contrasting its historical adherence to CBDR with its current geo-economic choices. The methodology uses thematic analysis of the proposed treaty and its conflict with CBDR.

Keywords: Global Plastics Treaty, TWAIL, ILBI, Sustainable Development, GSC

Policy gap between International Climate Finance and India's roadmap to Decarbonization : Trends, challenges and opportunities

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Abstract

In order to achieve the goal of carbon neutrality by 2070, India transition based on large scale climate funding and persistent improvement in climate policy institutional and market gap. It was clear from the current report that India will require 160 billion US$ to 288 billion US$ per year and nearly about 10 trillion US$ by 2070 under the Paris agreement and Other COPs. While showing strong political and governance will toward the climate restoration, climate finance covers only one third of the India's

requirement. Under the climate finance taxonomy India launches sectoral program under the NAPCC despite of lack of financial insufficiency in policy integration and green fund.

The current trends indicate that how the global climate finance growing under the Paris agreement and different COPs. It was also record that India has receive a insufficient fund in respect of its requirement. One of the key issue includes lack of consensus between donor and the India's grassroots level realities. Limited concessional finance, inadequate support for capacity building, and stringent conditions (funding mechanisms in the form of burden / loan) tied to international finance flows and makes mitigation and adaptation difficult. This article explore trying to explore the policy gap exists in global climate financing and India's domestic/ local needs to achieving the goal of Net zero carbon emission by 2070 along with both challenges and opportunities.

Lack of climate funding is one major issue on climate change reduction along with that some other small issues act collectively become a major issue and make climate cool more difficult. The key issue is fragmented government framework, cross sector coordination and lack of alignment between agency or institutions. Policy delivery fails to reach the grassroots institutions responsible for implementing it in timely and accurate manner. Consequently, policies cannot be effectively and efficiently implemented, thus this process degrading and disrupting the climate mitigation and adaptation mechanism.

By addressing these gaps researcher suggest a requirement of multipronged strategy. This paper explores the International climate finance mechanism and India's decarbonization roadmap, addressing challenges and highlighting the emerging opportunities. The article advice for the updating legal policy of national and international explicitly for the reduction of climate change. Policy discourse on international level and even at national level are important, not only for India's Goal to Net Zero emission by 2070 but also for effective and equitable global climate action.

Keywords: Climate action, Climate finance, decarbonisation, mitigation policies and strategic gap.

Negotiating Pathways for Sustainable Ocean Governance: A Legal Analysis of the Stalled Global Plastic Treaty and the Future of Marine Pollution Frameworks

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Abstract

According to the United Nations Environment Program, 75- 199 million tons of plastic are estimated to be floating in the world's oceans, making it a major source of marine litter compared to other pollutants. Despite the urgency for a coordinated global response, negotiations for the Global Plastics Treaty (GPT) initiated under the UN Environment Assembly have stalled due to the diverging state interests and lack of consensus on binding commitments. The paper shall begin by outlining the marine plastic pollution as an anthropogenic issue that poses a significant threat, jeopardizing ecological integrity, marine diversity, and human well-being. The (bio)accumulation of plastics due to their resistance to biological degradation, persistence, transboundary dispersion, and improper handling of plastic wastes makes it a prominent carrier of persistent organic pollutants (POPs), amplifying ecological and health impacts.

This presents a complex challenge for ocean governance and legal intervention. The paper shall critically examine the existing international legal frameworks, such as the International Convention for the Prevention of Pollution from Ships (MARPOL), the Basel Convention, the London Convention, and the United Nations Convention on the Law of the Sea (UNCLOS), which provide foundational mechanisms for marine environmental protection. However, it identifies gaps and limitations as it remains segmented with restricted applicability in regulating plastic pollution across jurisdictions. Subsequently, the paper shall then focus on the ongoing negotiation of the Global Plastic Treaty (GPT), which presents the first binding international instrument to address plastics holistically with a specific focus on mitigating marine environmental impacts.

Employing doctrinal research methodology with comparative analysis, it situates the GPT within the broader context of Biodiversity Beyond National Jurisdictions (BBNJ), recognizing its relevance in addressing the impact of plastic pollution on marine diversity in the Areas Beyond National Jurisdiction (ABNJ). By analyzing the interplay between GPT and BBNJ, the paper demonstrates coordinated applications of these instruments in strengthening ocean governance. It finally concludes by establishing GPT as a central pillar complemented by BBNJ to mitigate marine plastic pollution, in alignment with the Sustainable Development Goals
(SDGs), particularly SDG 14 on life below water.

Keywords: Marine pollution, Global Plastics Treaty, MARPOL, BBNJ Agreement, Ocean Governance,

Criminalizing Ecocide: An Analysis of the Proposed International Crime and its Resonance with India's Environmental Jurisprudence

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Abstract

The global push to establish ecocide defined as "unlawful or wanton acts committed with knowledge that there is a substantial likelihood of severe and either widespread or long-term damage to the environment" as the fifth core international crime under the Rome Statute marks a pivotal shift toward criminalizing mass ecological destruction.

This research paper evaluates both the legal and political viability of this international proposal, navigating major hurdles like defining criminal intent and overcoming resistance based on state sovereignty. Simultaneously, it critically analyzes the alignment of this emerging international standard with India's environmental jurisprudence.

Employing a doctrinal and comparative methodology, the study reviews the proposed Rome Statute amendments, key Indian laws like the Environment (Protection) Act, 1986, and seminal Supreme Court judgments (e.g., in the context of the Bhopal gas tragedy and Delhi air pollution).

The paper argues that the underlying normative principle of ecocide is deeply ingrained in Indian law. India's Supreme Court has proactively interpreted the fundamental right to life to encompass a right to a healthy environment, pioneering doctrines like Absolute Liability and the Polluter Pays Principle. This robust judicial framework conceptually anticipates the aims of the international ecocide movement.

However, a critical gap remains: a decisive schism between jurisprudential ambition and practical enforcement. India's environmental governance is severely hampered by weak implementation, regulatory dilution, and bureaucratic inertia. The paper concludes that while the Indian judiciary aligns conceptually with the ecocide project, the global efficacy of this new international crime will ultimately depend on its capacity to foster robust and enforceable domestic legal systems capable of translating a progressive legal vision into tangible ecological safeguarding.

Keywords: Criminalizing, Ecocide, International Crime, India and Environmental Jurisprudence.

Floods, Law, And The Limits Of Adaptation: India's Evolving Role In The International Environmental Order

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Abstract

Floods have emerged as one of the most visible manifestations of climate change, particularly in South Asia and the Middle East, where altered rainfall patterns, sea level rise, and extreme weather events are severely impacting both livelihoods and infrastructure. Despite their geographical and developmental differences, these regions share common structural challenges like rapid urbanization, weak enforcement of environmental laws, and limited incorporation of climate adaptation principles into domestic governance. As these climatic pressures intensify, the gap between scientific understanding and legal preparedness is becoming increasingly evident.

This paper examines the intersection of flood risk regulation, environmental law, and international climate adaptation frameworks, focusing on India's evolving role within the contemporary international legal order. It analyses how India's constitutional jurisprudence has absorbed principles of international environmental law such as sustainable development, the precautionary approach, and inter generational equity. At the same time, it highlights the persistent fragmentation between India's international commitments under the Paris Agreement and the Sendai Framework for Disaster Risk Reduction and their translation into coherent domestic action.

By comparing India's experience with that of Bangladesh, Nepal, and the United Arab Emirates, the paper identifies regional trends in adaptation governance and explores why domestic institutional limitations often prevent these nations from fully operationalising international norms. The study argues that India's real contribution to international environmental law lies not in exporting model frameworks, but in revealing the challenges of implementing global obligations within developing and climate vulnerable contexts.

The paper argues that India's experience exemplifies the broader regional struggle to reconcile international environmental obligations with domestic implementation realities. It concludes that meaningful adaptation in South Asia and the Middle East requires region specific legal cooperation, cross border water governance, and institutional accountability grounded in both international law and local ecological contexts.
Keywords: Climate Change, Flood Risk, International Environmental Law, South Asia, Middle East, Adaptation frameworks

Protecting The Oceans From Procedural Paralysis: Marine Environmental Law And The Failed Global Plastics Treaty

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Abstract

When the fifth round of global plastics treaty negotiations collapsed in Busan in December 2024, followed by another failure in Geneva eight months later, the world witnessed more than diplomatic disappointment. A fundamental crisis in how international law responds to planetary emergencies was exposed. Despite overwhelming scientific evidence that marine plastic pollution will triple by 2060, and despite 180 countries gathering with apparent commitment to action, negotiators left empty-handed.

This research investigates why the consensus-based architecture of multilateral environmental governance broke down when confronted with a small coalition of petrochemical-dependent states wielding veto power over the environmental aspirations of the global majority. Through doctrinal analysis of draft treaty texts against UNEA Resolution 5/14's mandate for "*full lifecycle*" regulation, process tracing of negotiation dynamics across five INC sessions and comparative institutional examination of successful treaties like the Montreal Protocol, this study reveals three critical insights. First, the existing "*patchwork quilt*" of international instruments including UNCLOS, Basel Convention, MARPOL, cannot structurally address plastic's full lifecycle, leaving primary polymer production entirely unregulated while plastic output accelerates toward 1.1 billion tonnes annually. Second, the Busan-Geneva collapse demonstrates that consensus procedures, viable when parties share convergent interests, devolve into minority tyranny when trillion-dollar petrochemical revenues generate anatomical opposition from oil-producing states

like Saudi Arabia, Russia, and Iran. Third, and most significantly, legal precedents from the Montreal Protocol's Kigali Amendment and climate coalitions demonstrate a viable alternative: a High Ambition Coalition treaty employing qualified majority voting, open accession protocols, and WTO-compatible trade measures can break the deadlock by acknowledging that universal participation need not precede treaty adoption when obstructionist minorities exist.

The research concludes that the upcoming INC-6 represents a procedural reckoning; legitimacy in global environmental governance derives not from unanimous consent purchased through infinite compromise, but from protecting planetary systems through all available legal mechanisms, even if that means abandoning the consensus fiction for coalition-based action by states prioritizing ecological survival over petrochemical profits.

Keywords: marine pollution, ocean plastics, UNCLOS, consensus procedures, multilateral environmental governance

Role of Courts in enforcement of Right to Clean Environment

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Abstract

This paper discusses the approach of the different courts for enforcement of laws and policies relating to climate change in the current times. At international level, the ICJ held in its advisory opinion that to clean, healthy and sustainable environment is a basic human right under international law in Vanuatu case in 2025. At the regional level, *Urgenda* v Netherlands (2020), was the first case where judges ordered the government to cut greenhouse gas emissions to fulfil Paris Agreement obligation because it did not only violate the environmental law but also human rights. At the national level, in India, the Supreme Court's 2024 ruling in *M.K. Ranjitsinh v. Union of India* recognized a human right against climate harm. This decision also raised concerns about biodiversity protection. Finally, the case of *Ridhima Pandey v. Union of (2025)* India highlights how young people are using the law to demand climate action, showing the power of intergenerational equity and public trust. Lastly, the paper tries to explore the role of the courts as the key players in the global fight against climate change pushing governments and corporations to act, and giving voice to vulnerable communities and future generations.

The Indian Legal Order and Climate Change: Crafting a Carbon Tax Regime and legal framework for Sustainable Development

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Abstract

Post the Paris agreement India has set zero emission targets by 2070 for which efforts for legal regulatory framework have begun.. The Indian Carbon Market (ICM) framework was notified in 2023 and compliance is expected by 2026. Pursuant to its goals pledged at the Paris agreement India has amended its Energy Conservation Act, 2001 through the Energy Conservation Amendment Act, 2022 to achieve its COP-26 commitments.The Amendment empowered the Central Government to install a Carbon Credit Trading Scheme (CCTS) which was launched in 2023 and laid the foundation of a robust Indian Carbon Market (ICM) consisting of obligatory compliance and voluntary compliance along with a nascent institutional framework of CCTS. The Amendment Act has also introduced steep penalties for non compliance with directives and regulatory mandates. There however exists the Perform, Achieve and Trade (PAT) scheme and Green Credit Rules that also deal with carbon credit and trading resulting in a multiplicity of regulatory statutes. The Sustainable Development Mechanism (SDM), a framework under Article 6 of the Paris Agreement for a more effective and updated carbon market instrument for the post-2020 period has come into being as the guideline for all frameworks related to mitigation of carbon emission.

Research Problem: India has to create a legal frame for carbon tax and trading which aligns with the sustainable development mechanism under Article 6 of the Paris Agreement. India however has at present a fragmentary approach to carbon tax , carbon credit and carbon tax. There also exist regulatory challenges such as coordination between the multiple agencies. What should the Indian legal regulatory framework design that will balance development and sustainability ? How can we make this framework attractive and workable for the Indian stakeholders?

Methodology: A comparative study of the legal frameworks for carbon taxation in the European Union, South Korea and India to identify the aspects that can be integrated

into the Indian Legal Framework along with study of successful implementation case studies.

Arguments and Conclusion: It is important that India at this early stage sets up a legal framework that is customised to India and the Indian project proponents. India can learn from the success and failures of the legal regimes for carbon taxation in various countries. At the same time we have to identify the current shortfalls such as multiple schemes for carbon credits , creation of carbon credits just for sale , the lack of clarity on the applicability of the rules and schemes along with no visible benefits might dull the enthusiasm of the markets for carbon credits. If however India is able to integrate its legal framework and provide ease of access and of doing business aligning with the sustainable development mechanism then India would have rightfully claimed the leadership role in sustainability.

Keywords – Carbon Tax, Climate Change , Paris Agreement, Sustainable Development Mechanism

NEED FOR REFORMS IN INTERNATIONAL LEGAL INSTITUTIONS

Reforming International Legal Institutions: India's Perspective And The Future Of Global Governance

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Abstract

The contemporary international legal order is facing unprecedented challenges, from climate change to pandemics, and from economic inequality to human rights violations. As a key player in global affairs, India has a significant stake in shaping the future of international law and institutions. This paper examines the need for reforms in international legal institutions, with a focus on India's perspectives and priorities. It explores the current gaps and challenges in the international legal system, including issues of representation, accountability, and effectiveness. The paper argues that reforms are essential to ensure that international legal institutions remain relevant and effective in addressing the complex global challenges of the 21st century like Lack of Transparency and Accountability in the WTO's dispute settlement system and Updating the WTO's rules to reflect the changing global economic landscape and address issues like agricultural subsidies and public stockholding, Conditionality in the IMF's lending programs and Weighted Voting System, Project Effectiveness of the World Bank's execution. It highlights India's contributions to international law and its vision for a more inclusive, equitable, and just global order. The paper concludes by emphasizing the importance of multilateralism and international cooperation in addressing global challenges and promoting peace, security, and sustainable development.

Keywords: WTO, IMF, World Bank, International Law, Global Governance, Institutional Reform, India, Multilateralism, Global Challenges.

REFORMING THE INTERNATIONAL CRIMINAL COURT: RESTORING LEGITIMACY IN GLOBAL JUSTICE

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Abstract

The contemporary international legal order, largely shaped in the aftermath in the second world war, is increasingly facing a crisis of relevance and legitimacy.

Institutions such as the international court of justice, international criminal court, world trade organization, united nation security council often fall short their mandates due to structure inequities, weak enforcement mechanism, and the dominance of powerful states. The international criminal court (ICC) was founded upon the ideology and moral imperative to end impunity for the gravest international crimes, embodying a collective commitment to universal justice in the aftermath of atrocities. Its creation under the 1998 Rome statute provided a comprehensive legal framework defining crimes of genocide, war crime, crimes against humanity, and aggression, as well as procedural provisions governing jurisdiction and enforcement. While the court operates through complementarity binding member states to cooperate where domestic system fails in delivering justice, it has had mixed results. Successes include the prosecution of high-profile cases, such as the Bosco Ntaganda (DRC), Dominic Ongwen (Uganda). That established accountability precedents have been offset by failures marked by sluggish proceedings, poor enforcement capabilities, and accusations of political bias like in the case of Vladmir Putin, and Netanyahu. Many African states have been especially critical of the ICC, arguing that it unfairly singles out the continent, eroding its credibility and leading to withdrawals or threats of leaving, including from Mali, Burkina Faso, and Niger. That despite issuing arrest warrant against these to the ICC, it could not ensure their trail before it was deleted. To restore legitimacy and inspire renewed confidence, meaningful reforms are vital expanding universality to avoid regional bias, strengthening enforcement mechanism, enhancing resources allocation, and ensuring equitable representation in decision making. Such reforms are essential to transform the ICC into a truly impartial and effective guardian of international criminal justice.

Keyword
International court of justice, international criminal court, jurisdiction, war crimes, accountability.

Towards a Just and Representative Global Legal Order: India's Reform Agenda in International Institutions

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Abstract

The international legal order, established in the aftermath of the Second World War, is struggling to adapt to contemporary realities. Institutions such as the United Nations, the International Court of Justice, and the World Trade Organization (WTO) were once

pivotal in preserving peace and regulating cooperation. Today, however, representational imbalances, sluggish reform, and weak enforcement mechanisms have raised concerns about their legitimacy in an era marked by multipolarity, growing trade disputes, and emerging domains such as cyberspace and climate change. Trade governance offers a vivid illustration of this legitimacy crisis. Recent U.S. tariff policies frequently justified under the pretext of "national security" or economic protectionism undermine the multilateral trading system by disregarding the principle of non-discrimination that lies at the heart of WTO law. This unilateralism erodes confidence in global institutions, exposing emerging economies like India to greater vulnerabilities. The selective application of international law reveals how powerful states exploit loopholes, bending rules to serve national interests and thereby weakening the normative foundations of the global order. For India, the stakes are especially significant. As the world's largest democracy and a credible voice of the Global South, India's advocacy for reforms whether in the UN Security Council, the WTO, or other bodies reflects not only its national aspirations but also a principled demand for fairness and equity in global governance. India's constitutional obligation under Article 51, which commits the state to promote international peace and cooperation, reinforces its normative role. This paper argues that meaningful reforms must rest on three pillars: democratization of representation, inclusivity in norm-setting, and enforceability of obligations. Unless these principles guide systemic change, the credibility of international law will continue to erode. Positioned as both a stakeholder and a catalyst, India can advance reforms that restore legitimacy and ensure the international legal order remains just, representative, and effective.

BROKEN RAINBOWS : Analysing Foster Care System for Children of Queer Parents

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Abstract

Private and family rights remain of paramount importance for the holistic growth of a child. The same has been concurred by international legal frameworks time and again. States having ratified treaties, like the United Nations Convention on the Rights of the Child (UNCRC), have submitted themselves to this very obligation. Any child who does not enjoy a family life with its essential values is bereft of its fundamental natural and human rights. Several theories of criminology and psychology draw inferences from

early childhood as a reasonable explanation for criminal or delinquent behaviour. This is one of many concerns, that a disturbed childhood may culminate into, but all such concerns may be associated to one basic argument i.e., to generate a capital of human resource for advancement of the State *viz*. the humankind. Thus, all children are *de facto* in need of protection of law.

Conservative theories may contend from a patriarchal standpoint that a biological male and a female constitute parenthood. However, this assumption is far from levelheadedness. Many children are brought up without any parents in foster care or under someone else's guardianship. Disputation arises when fundamentalist beliefs dictate the State's obligations. Where several States do not allow for queer marriages or civil unions, it often is believed that such couples do not fare well for a child's development as they might not fulfil the binary qualification. Further, it may be considered that these couples cannot even become foster parents. Cultures, like those from the Indian subcontinent, have an entrenched practice of fosterage from time immemorial, as indicated in vast religious literature like the *Puranas*. The transgender communities in India, like *kinnars,* follow a tutor-tutee organization that is akin to the relationship between a parent and a child.

This paper shall make an attempt at analysing whether in States, particularly in USA, Norway and India, that may permit same-sex unions, child welfare and foster care are subject matter of conventional standards. It shall delve into the historical evolution of policies and practices in the maturity of childcare services. To balance between interference by authorities and preservation of familial bonds is imperative while placing foster care. In due course, this study stresses on the importance of positioning child welfare systems with the principles of international law to ensure the rights and best interests of children, by suggesting recommendations for more gender equitable and queer-accepting legal practices.

Keywords: Child Rights, Foster Care, Queer Parents, UNCRC, Child Welfare Services

Gender, Peace, and Security: Mainstreaming the Women, Peace, and Security (WPS) Agenda in United Nations Security Council Reforms

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Abstract

The Women, Peace, and Security (WPS) agenda, launched by United Nations Security Council Resolution 1325 (2000) and reinforced through subsequent resolutions, marks a significant milestone in recognizing women's roles in peacebuilding, conflict prevention, and post-conflict governance in international law. Nonetheless, despite its normative significance, the integration of the WPS framework into the Security Council's decision-making process remains disjointed, mostly procedural, and lacks legal enforceability. The Council's resolutions often treat gender as an optional theme rather than a mandatory legal requirement, resulting in weak enforcement in peacekeeping missions, sanctions, and mediation efforts.

This paper examines whether the current institutional and procedural setup of the United Nations Security Council meets its legal responsibilities under the UN Charter to promote gender equality and safeguard women in conflict and post-conflict contexts. It aims to pinpoint normative and procedural shortcomings that hinder the WPS agenda and investigates how reforming the Council's rules and practices could establish gender equality as a mandatory legal obligation instead of a voluntary policy objective.

Using a doctrinal and analytical legal approach, this paper references primary sources like the UN Charter (Articles 1, 24, and 55), WPS resolutions, and CEDAW. It also includes a comparative review of Security Council practices, reports from the Secretary-General, and recommendations from the High-Level Panel on Peace Operations (2015) and the Informal Experts Group on WPS.

The study contends that the WPS framework gains binding normative authority from the Charter's objectives and states' treaty obligations, necessitating structural reforms for implementation. It suggests amending the 1946 Provisional Rules of Procedure to mandate gender impact assessments for all resolutions, creating a permanent WPS Legal Advisory Mechanism within the Secretariat, and achieving gender parity in peace operation leadership. Highlighting India's role as both a major troop contributor and an advocate for inclusive multilateralism, the paper concludes that integrating the WPS agenda via legal reforms to the Security Council is crucial for establishing a gender-just and lawful international peace and security system.

Key-words: UN Security Council, Women, Peace and Security, Institutional Reform, Gender Mainstreaming, International Law.

From War Crimes To Work Visas: Justice Pal, Colonial Justice, And India's Postcolonial Future In International Law

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Abstract

India's engagement with the international legal order has always been mediated by its colonial past and its aspirations as a postcolonial power. A critical entry point into this history is Justice Radha Binod Pal's famous dissent at the Tokyo War Crimes Tribunal, which challenged the victor's justice imposed by the Allied powers and exposed the colonial selectivity inherent in international criminal law at a time when India remained a subject of the empire. This dissent not only marked India's early interventions in shaping global legal discourse but also provides a lens to assess India's contemporary role in rethinking the legitimacy and inclusivity of international institutions.

This paper argues that Pal's methodological critique resonates with present-day challenges facing India in the international legal order. The selective enforcement of human rights, the geopolitics of the International Criminal Court, and debates on global terrorism and cyber security reflect a continuity of colonial epistemologies. The paper interrogates the persistence of colonial epistemologies in international law through a critical-legal and postcolonial reading of Justice Radha Binod Pal's dissent, employing doctrinal analysis and discourse critique to argue that India's colonial experience equips it to spearhead reforms toward a more plural and inclusive global legal order.

The rise of racialized narratives against Indians in Western contexts, exemplified during the Trump presidency through hostility to H-1B visa holders illustrates how colonial tropes of "civilizational inferiority" persist in shaping international legal and political structures. By juxtaposing Pal's dissent with contemporary global developments, the paper highlights the paradox of India's current positioning; while championing sovereignty and non-interference, India is simultaneously expected to shoulder greater responsibility in reforming international legal institutions and promoting equitable norms. The paper suggests that India's constitutional ethos and postcolonial experience uniquely situate it to advocate for a more plural, decolonized, and inclusive global legal order.

Ultimately, the study underscores that India's prospects in the contemporary international legal order cannot be charted without reckoning with the colonial legacies that continue to shape law and power. From Tokyo's tribunals to Trump-era racial anxieties, Pal's dissent remains a vital resource for imagining alternative futures.

Keywords: Justice Radha Binod Pal, Coloniality, Global Legal Order, Postcolonial International Law, Trump Era.

Keywords: Justice Radha Binod Pal, Coloniality, Global Legal Order, Postcolonial International Law, Trump Era

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Metaverse, International Law, and India: Recalibrating Legal Frameworks for Digital Sovereignty, Human Rights, and Global Governance

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Abstract

The metaverse, as an immersive and transnat=]ional digital ecosystem, represents a frontier where technological innovation collides with complex questions of international law. Built on virtual reality (VR), augmented reality (AR), blockchain, and artificial intelligence (AI), the metaverse transcends geographical boundaries, raising issues of jurisdiction, accountability, sovereignty, and human rights. Traditional legal frameworks—both domestic and international—struggle to accommodate challenges such as cross-border digital crimes, intellectual property disputes, digital taxation, data privacy, and the recognition of virtual identities and assets.

For India, an emerging leader in digital innovation and global governance, the metaverse presents a complex challenge with significant opportunities. On the one hand, constitutional values of privacy, equality, and freedom of expression must be safeguarded in virtual spaces. On the other, India must align with and shape evolving international legal norms to ensure equitable participation in digital economies and safeguard citizens' rights across borders.

This study adopts a doctrinal and comparative methodology, examining how existing international legal instruments—such as cyber law conventions, WTO digital trade frameworks, and human rights treaties—apply to metaverse regulation. It further analyzes gaps in India's domestic legal framework, focusing on the Information Technology Act and the Digital Personal Data Protection Act 2023, when confronted with the realities of virtual economies and digital avatars. The paper argues for a

multilateral, rights-based legal architecture that accommodates digital sovereignty while fostering innovation and cross-border collaboration.

By situating India's constitutional values within the broader international legal order, the research explores India's potential leadership role in advocating for a global treaty or normative framework for metaverse governance. Ultimately, it seeks to establish how India can balance innovation, sovereignty, and justice in this emerging virtual domain, thereby contributing meaningfully to the contemporary international legal order.

Keywords: India, Metaverse, International Law, Digital Sovereignty, Global Governance

Towards a Gender Inclusive International Legal Order through the Recognition of Rights

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Abstract

The current international legal system has been under criticism in regards to its inclusivity, legitimacy, and ability to counter new human rights issues. Historically, international organizations have focused on advancing the rights of children and women but men's rights are mostly missing from treaties, monitoring systems , and legal practices. Even though men also experience unique challenges in areas like family law, health , reproductive rights, and protection from violence but this gap puts in danger the universality of human rights. There is a need for immediate reforms in international legal institutions so that gender imbalances could be fixed and the international legal system's credibility strengthened. In the Indian context, men's rights issues can be both a challenge and an opportunity because India is constitutionally committed to equality and is increasingly involved in global governance. It challenges deep-rooted stereotypes that puts a veil on the recognition of men as potential rights-holders in vulnerable situations. However internationally, it also provides an opportunity to push for a more balanced and inclusive human rights framework. This paper intends to throws light on the structural weakness of current international legal institutions in addressing men's rights, it looks at India's role in this changing discussion, and argues for reforms that would create a more complete and non-discriminatory international human rights system.

This paper will try to explore how international legal institutions focus heavily on protecting the rights of women and children, but often ignore men's rights. This tends to create an imbalance in the global human rights framework. The study will use a doctrinal and analytical approach, looking at treaties, conventions, and case law from international and regional organizations, as well as Indian constitutional laws and Supreme Court decisions. This analysis will reveal gaps and opportunities for reform. The paper argues that neglecting men's rights in areas like family law, reproductive choices, workplace safety, and protection from violence weakens the overall fairness and authority of international law. Reforms are need of the hour which involves to revise treaty language, expand institutional roles, and promote legal principles that acknowledge men as equal rights-holders. The paper concludes that India, with its adherence to equality and the growing role in multilateral discussions, is in a strong position to push for a more inclusive and balanced international legal system.
Keywords- Gender, Equality, Men's Rights, Human Rights, Legal Institutions

Failing International Institutions: Are We Back to the Old World

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Abstract

Post Cold War, multilateral institutions became vehicles of an affirmative vision of new world order (NWO). Contemporary international law too is premised on multilateralism, but the increasing recourse to unilateral measures manifested by the use of force, sanctions, withdrawal from treaties or defunding of the multilateral institutions have led to the skepticism of failure of the NWO. The call for new and reformed world order is gaining momentum. Amidst the rising tide of populist governments across states, it has become imperative to sustain this momentum. These populist governments view international law as foreign law and continue to threaten multilateral institutions. These threats manifest across diverse domains of international law- including the threats and sanctions against the International Criminal Court (ICC).

Against such backdrop, it becomes imperative to identify and understand India's position on ICC- epicentre of the international criminal justice. The paper aims to locate India's position on the ICC and other instruments of international criminal justice and identify strategies for promoting the rule of law at both national and global levels.Therefore, in the broader background of attacks against multilateral institution,

the proposed paper examines at *first*, the ongoing backlash faced by the ICC and its officials. *Second*, the paper focuses on doctrinal and operational challenges which hinders the effective functioning of the Court. *Third,* the paper further examines whether the challenges such as political interference, enforcement deficits, resource constraints, non-cooperation of powerful states undermine the legitimacy of the ICC. *Fourth*, the paper explores whether the challenge of populism is symptomatic of deeper structural challenges in international order and how does it affect international criminal justice. *Finally*, the paper attempts to suggest reforms necessary to secure ICC's role as custodian of international criminal justice in the NWO and the leadership role that India could play in it.

Keywords: International Criminal Court, Neo-colonialism, multilateral institutions, institutional operational reforms, new reformed world order.

Future of cross – border surrogacy in the wake of India's halt on foreign surrogacy: Towards an International Legal Framework

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Abstract

India has been a hub of commercial surrogacy for decades. Cost efficient medical procedures attracted couples beyond geographical boundaries. What began as a tool for promoting medical tourism in the country took a de-route towards the exploitation of surrogate mothers. The prominence, however, ended with the enactment of the Surrogacy (Regulation) Act, 2021. The Act brought major changes to the landscape of surrogacy in the country. It banned foreign nationals from availing surrogacy services in India. The paper attempts at exploring the future of cross-border surrogacy and reproductive tourism following India's policy ban on foreign surrogacy. The issue has been contemplated upon while analysing the existing practical gaps in the International legal framework on regulating surrogacy laws at the global level and the loopholes in safeguarding the rights of those involved in the arrangement. The paper also analyses the possible effect of domestic restrictive regimes on global Human right issues such as trafficking in the absence of a parallel international safeguard. The paper maps the current trend of reproductive tourism while identifying the intensity of problems attached with cross – border surrogacy such as trafficking, stateless children, risk of inconsistent parentage etc.

In its's concluding argument the paper argues that India's withdrawal, though aimed at addressing domestic ethical issues, cannot be viewed in isolation since it creates ripple effect in the International market of surrogacy causing advances to the economy of various countries. Moreover, this exodus from the International reproductive market of rental wombs also reflect the need of a consolidated global governance norm for surrogacy, a coherent norm that brings transparency and ethical regulation in the concerned arrangement.

The methodology that has been adopted for the completion of this research work is Doctrinal in nature. Author has relied on primary sources such as legal statutes, relevant judicial pronouncements and secondary sources such as books, academic journals and reports for an in-depth critical analysis and interpretation of the subject under study.

Key words: Cross – border surrogacy, reproductive tourism, international legal framework, human rights, medical tourism

Reimagining United Nations in 2026

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Abstract

The Russia-Ukraine, Israel Gaza and Israel Iran war showcased the cracked and weakened "United Nations" an international institution being the most important one to the whole world. It laid the foundation of peaceful coexistence and the provided a setup of a multipolar world post second world war. It gave an equal platform to small and weak states to raise the voice against any violation of international law even against mighty superpowers. It embarked the ideas of equality, justice, peace and security to the global community. It gave the mechanism for peaceful settlement of disputes and presented to whole world that war or force is not the solution to any problem. It's Charter signified the most important achievement that human has attained till date in international legal discourse, the attainment of prohibition on the use of force. Therefore, the monopolization of use of force rested with the Security Council and the exception crafted was of self-defence.

For some time, the world was only witnessing international and non-international conflicts or rise of non-state actors and Terrorism incidents. But Russia Ukraine war shocked the international legal system though its roots when a permanent member who was then president of Security Council attacked a neighboring small country

Ukraine. The War exposed the United Nations system and brought forth the systemic faults in its architecture and functioning. Another major blow came with the Israel-Gaza war post October 07 attack. United Nations was not able to stop genocidal killings in Gaza or more than three years long war in Ukraine or to provide aid to starving millions of civilians in Gaza. These incidents in 2025 showed the total failure of United Nations led international legal order. Also, these incidents spurred the global arms race specially in Europe which started rearming itself.The strength of International legal Institutions lies in the faith of the nation states in them and the faith is vanishing. The present paper discusses various systemic problems in the United Nations architecture and working. It discusses how the contemporary events shaped the international legal discourse in current times.
Keywords: United Nations, Use of Force, War, Security Council, Gaza, Ukraine, Veto.

INTERNATIONAL TERRORISM AND CYBER SECURITY

Neither War nor Peace: Navigating the ambiguities of Cyber warfare

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Abstract

The world echoes with the silent battles fought on invisible borders, where the ultimate objective is not conquest but control. As the famous adage suggests, "the greatest victory is one that requires no battle" remains profoundly relevant in an age where cyber warfare reshapes the landscape of traditional conflict. This paper explores the 'Grey zone' of the uncharted territories of cyber operations which fall below the threshold of the traditional warfare in the context of jus ad bellum. It further delves into what constitutes a 'grey zone' and how such warfare techniques fall within the current legal landscape of international humanitarian law and international armed conflict. The legal lacuna which is a result of stringent interpretation of "armed conflict" under Article 51 of the UN Charter combined with the conventional emphasis under the Geneva Conventions enables states to exploit this normative gap. This gap offers a new paradigm to fight a war where critical infrastructure can be destroyed without shots being fired.

Methodologically the paper adopts a doctrinal analysis of different international legal instruments. Drawing on a few prominent instances like NotPetya attack and the Stuxnet worm, the paper embarks on how states exploit the legal ambiguities to advance strategic objectives. Furthermore, such legal ambiguities create an environment in which states inflict harm through cyber means while remaining shielded from meaningful accountability. The paper proposes to look into the gaps in international law in relation to 'grey zones' in general and cyberwarfare in particular and to suggest some measures so that this kind of shadow warfare does not lead to major armed conflicts in the world.

Keywords: Grey zone, cyberwarfare, International Law, United Nations, International Humanitarian Law

Cross-Border Counter-Terrorism: From Surgical Strikes to Operation Sindoor

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Abstract

The rise of non-state actors as perpetrators of transnational terrorism challenges the established framework governing the use of force under international law. India's cross-border operations, including the *2016 surgical strikes, the 2019 Balakot airstrikes, and Operation Sindoor,* exemplify state practice that stretches the boundaries of Article 51 of the UN Charter and the principle of sovereignty. Yet, India often refrains from explicitly situating these actions within a legal framework. Why does India avoid presenting detailed legal justifications for such operations? More broadly, does international law adequately address the legality of counter-terrorism strikes against non-state actors?

This paper adopts a doctrinal and comparative approach. It examines treaty law, including UN Charter provisions on the use of force, and key International Court of Justice jurisprudence such as *Nicaragua v. United States* and the *Advisory Opinion on nuclear weapons*. The study further evaluates state practice, drawing comparisons with the United States and Israel, while situating India's responses within the evolving debate on anticipatory and retaliatory self-defence. Primary sources such as official statements, Security Council records, and scholarly commentary are critically analysed to map legal and policy dimensions.

The paper argues that India's counter-terrorism operations highlight the tension between safeguarding national security and the limitations of existing international legal norms. While traditional interpretations of self-defence restrict its invocation to state responsibility, India's practice illustrates the increasing application of this doctrine to non-state actors. India's reluctance to articulate explicit legal justifications reflects both a strategic choice to preserve diplomatic flexibility and the inadequacy of international law in addressing terrorism-related threats. The paper concludes that India's case studies serve as a litmus test for the resilience of international law in combating terrorism. By interrogating the balance between sovereignty and security, the research positions India not merely as a subject of international law but as a potential norm-shaper in shaping its future evolution.

Keywords: Use of Force, Non-State Actors, Surgical Strikes, Operation Sindoor, Self-Defence

HARMONIZING NATIONAL SECURITY LAWS IN INDIA WITH THE CONTEMPORARY INTERNATIONAL ORDER

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Abstract

India's approach to counterterrorism today stands at an important crossroads. With the introduction of the Bhartiya Nyaya Sanhita (BNS), 2023 and the continuing operation of the Unlawful Activities (Prevention) Act (UAPA), 1967, the country now has two legal systems dealing with terrorism. While both aim to protect national security, their overlap raises key interpretational and constitutional questions. The main issue this paper explores is whether the broad definitions of "terrorist acts" under these laws respect India's commitments to international human rights standards, particularly under the International Covenant on Civil and Political Rights (ICCPR) and United Nations counterterrorism norms.

This research uses a doctrinal legal approach, relying on the interpretation of statutes, case laws, and constitutional provisions. It studies how courts have interpreted the powers of the government under the UAPA such as preventive detention, banning organizations, and reversing the burden of proof and whether these align with principles of fairness, equality, and personal liberty under Articles 14, 19, and 21 of the Constitution.

The paper suggests a rights-based interpretational model that maintains the necessary balance between national security and individual freedoms. It argues that harmonizing the BNS and UAPA through careful judicial interpretation, rather than simply adding overlapping laws, will strengthen both constitutional values and India's position in the contemporary international legal order.

Keywords: Counterterrorism Law, Legal Interpretation, Human Rights Compliance, BNS–UAPA Harmonization, International Legal Order.

Cyber-Terrorism and the Fragility of Sovereignty

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Abstract

The ability to rule, defend, and make decisions within national boundaries is known as sovereignty, and it has long been seen as the foundation of statehood. However, this foundation is subtly being undermined in the era of cyber-terrorism. In this

paper cyber-terrorism is seen as threat that alters the definition of sovereignty itself rather than just endangering national security. Non-state actors can now affect countries virtually through the digital sphere, giving the appearance of peace on the outside while undermining internal systems.

By considering cyberterrorism as a tool of deterritorialized power—a force that dissolves the spatial boundaries that sovereignty depends on—this paper presents a novel viewpoint. Cyberattacks on vital industries like healthcare, banking, and energy are symbolic acts that transfer power from governments to unobservable networks; they are not merely criminal offences. Actors who do not require a territory, army, or flag are now challenging the state's long-standing monopoly on violence and information. Sovereignty becomes porous as a result of this change; its defences become antiquated, its legitimacy is called into question, and fear rather than force is used to test it.

The study also emphasizes the paradox of dependence brought about by the digital environment: states must work together globally to protect cyberspace, but doing so reduces their own sovereignty. According to this perspective, cyberterrorism is seen as both a security risk and a driving force behind global efforts to achieve shared sovereignty in cyberspace. The article's conclusion is that in order to survive in the digital age, a new definition of sovereignty is required, one that is flexible, interconnected, and strong enough to defend citizens in a world where borders are only seen on maps and not on screens.

Keywords: Cyber-terrorism, Sovereignty, International Security, Cyber Governance, Fragile Digital Sovereignty.

The Weaponization of AI in Terrorist Cyber Operations

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Abstract

The rapid advancement of artificial intelligence brings significant dangers from non-state actors, such as terrorist organizations. Groups like ISIS, Al-Qaeda, and Hezbollah often utilize emerging technologies for their military strategies. The availability of AI tools, including large language models, enhances their cyber capabilities, making them more effective and discreet.

Terrorist organizations could harness AI to execute sophisticated cyberattacks (malware, ransomware, DDoS attacks, deepfakes, and phishing) to disrupt essential

services, commit fraud, and radicalize individuals. This creates threats that could destabilize society, interfere with elections, and target at-risk populations. While direct evidence may be limited, instances of groups like ISIS experimenting with drones and AI-generated content related to conflicts (e.g., Gaza) indicate a rising interest in these technologies.

AI presents malicious threats, as illustrated by UN reports detailing cyber risks and deepfakes. Generative AI aids in propaganda efforts (ICCT), and its broad accessibility leads to various harmful applications (Brookings). Large language models are vulnerable to extremist content through jailbreaking (West Point), while Harvard points out psychological and infrastructure vulnerabilities, revealing inadequacies in current preparedness levels.

Investigate how generative AI and machine learning enhance the cyber operations of terrorist groups (through deepfake propaganda and automated malware) and develop regulatory and technological measures to mitigate these threats.

In what ways do generative AI and machine learning empower terrorists to automate and tailor cyberattacks, such as deepfakes and adaptive malware? What regulatory frameworks and AI defences could potentially reduce these threats?

This research analyses legal documents and literature from international bodies (UN, ICCT), academic institutions (Brookings, West Point, Harvard), and AI law/ethics frameworks. It qualitatively evaluates AI misuse cases (deepfakes, polymorphic malware), models immediate threats, and compares risk reduction strategies. Secondary data will identify patterns, vulnerabilities, and efficacy for an evidence-based investigation, eliminating the need for primary data collection.

The incorporation of AI in terrorist cyber activities significantly exacerbates asymmetric threats. Generative AI and machine learning facilitate automated, customized, and intensified assaults. If pre-emptive measures are implemented globally, they could potentially lower risks.

Keywords: Ai Weaponization, Terrorist Cyber-Operations, Generative Ai, Deepfakes, Cybersecurity Threats

The Sky Dilemma: Right To Life And Use Of Force In Aircraft Hijacking

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Abstract

The phenomenon of aircraft hijacking presents a unique and pressing dilemma in international law, constitutional law, and security policy. At its core lies the conflict between the right to life which is a non-derogable and inviolable human right under Article 6 of the International Covenant on Civil and Political Rights (ICCPR) and Article 21 of the Indian Constitution and the broader notion of human security, which seeks to protect the collective safety of populations from threats such as terrorism. This clash becomes most apparent when governments must decide whether to preserve the lives of hostages on board or take measures that may sacrifice those lives in order to prevent greater catastrophe on the ground.

Research Problem

The central issue addressed in this study is how legal systems, states, and international organizations reconcile the tension between protecting individual lives and ensuring the safety of the wider public during aircraft hijacking crises. Despite international conventions and national laws, hijackings persist. These incidents raise complex legal questions about jurisdiction, state responsibility, and the use of force. The IC 814 hijacking and 9/11 exemplify the urgency of a robust legal framework to address such threats.

The dilemma raises critical questions:

- Can the sanctity of the right to life be compromised in the name of human security?
- To what extent can states adopt extreme measures, such as shooting down a hijacked plane, without violating constitutional and international law principles?

Methodology

The research adopts a doctrinal and comparative methodology. It relies on an analysis of constitutional provisions, international human rights law, and aviation conventions, including the Tokyo Convention (1963), The Hague Convention (1970), and the Montreal Convention (1971). Judicial decisions and case studies, such as the IC-814 hijacking (1999), the Air India Flight 182 bombing (1985), and post-9/11 counter-terrorism policies, are examined to understand how courts and states have grappled with this conflict. A comparative perspective is also applied, drawing from

both Indian and international legal frameworks to evaluate whether existing safeguards adequately balance the two competing interests.

Key Arguments/Conclusion

The study argues that an absolutist preference for either right to life or human security is problematic. Prioritizing only collective security risks undermining human dignity and the sanctity of life, while prioritizing only the right to life may incapacitate states in preventing mass-scale harm. A calibrated balance, rooted in proportionality, precaution, and accountability, is essential. The research concludes that preventive strategies, technological advancements in aviation security, multilateral cooperation, and a rights-based approach to counterterrorism offer the most viable path toward harmonizing individual rights with collective security in aircraft hijacking scenarios.

State-Sponsored Terrorism and India's Modi Doctrine: A Critical Perspective

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Abstract

State-sponsored terrorism remains one of the most complex and pressing challenges in contemporary international law and global security. Unlike non-state terrorism, it involves direct or indirect support by states to armed groups, or cross-border operations, thereby raising questions of sovereignty, accountability, and justice. This paper seeks to critically examine the nature and dimensions of state-sponsored terrorism, with focus on the United Nations framework, international treaties, and the role of institutions such as the International Criminal Court (ICC). A significant section of this paper will discuss India's counter-terrorism strategies under the Modi Doctrine, with special reference to Operation Sindoor. This operation reflects India's evolving response to state-sponsored threats and elements of the Modi doctrine. The study will further explore how these measures align with constitutional guarantees, international human rights obligations, and broader strategic interests. The strengths, limitations, and challenges of the Modi Doctrine will be assessed, alongside its potential role in shaping future counter-terrorism frameworks. The paper concludes by evaluating the future prospects of India's approach within the larger global campaign against state-sponsored terrorism. By situating India's policies within international law and practice, this paper not only engages with urgent global debates

but also contributes to the creation of literature specifically addressing state-sponsored terrorism pertaining to the Indian context. The methodology adopted is doctrinal, relying on legal instruments, international treaties, case law, and scholarly commentaries to analyse State-sponsored terrorism.

Keywords: State-Sponsored terrorism, Modi Doctrine, International cooperation.

Algorithmic Radicalization and International Terrorism: A Legal Analysis of AI-Driven Recommendation Systems and Their Impact on Global Security

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Abstract

The growing interconnection between artificial intelligence (AI) and international terrorism presents complex legal and policy challenges that remain largely underexplored. Algorithmic recommendation systems employed by major digital platforms have become inadvertent facilitators of extremist narratives, enabling the transnational spread of terrorist ideologies and online radicalization. The problem lies in the absence of a comprehensive international legal framework that regulates the accountability of AI-driven algorithms for their indirect contribution to terrorism-related content dissemination.

Existing counter-terrorism conventions and cybersecurity laws were conceived in a pre-AI era and therefore fail to address algorithmic bias, automated content amplification, and cross-border digital radicalization. This research identifies a critical gap in the intersection of international law, technology regulation, and counter-terrorism strategies specifically, the lack of normative clarity on state and corporate liability for AI-mediated radicalization processes.

The study employs a doctrinal and comparative research methodology, analyzing relevant international instruments such as the UN Counter-Terrorism Strategy, the Budapest Convention on Cybercrime, and the proposed EU AI Act, alongside domestic legislations of major jurisdictions including the United States, India, and the European Union. A qualitative content analysis of judicial opinions, policy reports, and case studies of algorithmic influence on extremist movements will further support the argument.

The paper aims to propose a normative framework for algorithmic accountability within international counter-terrorism law, ensuring that AI innovation aligns with the principles of global security, freedom of expression, and human rights protection in the digital age.

Balancing National Security and Global Data Flows: India's Prospects in the Contemporary Cyber Legal Order

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Abstract

Data is the new currency in the modern world". Data is the collection of facts, numbers, symbols, etc. The movement of data across international borders is called the cross-border flow of data. Governments and corporations command the direct route to most of this data. Every country wants their data to be stored and processed within their own geographical boundary, which is typically called Data Localisation. The protection of these internet-connected or stored data networks from digital attack is called Cybersecurity. The objective of the paper is to examine challenges in cyber security and ways to strengthen it. The paper uses qualitative research methodology through government policies, legal statutes mainly Information Technology Act, 2000 and Digital Privacy and Data Protection Act, 2023, International conventions, media archives and surveys, legal commentaries. The contemporary legal order in India and the world at large faces huge challenges. This manipulation and control of data leads to the creation and operationalisation of threats or problems on many fronts. Some of those with which this paper deals are global surveillance programmes by state-sponsored organisations, like PRISM, the brain-child of the FBI, manipulation of minds and radicalisation of the youth, like by digital radicalisation platforms, the threat to the infrastructure of the nation, and the infamous ENTSO-E case. These challenges persist primarily because of reasons like lack of digital literacy and rights amongst the masses, lack of legislative will at the national and international level and, foremost, dependency of developing nations on developed nations. The findings of the paper suggests, challenges like these hold great prospects for India in the contemporary legal order. With its primary advantage in the Information Technology workforce of around 5.4 million in 2023, it can reinvent the world order at large. Steps like, but not limited to, an integrated Cybersecurity Organisation at the International Level, strengthening of the legal framework and jurisprudence in cyber law, will help in striking a balance between national security priorities and a global interoperable, secure digital ecosystem.

Keywords: Data, Cybersecurity, Data Localization, Threats, International Legal Order

Dark Web and Terror Financing: A Global Perspective

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Abstract

Nowadays, technology has given rise to new concepts such as the combination of the dark web and terrorism. Dark web and terror financing are relatively new phenomenon that poses an entirely new set of challenges for existing global security architectures. There has been a shift in behavioural aspects of terrorists as they adapt to this new technological surge rationally, based on the available resources and technologies. Hence, not only have the new power dynamics evolved over the years, but there has been a rise in the existence of new threats. The internet has a significant role in not only accelerating this phenomenon but also in normalising the recruitment and radicalisation of the emerging tech-savvy self-radicalised individuals. Hence, we find that the dark web has become a 'hotbed' of cybercrime for non-state actors. The terrorist organizations have increased their capabilities through the dark web so that they could continue their recruitment drives, fundraising, and operational planning facilitated by social media and emerging technologies like 'Artificial Intelligence'.

The terror organizations, therefore, are utilizing technology through new methods and platforms to transmit messages quickly among their cadre, volunteers, and recruits. Currently, the dark web and deep web comprise a substantial portion of cyberspace, accounting for over 96% of the internet. New technologies such as Tor, Bitcoin, and cryptocurrencies allow criminals to operate their businesses anonymously which further allows the dark web users to expand and foster their niche markets. The internet is used to spread violent extremism, promoting terrorist propaganda and for recruitment. Furthermore, the communication and spread of terrorist and criminal ideologies have become increasingly inexpensive, as all that is required to distribute such ideas is a computer and access to the internet. There is also no fear of identity disclosure, as in the case of 'offline' crimes. Thus, cyber terrorism is a modern form of terrorism that links the virtual space to terrorist activity by manipulating even more effective methodologies of psychological warfare.

This is a new and emerging phenomena. The paper will try to study various aspects that has been connected with cyber criminal activity and terror financing. Also, the paper will emphasise on international legislation which has made strong attempts to effectively counter cyber-terrorism, at both international and member state levels and highlight the need for co-operation between states and governments on three parallel levels across the globe which would include- firstly; the aegis of international

organizations, secondly; multilateral- multinational platforms and thirdly; at the regional level.

Keywords: Dark web, Terror Financing, International Legislation, Non-state actors.

CYBER TERRORISM: A DIGITAL BATTLEGROUND? AN INDIAN PERSPECTIVE

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Abstract

In recent times, the conventional way of terror attacks by using weapons, such as fighter jets, has now taken a backseat. Nowadays, a modern manner of terror attack is in operation, which can be named cyber terrorism, i.e., illegal attacks are carried out by recognized terrorist organizations or other nations against computers or network systems of one country, to spread propaganda, steal sensitive data, and disrupt services like healthcare, banking, and finance. It has become very popular in the last few years because it is the most efficient way of spreading terror in other nations. As a result, victim nations bear the cost in different aspects such as economic, national security, political, psychological, and infrastructure. There are several cases of cyber terrorism in different parts of the world, such as Andariel (North Korean-sponsored espionage campaign in 2024 targeting defence systems of the United States and United Kingdom, Sandworm (espionage group backed by Russia against Ukraine and NATO allied nations), a series of cyberattacks against Indian defence websites post Pahalgam terrorist attack, etc. The menace of cyber terrorism forced several states to enact specific laws to counter this new-age terrorism. India also came up with provisions to tackle this menace for the first time in the form of an amendment to the Information Technology Act, 2000. Even after having a provision, it is not enough because in the last few years, India has become a victim of several cyberattacks. It's high time to create primary legislation pertaining to cyber domains because of the rapid development of digital technologies, such as smartphones, artificial intelligence, social media, etc., which provide new opportunities to cyber perpetrators, such as terrorist organizations, so that they can exploit the whole system for their illicit activities.

This research paper examines the efficiency of contemporary statutes pertaining to transnational terrorism and cyber-attacks, including the Unlawful Activities (Prevention) Act, 1967, Information Technology Act, 2000, along with several

international conventions, treaties. This paper uses doctrinal methodology to evaluate the challenges and lacunas posed by these laws and conventions in tackling the issue. It also sheds light on the need for special laws to counter the menace of terrorism and cyber-attacks.
Keywords: Cyber Terrorism, Social Media, Information Technology Act, Cyber Sovereignty, National Security

International terrorism and Cybercrime

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Abstract

Information technology and communication have made life a lot easier for us. Yet, as we increasingly rely on digital platforms—from individuals' daily tasks to governments' operations—we manifest new risks and challenges. Digitalisation has transformed the way we store and share information, but it has also exposed vulnerabilities in cyberspace that cybercriminals and terrorists can exploit. Protecting this data and maintaining cybersecurity have become urgent priorities. India has put in place important laws like the Information Technology Act, 2000, and more recently the Digital Personal Data Protection Act, 2023, with institutions such as the Reserve Bank of India overseeing enforcement. Still, advanced cybercrimes such as identity theft, cyberbullying, revenge pornography, and AI-driven threats like deepfakes require constant updates to laws and governance. The key question remains: how can India better adapt its legal and technical frameworks to stay ahead of these evolving threats?

This paper employs a doctrinal research methodology. It analyses existing statutes, judicial interpretations, and regulatory frameworks to examine India's preparedness against cyberterrorism and cybercrime. It further reviews legislative texts, government policies, and relevant case law to assess where laws meet challenges and identify areas for legislative enhancement. Comparative insights from international instruments and regulatory practices contextualise India's response within global cybersecurity governance.

The study finds that while India has established critical institutions and laws to protect data and curb cyber threats, gaps remain in addressing technological complexities and constitutional safeguards. Balancing national security imperatives

with fundamental freedoms under Articles 19 and 21 of the Constitution necessitates ongoing adjustments, particularly around surveillance powers and exemptions. Strengthening coordination among law enforcement, regulators, the private sector, and international stakeholders is essential for holistic cyber defence.

Keywords: Cybercrime, cyberterrorism, Information Technology Act 2000, Digital Personal Data Protection Act 2023, Article 19 and 21, UN Global Counter-Terrorism Strategy.

Rethinking Security In The Digital Age: Cyber Terrorism, International Law And India's Strategic Legal Response

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Abstrac

The next world war might be fought with codes instead of bombs. Security in contemporary International legal order goes beyond state boundaries and includes the invisible but vital area of cyberspace. The use of digital technologies by International terrorists has increased, making the virtual world their battlefield and their weapon. The scope of terrorism has expanded to a transnational and borderless nature, thereby threatening the very foundations of state sovereignty and International law, starting from online radicalization and the use of encryption for communication to the cyberattacks against critical infrastructure through hacking.

Cyber warfare is very simple to present as the paradigm shift. The *WannaCry ransomware* affected the medical and financial sectors of 150 countries, the *Stuxnet virus* caused the shutdown of Iran's nuclear program without using a missile, and cyberattacks on *defense databases and power grids* expose weaknesses that cut across national borders. In order to avoid National security measures, terrorist groups have been exploiting technology, dark web channels for funding, and popular social media platforms for their recruitment purposes. These developments underline the gaps in

current legal systems, which were mainly designed for traditional wars rather than global cross-border cyber-attacks.

These problems are very pressing for India. Having more than 850 million internet users and the fastest-growing digital economy in the world, India bears two major responsibilities: one is to secure its digital infrastructure and the other is to set global standards in the fight against terrorism and cybersecurity. The instances that lead to India's vulnerabilities and reliance on its strategy, for example, range from ransomware attacks on its banking sector to intelligence reports of terrorist groups utilizing encrypted communication to coordinate International operations. In addition, there is still a long way for India's law system to go in terms of balancing Constitutional rights and National security. The Supreme Court's turning point decision in *K.S. Puttaswamy v. Union of India, 2017*[1], which granted the *right to privacy* as one of the fundamental rights, is the point where the protection of civil liberties and anti-terrorism surveillance meet.

The study investigates the relationship between the International legal framework like the *Budapest Convention on Cybercrime, and UNSC resolutions on counterterrorism with Indian domestic policy* by locating India's position in the wider International law framework.

The paper argues that India should *not only focus on the enhancement of the cyber technology and legislation but also be part of the formation of the new International law framework that recognizes cyberterrorism as a global security threat*.

"INDIA'S POSITION COULD INFLUENCE HOW INTERNATIONAL LAW CHANGES TO COMBAT TERRORISM IN THE DIGITAL AGE, WHEN FIREWALLS MAY BE MORE IMPORTANT THAN FORTRESSES."

Keywords: *Cyber Terrorism, International Law, State Sovereignty, Digital Infrastructure, Budapest Convention*

[1] *K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1 (India)*

CULTURAL PROPERTY AND INTERNATIONAL LAW

WIPO's Longest Negotiation: The Diplomatic Dance for a TCEs Treaty

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Abstract

This article analyses the tortuous negotiating process that has taken place over several decades within the World Intellectual Property Organization (WIPO) to adopt an international legal instrument which is capable of providing effective protection for TCEs. The work, which the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC), has been leading is one of WIPO's most persistent will-o'-the-wisps in attempting to bridge the fundamental gulf between TCEs—which are collective, intergenerational, and quite often non-fixed—and that set down by conventional Intellectual Property (IP) law intrinsically friendly to individual authorship and term-limited rights.

The 'diplomatic dance' is marked by significant, unaddressable splits among Member States. At the heart of this standoff are key issues, such as whether protection should be granted over TCEs that have already entered the public domain, what kind of rights are to be granted (control versus defensive rights), and who will benefit from them (Indigenous communities or groups versus the nation-state). They represent a deeper clash between the cultural rights agenda advanced by several developing nations and Indigenous peoples, on one hand, and the open-access-oriented innovation priorities favoured by developed economies. The article undertakes an in-depth review of primary WIPO source documents, including IGC Draft Articles and negotiation reports.

Although it was only very lately that the WIPO Treaty on Genetic Resources and Associated Traditional Knowledge could be finalised, the negotiations over TCEs have been blocked for a long. This is because it requires the development of a new sui generis legal system to cover TCEs, following the logic that it is not simply a matter of tacking a disclosure requirement onto existing IP systems. The article suggests that in order for a binding TCEs treaty to be completed, the Assembly of Member States requires a political consensus beyond traditional IP paradigms; one which instead calls for a global appreciation of cultural justice and acceptance of Indigenous self-determination with respect to their living heritage.

Keywords: WIPO, TCEs, Sui Generis, IGC, Misappropriation, Public Domain

Sacred Groves As Cultural Heritage Under Community-Conserved Areas: Tracing The Legal Protection Under International Law In Contemporary Age

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Abstract

Sacred groves in the Western Himalayas, locally revered as Dev Van and other culturally significant landscapes, embody a deep interplay between ecology, spirituality, and customary governance. Long protected through community norms and religious sanction, these forest patches act as reservoirs of biodiversity, sources of ecosystem services, and symbols of cultural property and identity. Yet their place within India's formal legal frameworks remains contested. This paper situates sacred groves within India's international obligations under the World Heritage Convention, Convention on Biological Diversity (CBD) and the Kunming–Montreal Global Biodiversity Framework, particularly in relation to other Effective Area-Based Conservation Measures (OECMs), and considers their role in advancing climate law objectives such as adaptation, mitigation, and ecosystem-based approaches. By juxtaposing customary law, statutory provisions, and judicial reasoning, the paper highlights both synergies and tensions in embedding sacred groves within conservation frameworks. This paper suggests that a nuanced legal recognition of sacred groves as CCAs can strengthen biodiversity governance, affirm Indigenous ecological knowledge, and uphold cultural rights, while addressing the challenges of harmonizing community-based practices with state-centric legal regimes.

This study examines the legal dimensions of sacred groves as community-conserved areas (CCAs), with case studies from Kullu in Himachal Pradesh and Almora and Chamoli in Uttarakhand. It analyzes how statutory regimes such as the Forest Rights Act, 2006 and the Biological Diversity Act, 2002 engage with community rights and customary institutions. Judicial developments are assessed to understand the evolving recognition of sacred groves within Indian law. The paper begins with an introduction that sets the context, outlines the research problem, and situates sacred groves within the conceptual framework of community-conserved areas. The central part examines statutory and constitutional provisions, analyzes judicial developments, and case studies to highlight the synergies and tensions between customary practices and formal law. The conclusion then proposes pathways for recognition and governance while drawing together the broader implications for biodiversity law and cultural property rights in India.

Keywords: Sacred Groves, Cultural Property, Community-Conserved Areas (CCAs), Customary Law, Biodiversity Governance, International Law.

Beyond Ownership: India's Leadership In Decolonizing The Legal Protection Of Cultural Expressions In The Global South

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Abstract

The global intellectual property regime has long been rooted in individualist and capitalist Western notions of authorship, ownership, and economic exploitation. Cultural expressions, especially those of the global south, have suffered highly due to the continued domination of the ignorant West in matters of protection of intangible cultural heritage. The contemporarily existing international legal order has long continued to fail in efficiently accommodating within its framework, the non-individualistic— collective, intergenerational, and community-based creativity that is central to cultural expressions of the Global South. This paper is an examination into India's lead on contributing towards decolonisation of global frameworks that govern legal protection of cultural expressions, through tools of domestic policy and international legal engagements.

The central point of present research revolves around interrogating whether WIPO Draft Articles on the Protection of Traditional Cultural Expressions, the UNESCO 2003 Convention for the Safeguarding of Intangible Cultural Heritage, and the UNESCO 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions, that is, the existing instruments of international intellectual property regime, are adequate for safeguarding and empowering the creative communities of the Global South, specifically India. It further focuses on India's interventions to seek reform in the westernised frameworks that fail to adequately address the realities of communities of creatives involved with protection, practice, and propagation of traditional cultural expressions. The methodological backdrop of this study lies in doctrinal and comparative legal analysis. It draws on international treaties, along with policy documents and legal instruments such as the Geographical Indications of Goods (Registration and Protection) Act, 1999, the Copyright Act, 1957, and the National IPR Policy (2016). Further, normative approach has been incorporated, to situate Indian national legal discourse within broader coalitions of the Global South and decolonial theory. The paper argues that reclaiming cultural

property beyond ownership is a significant move furthered by India's advocacy for recognition of community authorship, integration of creative cultural practices into intellectual property regimes, and creation of sui generis protection models for greater efficacy. It concludes India as a catalyst leading a transformative shift in international legal order to protect cultural expressions not just as economic assets, but also respect and preserve them as living embodiments of cultural sovereignty, solidarity, and identity.

Keywords: Intangible Cultural Heritage, Cultural Property, IPR, Decolonisation, Global South

Safeguarding Heritage in a Globalised World: A Critical Appraisal of India's Legal Framework on Cultural Property Protection and Restitution

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Abstract

The protection of the cultural property is set as a cornerstone for the national identity, which presents a significant challenge in a globalized world, particularly for the historically rich nations like India. The International legal order is structured by the 1954 Hague Convention against conflict-driven destruction, the 1970 UNESCO Convention against illicit trafficking and the 1995 UNIDROIT Convention which facilitates private law for the restitution claims and provides the legal framework for safeguarding the heritage properties. However, these instruments face the challenges of weak enforcement, inconsistent ratification and tensions between cultural sovereignty and global accessibility.

This paper critically examines the implementation gaps between the international obligations and the Indian regulations and the efficacy of its domestic legal architecture, primarily the Antiquities and Art Treasures Act 1972. It argues that systematic weakness including inadequate documentation and deficient enforcement capacity undermines the Indian efforts to curb illicit trade and secure repatriation of stolen artifacts.

The research employs a doctrinal and comparative methodology for the analysis of the customary international law, international treaties and Indian statutory provisions along with the key judicial precedents. It further draws insights from the state practices of the other heritage-rich nations to identify the effective models for the protection and restitution.
The paper concludes with a multi-pronged strategy of imperative, compassionate, and urgent legislative reform, creation of mandatory digitized national inventories, heritage mapping, establishment of a specialized enforcement agency and proactive use of bilateral agreements to supplement the multilateral conventions. Furthermore, it records that advocating for Cultural Impact Assessment in the development project to harmonise preservation with national growth could be helpful by synergizing the legal reforms with the technological innovations and robust diplomacy. Through global platforms India can not only reclaim its lost treasures but can also assume a leadership role in the shaping of an equitable universal framework for the protection of cultural heritage as a common legacy of humankind.

Keywords
Cultural Property; Repatriation; Heritage Protection; Illicit Trafficking; Restitution.

Towards an Inclusive International Drug Policy: Drawing Lessons from the Indian Traditional Knowledge System

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Abstract

International drug policy has long been critiqued for sustaining colonial continuities, reflected not only in global treaties but also in national legislations. In India, these continuities can be traced to the colonial encounter, when British authorities sought to suppress indigenous practices surrounding psychoactive substances (like opium and cannabis) by branding them as socially dangerous. Yet, faced with resistance and their embeddedness in medicine, ritual, and everyday life, the colonial state resorted to regulation rather than absolute prohibition. The postcolonial developments, however, witnessed a decisive shift: the international treaty framework—most notably the 1961 Single Convention— dominantly adopted a prohibitionist policy. Notably,

India's successful resistance to the blanket inclusion of cannabis in the Convention underscores its potential to shape global debates.

Against this backdrop, the paper takes opium and cannabis as case studies, precisely because they lie at the intersection of criminal law, regulatory regimes, and traditional knowledge systems. It puts forth that India faces dual challenges: internally, the coexistence of punitive and regulatory models hinders meaningful engagement with traditional uses. Externally, international law privileges Western epistemologies while marginalizing non-Western knowledge, generating 'epistemic injustice'.

Methodologically, the paper adopts a doctrinal and comparative approach, tracing the trajectory of Indian drug laws alongside developments in international law, while drawing upon structured traditional knowledge systems, including Ayurvedic and Unani practices, as well as orally transmitted community wisdom. It further draws an analogy from intellectual property law, focusing on India's interventions against biopiracy through the Biodiversity Act and the Traditional Knowledge Digital Library. These examples illustrate how cultural resources can assert their value and carve a space for themselves even within restrictive international regimes.

In doing so, the paper proposes a policy intervention in two ways: first, by reframing drug plants not solely as contraband but as repositories of cultural and epistemic value; and second, by positioning India as capable of advancing a Global South jurisprudence of drug governance. Together, these interventions offer a constructive model: they draw on India's intellectual property practices to address epistemic injustice and to inform international drug law in ways that are historically informed, culturally attuned, and globally inclusive.

Keywords: Traditional Knowledge, Cultural Property, International Drug Policy, Global South, Epistemic Justice

The Jurisprudence of Cultural Property: Balancing the concept of Right and property in the Repatriation of Cultural Artifact

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Abstract

The jurisprudence of cultural property presents a complex interplay between legal concepts of rights and property, particularly in the context of repatriating cultural artifacts. This paper delves into the legal and philosophical underpinnings that define

cultural property, examining how these artifacts embody both tangible and intangible values integral to cultural identity and heritage. Through an analysis of property theories, including John Locke's labor theory, Hegel's personality theory, the study explores how traditional notions of ownership and rights apply to cultural artifacts.
Central to the discussion is the concept of balancing property rights with cultural rights. This involves assessing the legitimacy of claims based on historical ownership, cultural significance, and the ethical obligations of current holders. The paper argues for a more nuanced understanding of property that incorporates collective and cultural dimensions, advocating for legal reforms that better recognize and enforce indigenous and community-based claims to cultural artifacts.
Ultimately, this paper proposes a jurisprudential framework that reconciles the traditional concepts of property and rights with the unique nature of cultural artifacts, fostering a more equitable and culturally sensitive approach to their repatriation.
Keywords: Cultural Property, Property Rights, Legal Frameworks, Historical Justice

PRIVATE INTERNATIONAL LAW

The Limits of Arbitral Jurisdiction: Intersections of Jurisdiction Between National Courts and Arbitral Tribunals Under Private International Law

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Abstract

This paper examines the vexed jurisdictional relations between national courts and arbitral tribunals, a key and developing area of Private International Law. As arbitration becomes increasingly popular as the preferred form of resolution of international commercial disputes, the division of authority between courts and tribunals is key to the integrity and efficiency of the arbitration process. The research problem of this paper is the following: how can an appropriate jurisdictional framework be developed that is respectful of the autonomy of arbitral tribunals while maintaining the supervisory and supporting functions of the national courts?

The methodology used in this study is based on a critical analysis of the relevant international conventions (including the New York Convention) and a comparative examination of the arbitration legislation of major jurisdictions. Through a review of landmark case law, the paper will analyze how the courts have interpreted and applied doctrines such as Kompetenz-Kompetenz (a tribunal's power to determine its own jurisdiction) and separability. The paper will further explore the legal and practical consequences of concurrent jurisdiction, anti-suit injunctions and enforcement of foreign arbitral awards in the context of emerging economies such as India.

The main arguments and conclusions of this research are that although the principle of Kompetenz-Kompetenz is well established, it is not absolute and is often subject to judicial review. The paper advocates for a more sophisticated approach in which national courts play a role as partners, not competitors, to arbitral tribunals. It concludes that a greater degree of legal certainty and predictability can be achieved if pro-arbitration principles are applied consistently and jurisdictional responsibilities are clearly delineated on a basis of mutual respect. This will enhance the effectiveness of international arbitration as a dispute resolution mechanism and contribute to a more stable international legal order.

Keywords: Private International Law, Kompetenz-Kompetenz, New York Convention, International Commercial Arbitration, National Courts

India's Private International Law: A Case for Reform in the Global Era

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Abstract

The contemporary international legal order presents a complex matrix of opportunities and imperatives for emerging economies. For India, this dynamic underscores a critical jurisdictional gap: an archaic and fragmented Private International Law (PIL) framework. PIL, the corpus of rules governing transnational private disputes involving foreign elements, remains mired in scattered statutory provisions and inconsistent judicial precedents. This dissonance is increasingly untenable given India's integration into global commerce, migration, and digital ecosystems, where legal certainty and efficient dispute resolution are paramount. This study employs a mixed-methods methodology to critically analyze India's PIL regime and propose concrete reforms. The research is anchored in a doctrinal study, providing a descriptive and explanatory analysis of the extant legal architecture through systematic examination of primary sources legislation and binding judicial precedents juxtaposed with a comparative appraisal of codified models (e.g., Switzerland, Italy) and international instruments from the Hague Conference. To ground this legal analysis in practical reality, an empirical component incorporating a questionnaire method will be utilized, wherein survey of scholars of Private International Law will capture the perceptions and experiences of key stakeholders regarding the efficacy, predictability, and challenges posed by the current PIL framework. The synthesis of these methods facilitates a robust critical analysis. The doctrinal research identifies the structural infirmities and normative gaps, while the empirical data elucidates their practical consequences on dispute resolution and commercial confidence. The study argues that the prevailing incoherence is not merely a theoretical flaw but a significant impediment to India’s global standing. Consequently, it concludes by proposing a comprehensive, codified PIL statute, with recommendations informed by the triangulation of doctrinal findings and stakeholder insights. Such a reform is posited as a strategic necessity to align India’s legal

infrastructure with the demands of globalization and to solidify its position as a trustworthy forum for international commerce and arbitration.

Keywords: Hague conference, Judicial Reforms, Cross-border disputes, Private International Law, Codification

Cross-Border Families and the Law: A Comparative Study of India, EU, UK, US, and Singapore

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Abstract

India, as a hub of global migration, faces a sharp rise in cross-border matrimonial disputes involving marriage validity, divorce jurisdiction, and child custody. Domestic frameworks like the Hindu Marriage Act, Special Marriage Act, and Guardians and Wards Act provide a base, but India lacks a coherent system to address international issues. This gap results in prolonged litigation and weak enforcement of foreign judgments. This paper examines India's current approach and contrasts it with select international models, including the EU's Brussels II ter Regulation, the UK's jurisdictional rules, the US's treaty-based enforcement, and Singapore's hybrid framework. Drawing on leading cases such as *V. Ravi Chandran v. Union of India*, *Abbott v. Abbott*, and *Re D (Abduction: Rights of Custody)*, it highlights the practical and doctrinal challenges in ensuring justice for transnational families. The study identifies India's major shortcomings non-accession to key treaties, absence of a central authority, and lack of specialized family law benches and argues for urgent reform. It recommends India's accession to the Hague Conventions, enactment of implementing legislation, creation of a coordinating body, establishment of dedicated family courts, and promotion of mediation and ADR. These measures would ensure timely and equitable resolution of cross-border disputes, protect the welfare of children, and align India with evolving international standards.

Keywords: Private International Law, Cross-Border Matrimonial Disputes, Child Custody, Hague Convention, Comparative Analysis, ADR, Central Authority, India, Brussels II tier.

Transnational Liability And Conflict Of Laws In Commercial Space Activities: Reassessing Private International Law For The Orbital Economy

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Abstract

The accelerating commercialization of outer space through satellite constellations, orbital servicing, tourism ventures, and resource extraction reveals significant lacunae in applying private international law to transnational space activities. The fundamental challenge lies in identifying the appropriate jurisdiction, applicable law, and conflict of laws principles governing disputes between private actors operating across multiple legal systems beyond Earth's territorial limits. This paper examines how private international law can be reassessed and adapted to provide legal certainty, coherence, and equitable liability allocation in the context of space commerce—an emerging "orbital economy."

Using a mixed doctrinal and comparative research methodology, the study systematically analyses the frameworks of the European Union, the United States, and India to explore how each addresses extraterritorial disputes and private commercial liability. It further contextualizes these systems within international treaties, including the Outer Space Treaty of 1967 and the Liability Convention of 1972, which remain State-oriented but provide useful analogies for private sector accountability. The research integrates an evaluation of existing Alternative Dispute Resolution (ADR) mechanisms, particularly the Permanent Court of Arbitration's (PCA) Optional Rules for Arbitration of Disputes Relating to Outer Space Activities (2011), assessing their effectiveness in handling jurisdictional indeterminacy and procedural neutrality in private space disputes. Comparative reference is also made to the general arbitration frameworks of ICC, LCIA, and UNCITRAL Rules.

Findings indicate that while the PCA framework offers procedural flexibility tailored for space activities, it does not provide substantive solutions for conflict of law complexities or transnational liability questions. The study proposes the adoption of a functional jurisdiction model, grounded in criteria such as control over the space object, registration, and contractual nexus, to anchor responsibility in the absence of territorial sovereignty. It concludes by advocating for the development of a Space Commercial Conflicts Regulation, complementing existing ADR frameworks to harmonize jurisdictional and substantive law approaches. Such a model would strengthen predictability and enforceability in cross-border space disputes and foster

a coherent, resilient legal architecture capable of supporting fair commercial interactions within the rapidly expanding orbital economy.
Key words: Private international law, Outer space activities, Transnational liability, Alternative dispute resolution, Permanent Court of Arbitration Optional Rules

PUBLIC HEALTH LAW

Medical negligence as a public health concern: Bridging Accountability and Access to Care

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Abstract

Medical negligence has traditionally been viewed through the lens of individual doctor-patient relationships, focusing on personal liability and compensation. However, when viewed collectively, instances of medical negligence reveal deeper systemic failures that directly impact community health outcomes making it not just a private wrong, but a public health concern. It explores concept and scope of medical negligence through judicial interpretations and legal precedents and examines how negligence impacts both patients and medical professionals, highlighting its dual role as a legal and public health issue and investigates the effectiveness of existing legal and institutional redressal mechanisms, assessing their influence on healthcare accessibility, quality, and accountability.

Medical negligence goes beyond individual fault and represents a public health issue affecting patient safety and trust. Existing legal system focuses mainly on punishment after negligence occurs, rather than preventing it.

Key words: Medical negligence, public health law, patient safety, accountability, right to health, healthcare regulation. Judicial Interpretation, Patient Rights, Healthcare Access,

Protecting the Invisible Victims: International Human Rights Obligations and India's Approach to Children of Incarcerated Parents

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Abstract

Children of incarcerated parents constitute an often-overlooked category of vulnerable persons whose rights remain inadequately protected under both international and domestic legal regimes. The issue intersects the domains of criminal justice, child rights, and international human rights law, yet has received little normative attention in global legal discourse. The United Nations Convention on the Rights of the Child (UNCRC) obligates States to ensure that no child suffers discrimination or deprivation of care due to parental status, while the Bangkok Rules (2010) emphasize the need for gender-sensitive prison policies that consider the

welfare of prisoners' children. However, these instruments fall short of providing a comprehensive framework addressing the distinct socio-legal vulnerabilities faced by such children.

India, as a signatory to major international human rights treaties, has progressively integrated child-centric principles through the Juvenile Justice (Care and Protection of Children) Act, 2015, and various judicial pronouncements recognizing the child's best interests in custodial and correctional settings. Yet, the absence of a dedicated legal regime for the protection, rehabilitation, and reintegration of children of incarcerated parents continues to reflect a gap between international obligations and domestic realization.

This paper seeks to explore the scope of India's international human rights commitments in safeguarding the rights of these children, emphasizing the need for harmonization between the global human rights framework and national legal practice. It argues that India, by aligning its domestic child protection laws with evolving international standards, can assume a leadership role in shaping a humane, rights-based approach to penal policy and family integrity. The discussion aspires to contribute to the contemporary international legal discourse by identifying pathways through which India can advocate the recognition of children of incarcerated parents as a distinct category requiring protection within the international human rights regime.

Keywords: Children, Incarcerated Parents, Criminal Justice, Child Rights, International Human Rights Law, Child Protection, Juvenile Justice and Penal Reform.

Climate Change, Public Health, and Legal Accountability: Heatwave Mortality in India

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Abstract

Heatwaves in India are intensifying due to climate change which has increased mortality rate, health risks, and economic losses. Despite this, India lacks a binding legal framework specifically addressing heat-related health impacts. The existing laws like the Disaster Management Act, 2005, the Occupational Safety Health and Working Conditions Code, 2020, and Environmental statutes provide only partial coverage

while Heat Action Plans remain advisory and unevenly implemented. The constitutional right to life under Article 21 which also includes right to health creates a basis for state accountability yet courts have not fully extended this to heatwave deaths. Informal and outdoor workers who face the highest risks are poorly protected under current labour laws. Under reporting of deaths and weak enforcement further limit legal redress.

The paper argues that heatwave mortality should be seen as a failure of public health law and governance rather than a natural inevitability. Heatwaves have become a national disaster. It cannot be said to be Act of God. The researcher proposes a National Heat Health Protection Law with mandatory occupational safeguards, urban adaptation measures, healthcare preparedness, and compensation mechanisms. Strengthening constitutional recognition of the Right to Health is also essential. The researcher proposes to adopt a mixed legal and policy research approach combining doctrinal analysis with secondary data review and comparative study. The legislations, constitutional provisions, and judicial precedents are examined to assess the legal framework on heatwave mortality. National policies such as Heat Action Plans, along with reports from IMD, NDMA, and MoEFCC are critically analysed and compared with international standards like WHO–WMO guidelines and OSHA directives. Secondary data on mortality, morbidity, and labour vulnerability from government and international sources provide empirical grounding. A comparative lens highlights legal gaps, while the study concludes with recommendations for stronger accountability and legislative reform.

Keywords: Climate, Public Health, Heatwave, Heat Action Plans, Labour.

Strengthening Public Health Governance in India: The Case for a National Policy under WHO FCTC Article 5.3

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Abstract

Tobacco use remains a global epidemic, claiming over six million lives annually, with 80% of deaths occurring in developing countries. India, the world's second-largest consumer of tobacco, faces an alarming public health and economic burden: nearly 267 million adults use tobacco, leading to more than 1.3 million deaths each year and economic costs exceeding ₹1,04,500 crores (US$22.4 billion). To address this crisis, the World Health Organization adopted the Framework Convention on Tobacco Control

(FCTC) in 2003, which India ratified, thereby committing itself to comprehensive and multi-sectoral tobacco control strategies. The FCTC's Articles 5.1 and 5.2 mandate national coordination across ministries, while Article 5.3 explicitly warns against tobacco industry interference, recognising its fundamental conflict with public health. Under India's constitutional framework (Article 253 read with Entries 13 and 14 of List I), fostering compliance with international obligations is within the Union's legislative competence, even if the subject otherwise falls within the State List. Despite judicial recognition of India's duty to uphold FCTC obligations, the country still lacks a national policy to implement Article 5.3, resulting in fragmented governance and conflicting mandates across ministries—most notably between the Ministry of Health and the Ministry of Commerce and Industry, the latter continuing to promote tobacco cultivation under the Tobacco Board Act, 1975. Encouragingly, around sixteen Indian states have introduced policy instruments to safeguard against tobacco industry influence, with Tripura most recently issuing a notification in 2025 to end collaborations with the industry. Yet, these state-level initiatives remain uneven and insufficient. This paper argues that a coherent national policy aligned with FCTC Article 5.3 is essential to unify efforts, close policy gaps, and strengthen accountability. Such a framework would not only protect public health but also address broader harms linked to tobacco production and consumption, including human rights concerns, environmental damage, and economic losses. The paper concludes that without a robust national policy, India risks undermining its commitments under the FCTC and the United Nations Sustainable Development Goals.
Keywords: Article 5.3, Public Health Policy, Tobacco Control, Tobacco Industry, WHO FCTC

Transplant Tourism and the Law: Regulating Organ Trade Across Borders

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Abstract

Transplant tourism, the practice of traveling across national borders to obtain organ transplants, has emerged as a complex global phenomenon, raising profound ethical, legal, and public health concerns. This research critically examines the legal frameworks governing organ trade across jurisdictions, focusing on how disparities in domestic laws, socioeconomic inequalities, and regulatory loopholes facilitate illicit

organ trafficking. The study identifies a significant research problem: while international conventions and national legislations prohibit organ commercialization, weak enforcement, corruption, and demand-supply imbalances continue to enable a thriving black market, jeopardizing the rights and safety of vulnerable populations.
The methodology adopts a qualitative, socio-legal approach. It involves comparative legal analysis of international treaties such as the Declaration of Istanbul on Organ Trafficking and domestic laws, including the Transplantation of Human Organs and Tissues Act, India, and corresponding regulations in other high- and low-income countries. Data sources include statutory provisions, case law, policy reports, and scholarly commentary. This multi-dimensional approach allows for the exploration of ethical dilemmas, cross-border enforcement challenges, and the interplay between legal norms and social realities.
Key arguments highlight that transplant tourism thrives where legal gaps intersect with socioeconomic disparities. The study emphasizes the inadequacy of isolated national laws in combating global organ trade and underscores the need for harmonized international legal instruments, robust monitoring mechanisms, and public awareness campaigns. Ethical considerations, including informed consent, voluntariness, and protection of donors' rights, are central to effective regulation. The research also critiques existing punitive approaches, advocating for a balanced framework that prioritizes prevention, victim protection, and rehabilitation over mere criminalization.
The study concludes that combating transplant tourism requires a coordinated global strategy integrating legal harmonization, socio-economic interventions, and ethical governance. Strengthening international cooperation, standardizing organ donation protocols, and addressing structural inequalities in healthcare access are essential to curtailing illegal organ trade while safeguarding human dignity. This research contributes to the growing discourse on bioethics, transnational law, and public policy, offering practical recommendations for law-makers, healthcare institutions, and civil society actors involved in organ transplantation governance.
Keywords: Transplant Tourism, Organ Trade, International Law, Bioethics, Human Rights, Organ Trafficking, Transplantation Law, Global Health Policy.

Negotiation Under Free Trade Agreements And Use Of Trips Flexibility In India

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ABSTRACT

In the international legal order for the protection of intellectual property, the direction of IP negotiations has shifted from multilateral agreements to bilateral and regional agreements. Member states signed the WTO's Agreement on Trade-Related Aspects of Intellectual Property (The TRIPS Agreement) to harmonize IP laws globally. However, it also preserves and respects the member states' public policy and interests. It is often called "TRIPS Flexibilities", which allows member states to adapt the provisions of the TRIPS Agreement in their domestic laws to suit their own social, economic, public health, and technological needs. Further, the Doha Declaration on Public Health affirmed that the TRIPS Agreement shall be interpreted and implemented to support WTO members' right to public health. However, soon after, the developed countries started entering into Free Trade Agreements (FTAs) with developing and least developed countries (LDCs), preventing them from utilizing TRIPS Flexibilities instead of granting them preferential access to their markets. The paper critically examines how current and prospective Free Trade Agreements (FTAs) involving India address its ability to fully use TRIPS flexibilities to safeguard public health, access to medicines, and regulatory autonomy. Drawing on the text of the India-UK Comprehensive Economic and Trade Agreement (CETA), India's FTAs with EFTA, and other trade negotiations, the study analyses whether FTA provisions reaffirm, limit, or extend beyond the TRIPS norms (TRIPS-plus clauses), and how India's domestic laws align with those obligations. It argues that these TRIPS-plus provisions may restrict the exercise of TRIPS Flexibilities, even if they do not directly violate the TRIPS Agreement. The paper aims to enhance the policy discussions on India's ability to negotiate international IP obligations while preserving its capacity to protect public health, promote innovation, and provide fair access to medicines.

KEY WORDS:

Intellectual Property, Free Trade Agreement, TRIPS-Flexibilities, Public Health, and Access to Medicines.

Consumer Protection and Medical Negligence: Legal Remedies, Patients' Rights, and Informed Consent in Healthcare Law

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Abstract

Healthcare is one of the paramount services in society, yet it is also among the most fragile and vulnerable to disputes when trust is broken. In India, the recognition of patients as "consumers" under the Consumer Protection Act, 1986 and its amended version, the Consumer Protection Act, 2019, has given people a stronger voice against medical negligence and malpractice. These laws empower patients to demand accountability when medical care falls short, ensuring that hospitals and doctors are answerable not only to their profession but also to the people they serve.

One of the most sensitive concerns in this context is informed consent. For a patient, consent is not merely a formality—it is the right to understand what treatment is being given, the risks involved, and the alternatives available. The landmark judgment in *Samira Kohli v. Dr. Prabha Manchanda* (2008) stressed that no procedure should be carried out without proper consent, even if intended for the patient's benefit. This case underscored the principle that patients must have control over their own bodies.

The methodology of this research is primarily doctrinal, examining statutory frameworks such as the Consumer Protection Act, 2019, the Indian Medical Council regulations, and the Mental Healthcare Act, 2017. A case law analysis of leading judgments like *Indian Medical Association v. V.P. Shantha*, *Samira Kohli*, and *Jacob Mathew v. State of Punjab* traces judicial approaches to medical negligence. A comparative perspective considers international doctrines such as the UK's Bolam test and the US doctrine of informed consent, offering a broader lens. Where possible, an empirical element is included by reviewing consumer forum cases and health commission reports.

From this study, several key arguments arise. First, recognizing patients as consumers democratizes accountability and empowers citizens. Second, informed consent must be substantive, ensuring patient autonomy. Third, judicial activism has expanded the scope of healthcare under Article 21, recognizing it as a fundamental right. Fourth, there must be a balance between accountability and protection to prevent frivolous claims while upholding patient safety. Finally, the system requires greater awareness and accessibility, since remedies are effective only when patients know their rights and can access justice affordably.

Together, these elements present a vision of healthcare where law strengthens dignity, fairness, and trust, making healthcare not just a service but a right tied to human justice.

Keywords: Consumer Protection, Medical Negligence, Patients' Rights, Informed Consent, Healthcare Law

Vaccine Imperialism and the Global South: India's Contribution to an Equitable Legal Order

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Abstract

The COVID-19 pandemic has illuminated the deep inequities in global health governance, particularly through the lens of access to vaccines. While rapid innovation produced life-saving vaccines, their distribution revealed entrenched patterns of inequality often described as "vaccine imperialism." Wealthy states in the Global North monopolized supplies through advance purchase agreements, while the Global South faced delayed and conditional access. Such disparity not only undermined the principle of health as a universal human right but also reinforced historical hierarchies within the international legal and economic order.

This paper critically examines the structures of vaccine imperialism, focusing on intellectual property regimes, trade frameworks, and geopolitical interests that deepened inequities. It assesses the limitations of mechanisms like COVAX and debates on the TRIPS waiver, situating these within broader struggles for global justice and the decolonization of health governance.

The paper further explores the prospects for India in shaping a more equitable international legal order. As the "pharmacy of the world," India played a pivotal role through vaccine manufacturing, technology transfer initiatives, and leadership in advocating for the TRIPS waiver at the WTO. India's contributions highlight both the possibilities and challenges of positioning itself as a voice of the Global South, balancing national interests with global solidarity.

By analyzing India's interventions in vaccine access, this study argues that India holds significant potential to influence the transformation of global health governance towards a rights-based and equitable model in the post-pandemic order.

Keywords: India as “Pharmacy of the World”, Right to Health, Decolonization of Global Health, Access to Vaccines, Vaccine Imperialism

Fetal Personhood and Reproductive Rights: Reconciling Domestic Realities with International Legal Standards in India

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Abstract

The concept of *fetal personhood* attributes legal personhood to the human fetus from conception to birth. This paper examines the contested notion of fetal personhood and its implications for reproductive rights in India, situating the debate within the broader framework of the contemporary *international legal order*. It seeks to analyze how India’s domestic legal system grapples with balancing the rights of the fetus against the constitutional rights of women to privacy, dignity, and *reproductive autonomy*, while also considering international human rights standards. Through a doctrinal and comparative analysis, the paper explores the conceptual and legal foundations of fetal personhood, tracing its development in comparative jurisprudence such as the United States, Ireland, and Latin America. The paper argues that the fetus may be granted limited *legal personhood* based on moral, philosophical, and legal grounds, recognizing it as a developing human life with potential for independence. This view supports the state’s interest in protecting prenatal life, reflected in IPC provisions and the PCPNDT Act. International instruments like the CRC also advocate protection ‘*before birth*.’ Recognizing fetal personhood, even partially, could uphold respect for life, deter abortion misuse, and align with India’s moral and cultural values.

In contrast to the above, the paper contends that granting legal personhood to the fetus conflicts with women’s fundamental rights to autonomy, privacy, and reproductive choice under Article 21 of the Indian Constitution. It creates competing rights between the fetus and the woman, undermines India’s obligations under CEDAW and ICCPR, and risks criminalizing abortion. Further, the paper explores how fetal personhood laws affect not only abortion access but also broader domains of reproductive healthcare, including miscarriage management, in vitro fertilization (IVF), surrogacy, and criminal liability for pregnant women. It investigates how such laws disproportionately impact marginalized groups by amplifying barriers to

reproductive justice. The paper concludes that India should align its reproductive rights framework with rights-based international norms, emphasizing liberty, equality, and dignity. It urges rejection of regressive fetal personhood interpretations that burden women and proposes a balanced model recognizing prenatal interests without undermining women's autonomy, reinforcing India's progressive global human rights role.

Keywords: *fetal personhood, legal personhood, reproductive autonomy, international legal order*, *before birth.*

Telemedicine Across Borders: Reimagining International Legal Frameworks for Global Health Security

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Abstract

The COVID-19 pandemic highlighted both the potential and the weaknesses of global health governance. While telemedicine emerged as a transformative tool for maintaining continuity of care during pandemic, its international aspects are not sufficiently addressed in existing international law. This paper argues that the rapid growth of telemedicine necessitates a reconsideration of the International Health Regulations (2005), the principles of state sovereignty, and the right to health under international human rights law.

The research problem stems from a significant legal gap: the practice of telemedicine across different jurisdictions poses challenges to existing systems of medical licensing, data protection, and liability, while international regulations remain either silent or fragmented. India, as a leading innovator in digital health and a prominent player in the Global South, holds a crucial position in driving this reform. This study examines how India can utilise its constitutional commitment to health, its Digital Health Mission, and its ~~influential~~ role in multilateral forums to shape international regulatory frameworks.

The methodology adopts a doctrinal and comparative approach. It examines treaties, WHO guidelines, and state practice, alongside Indian and foreign regulations governing telemedicine. It also applies normative analysis to assess compatibility with international human rights obligations, particularly Article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR). Case studies of

pandemic-era telemedicine use in India and comparable jurisdictions illuminate both the opportunities and constraints.

The key argument advanced is twofold. First, that cross-border telemedicine necessitates an international legal framework grounded in equity, accountability, and data sovereignty. Second, India, by aligning its domestic practice with international obligations and advocating for reform at the WHO and UN platforms, can catalyse the inclusion of telemedicine in the global health security architecture. The paper concludes by proposing a layered regulatory model, first at the international level to harmonise standards, followed by regional compacts for cross-border cooperation, and national reforms that embed telemedicine within universal health coverage.

Keywords: Telemedicine, International Health Regulations, Global Health Security, India, Public Health Law

The Digital Tether in Public Health Law: The Issue of Availability Creep in India's Legal Framework

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Abstract

The large-scale adoption of digital communication tools in the issue of remote and hybrid work settings has brought about what I would term a universal issue of "availability creep," which in turn is blurring the boundaries between work and personal life. This is not just a workplace issue that is inconvenient anymore but has grown to be a great public health issue which we see play out in wide-scale reports of psychological distress, burnout, and mental health issues in the workforce. The research examines availability creep through the lens of the Indian Public Health framework, which presents a compelling case that this issue constitutes a violation of fundamental health and dignified living rights, as enshrined in Article 21 of the Constitution of India. Additionally, the Hon'ble Supreme Court of India passed a recent judgment in July 2025 that further strengthens this argument, highlighting mental health as a fundamental right under Article 21.

The research paper reports on a study that examines current legal structures, including labour laws, occupational health and safety regulations, and constitutional principles, assessing their adequacy in addressing the issue of psychological damage resulting from constant digital connection. This paper also examines international

"right to disconnect" laws from a comparative perspective, as found in countries such as France and recently in Australia. The research identify the gaps in the Indian legal framework. The primary argument presented is that the state has a constitutional responsibility to play an active role in protecting public health under Article 47. Also, the research paper reports that there is an urgent need for a progressive legal framework which in turn is to balance between tech innovation and at the same time protect employee health.

The paper puts forth a model which is that of a "Right to Disconnect" Act for India which we see as a legislative framework that employees may use to step away from work-related communications outside agreed working hours.

Keywords: Public health Law, Availability creep, Mental health, Right to Disconnect, Article 21

The Contemporary International Legal Order in the Realm of Public Health: Prospects for India

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Abstract

Today's world is anticipating an emergence in global responsibility because of increase in global health conditions. The contemporary international legal order plays a very vital role in centralising the public health governance for the global health challenges. The law has evolved globally by addressing the issues of equity, access and suppleness in the sphere of public health; with the ultimate goal of equitable access.

This paper traverses India's position within the framework of public health law by accelerating on how its domestic policies and global engagement influence and are being influenced by the international health norms in today's fast growing world. The international health regulations (IHR), TRIPS agreement and the Doha declaration has strengthened the global framework of public health by ensuring utmost protection of public health by taking Precedence over commercial interest internationally. India being popularly known as the pharmacy of the global South has played a vital role in the production and distribution of cost-effective, drugs and vaccines to those countries which were in need.

The rise of digital health and telemedicine has Instituted several new dimensions to the public health law. Although, there still exist critical questions about privacy, data protection, and cross-border regulation globally. Although there is an expansion of digital health, India's legal framework must align with pre-existing international laws while protecting and securing the rights of the citizens as well as ensuring equitable access to the services, which may be a need from time to time. India has explicitly exhibited its core ability as a global leader through innovation, especially during the Time of COVID-19 pandemic, India has created its position and made itself to stand between the developing and the developed countries by initiating vaccine equity and by advocating, flexible interpretations of global trade and patent rules. Through the instrumentalities of BRICS, United Nations (UN), and world health organisation(WHO), where India continues to perform global health order.

The paper concludes India's ability to synchronise domestic laws with debt of the global health obligations with specific modernisation of its legal framework and embracing technological advancements without compromising public welfare. Public health law is not a technical area of international law, rather it is a bridge between global solidarity and national sovereignty. The contemporary legal order represents India as a powerful driving force for global health justice in an equitable world.

Keywords: Digital Health, India, International Legal Order, Public Health, Telemedicine.

Right to bodily autonomy: A comparative analysis of Abortion Laws in India and Bangladesh

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ABSTRACT

India and Bangladesh are neighbouring South Asian nations with shared socio-cultural contexts, yet their legal approaches to reproductive rights present a critical point of divergence. This paper discusses the same through a comparative analysis of the legal frameworks governing the termination of pregnancy in India and Bangladesh and, evaluating their alignment with contemporary international human rights standards, particularly the World Health Organization's (WHO) 2022 Abortion Care Guideline.

In India, the primary legislation is the Medical Termination of Pregnancy Act, 1971 (MTP Act), which permits abortion till a certain time period and under specific circumstances. Infact, Supreme Court of India in the landmark case X v. The Principal Secretary, Health and Family Welfare Department, Govt of NCT of Delhi (2022), the court clarified that right to reproductive autonomy is a part of Article 21 of the Constitution.

In contrast, Bangladesh employs through its National Comprehensive Menstrual Regulation and Post-Abortion Care Services Guidelines, permits early abortion up to 12 weeks. However, this framework is fundamentally contradicted by the Penal Code, 1860, which criminalizes abortion except to save the woman's life. The pending Mst. Sajeda & Anr. v. Government of the People's Republic of Bangladesh case and the proposed Termination of Pregnancy (Regulation) Bill, 2023, which seeks to further restrict access, highlight the ongoing legal tension.

This study also analyses whether and to what extent do these provisions align with international standards and concludes with recommendations such as legislative reforms to decriminalize abortion and expand grounds to include socio-economic reasons, thereby affirming women's fundamental right to bodily autonomy.

Keywords: Reproductive Rights; Medical Termination of Pregnancy (MTP) Act; Menstrual Regulation (MR), Bangladesh; Comparative Constitutional Law

LAW OF THE SEA AND AND BBNJ TREATY

The BBNJ Treaty And The Evolving Dynamics Of The Law Of The Sea In A Changing Geopolitical Order

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Abstract

The United Nations Convention on the Law of the Sea (UNCLOS) is a foundational corpus juris of maritime governance for the Law of Seas. It delineates maritime zones ranging from the territorial waters and contiguous zones to the Exclusive Economic Zones (EEZs) and the High Seas, defining the sovereign rights and responsibilities of a state for the purpose of navigation, resource utilization and environmental protection. While the UNCLOS enshrines the broader principle of the "*common heritage of mankind*", what it neglects is the question of equitable exploration of marine genetic resources in *areas beyond the national jurisdiction* , which in the current era of biotechnological revolution is an important aspect. The monopolization of marine genetic data and intellectual property by the global north has driven the world towards *biotechnological neocolonialism*.

Against this backdrop , this paper examines the *Biodiversity Beyond National Jurisdiction (BBNJ)* treaty, enacted in 2023 as a normative and institutional evolution complementing the Convention of Biological Diversity (CBD) and Nagoya Protocol on Access and Benefit - Sharing. It majorly focuses on the loopholes of the UNCLOS i.e. equitable benefit-sharing, area management tools, environmental impact assessments while keeping it within the intellectual property discourse outlined by the ongoing negotiations under *WIPO's Marine Genetic Resource Framework*. The prolonged negotiations (20 years) for adaptation of BBNJ treaty reflects persistent power imbalances between the Global North and South , marked by disagreements over resource ownership, technology sharing and decision making authority in the sea.

The ideas of the BBNJ treaty align closely with the visions of Indian policy makers to build the Blue Economy framework and Maritime India Vision 2030. India's engagement in this respect aims to build a balance between environmental custodianship and strategic autonomy, seeking equitable access to marine genetic resources while marking its presence as a leading voice in the Global South.

Re-examining Ocean Governance: Indian Opportunities with the BBNJ Treaty and the Metamorphosis of the Law of the Sea

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Abstract

Biodiversity Beyond National Jurisdiction (BBNJ) Agreement which has been recently adopted is a turning point of the evolution of international marine law. Intended to accomplish the challenge of balancing the requirement of preservation of marine biodiversity and the equitable use of Marine Genetic Resources (MGRs) in the high seas, this Treaty can be discussed as the brave attempt to correspond contemporary science changes to the time- tested concepts of marine management. This paper undertakes a strong exegesis of the BBNJ framework in terms of the law of the sea, emphasising on the BBNJ framework in the context of the United Nations Convention on the Law of the Sea that was established in 1982, especially as the current paper relates to the primary impact on India as major coastal and developing state.

The main research question that can be formulated is the complex interaction between the existing sovereign rights (entitlements) and the doctrine of Common Heritage of Mankind (CHM), and the emergent claim to deep-sea biodiversity. Although BBNJ agenda does contribute significantly to equity, capacity development, and technological transfer, its application may trigger a relapse of past North-South legal conflicts and may further divide an already fractured governance framework of high-sea management.

This paper takes a doctrinal and comparative method methodologically based on the interpretation of treaties and complete overview of the policy documents and state practice. With the analysis of the travaux preparatoires, salient jurisprudence of the UNCLOS, and the history of International negotiations in the present day, we define normative gaps in substantive consistency. We also suggest strategic options to reconcile the BBNJ regime with the constitutional requirements as well as environmental commitments of India.

At this, we would argue that the involvement of India in the BBNJ Treaty only as a defensive stance that is grounded on the needs of developing should be viewed beyond the context of a defensive stance. It should rather seek to state itself a norm entrepreneur and strategically align its maritime policy with ecological stewardship and strong South-South engagement. By so doing, India will be alone in the position of helping to develop a more inclusive and sustainable international ocean order. The

BBNJ Treaty, thus, is not just a juridical landmark; it is also the test of the ability of the international community to make the aspirations about the environmental sustainability into the binding and enforceable legalities.
Keywords: Biodiversity Beyond National jurisdiction, Marine genetic resources (MGRs), Equitable ocean governance, Common heritage of mankind and Blue economy.

Marine Protected Areas Beyond National Jurisdiction : Critical Analysis of High Seas Treaty

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Abstract

The Agreement on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction (BBNJ Treaty) represents a landmark in the progressive development of international environmental law, particularly through its framework on Marine Protected Areas (MPAs). These provisions establish a multilateral process for the identification, designation, and management of ecologically significant areas in the high seas. By embedding scientific assessment, monitoring, and review into decision-making, the treaty aspires to create a coherent and representative network of MPAs that aligns with global biodiversity targets such as the "30 by 30" goal. The emphasis on conservation planning, management strategies, and periodic evaluations reflects an effort to move beyond symbolic commitments toward measurable ecological outcomes.

Despite its promise, the MPA regime faces significant challenges. The requirement of coordination with existing sectoral and regional organizations may result in fragmented implementation, while the treaty's reliance on state cooperation and consensus leaves room for political resistance. The opt-out and objection mechanisms, although designed to preserve flexibility, risk undermining the uniform application of protective measures. Moreover, the enforcement of obligations rests heavily on flag and port states, raising questions about consistency and effectiveness across jurisdictions.

This paper critically evaluates the strengths and limitations of the BBNJ's MPA framework, situating it within the broader debates on equity, scientific integrity, and institutional design in ocean governance. It argues that the ultimate success of these provisions will depend on sustained political will, robust institutional practice, and genuine commitment to safeguarding biodiversity in areas beyond national jurisdiction.

Keywords: BBNJ Treaty, Marine Protected Areas, Ocean Governance, Biodiversity Conservation, High Seas, UNCLOS .

Charting Lines or Saving Seas? Maritime Delimitation at the Intersection of Emerging BBNJ Obligations

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Abstract

Maritime delimitation remains a central function of the International Tribunal for the Law of the Sea (ITLOS), historically guided by principles of equity and equidistance under

UNCLOS. The advent of the Biodiversity Beyond National Jurisdiction (BBNJ) Treaty, however, introduces ecological obligations that could reshape how boundaries are conceived. ITLOS decisions, once centered on resource access and legal certainty, now increasingly intersect with biodiversity commitments that transcend jurisdictional limits.

This paper examines the emerging tension between ITLOS' delimitation jurisprudence and the BBNJ treaty. The core question is whether the coexistence of equity-based delimitation principles and biodiversity duties strengthens integrated ocean governance or risks legal fragmentation and negotiation deadlocks. Using a case-law based approach, the study traces ITLOS' evolution of delimiting boundaries via landmark cases such as *Bangladesh v. Myanmar* (2012) and *Bangladesh v. India* (2014). It also analyzes BBNJ provisions on marine resources, area-based management tools, and environmental impact assessments, assessing their potential overlap with the delimitation framework under UNCLOS.

The paper advances three key arguments. First, ITLOS has moved toward equitable reasoning in delimitation but has yet to fully integrate ecological considerations. Second, the BBNJ treaty introduces obligations that intersect with delimitation disputes, creating pressures for both judicial reasoning and state negotiations. Third, India offers a constructive model by accepting the Bay of Bengal award despite territorial losses, consistent with Article 51 of its Constitution, while promoting cooperative ocean governance through the SAGAR (Security and Growth for All in the Region) doctrine and active participation in BBNJ negotiations. This dual posture, respecting adjudication, while engaging multilaterally, positions India as an example to look up to.

The study is divided into four parts. Part I traces the evolution of ITLOS delimitation principles, highlighting key cases. Part II introduces the BBNJ Treaty's mandate on marine resources, area-based management tools, and environmental impact assessments. Part III analyses the intersection points between ITLOS jurisprudence and BBNJ obligations, focusing on decision-making and negotiation pressures. Part IV concludes by assessing whether this overlap is a roadblock or a roadmap to integrated ocean governance, while projecting India's leadership as an example in advancing a more equitable and inclusive global maritime order.

Keywords: ITLOS, UNCLOS, BBNJ Treaty, Maritime Delimitation, Ocean Governance

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NAVIGATING SOVEREIGNTY: CRIMINAL JURISDICTION AND THE DOCTRINE OF INNOCENT PASSAGE IN THE TERRITORIAL SEA IN INDIA

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Abstract

The territorial sea, extending up to 12 nautical miles from a coastal state's baseline, is a maritime zone where national sovereignty intersects with the international right to freedom of navigation. With increasing maritime traffic, transnational crimes such as drug smuggling, human trafficking, illegal fishing, and environmental violations are on the rise, challenging the enforcement capacity of coastal states. India, with its vast coastline and strategic position along key shipping routes, faces frequent threats from illegal fishing, arms trafficking, and unauthorized vessel activity. These challenges highlight the legal and practical difficulties India faces in enforcing its jurisdiction effectively while adhering to international legal standards under United Nations Convention on the Law of the Sea.

This paper examines the legal framework regulating criminal jurisdiction in the territorial sea, with a focus on key provisions of the United Nations Convention on the Law of the Sea (UNCLOS), particularly Articles 2, 17–19, and 27. While United Nations Convention on the Law of the Sea grants coastal states sovereignty in this zone, it limits their powers over foreign vessels in innocent passage, creating complex legal and operational challenges.

The study further explores the practical application of enforcement mechanisms amid evolving technology, regional tensions, and modern maritime practices. It revisits pivotal legal cases, including The Lotus Case and the Enrica Lexie incident, to trace the development of jurisdictional interpretations at sea.

Using a doctrinal and comparative approach, the paper analyses how countries like the United States, China, and the United Kingdom address similar challenges.

The paper is Structured in nine parts, the paper begins by highlighting the importance of criminal jurisdiction in the territorial sea, then examines the legal framework, enforcement challenges, and the tension between sovereignty and navigational rights. It includes a comparative analysis of state practices, key case law, and emerging issues like transnational crime and technological advancements. The paper concludes with recommendations for legal reforms and enhanced international cooperation to help states like India to balance sovereign rights with global maritime norms.

Key words: Territorial Sea, Criminal Jurisdiction, Innocent passage, Freedom of Navigation, United Nations Convention on the Law of the Sea (UNCLOS).

UNCLOS and the BBNJ Agreement: Legal Analysis of Emerging Norms in High Seas Governance with Reference to India

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Abstract

The United Nations Convention on the Law of the Sea (UNCLOS) has expanded its legal framework in a historic way with the adoption of the 2023 Agreement on the Conservation

and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction (BBNJ Agreement). The UNCLOS left significant gaps in the protection of biodiversity and fair benefit-sharing in areas outside of national jurisdiction (ABNJ), despite codifying fundamental principles like freedom of the high seas and the common heritage of humanity. By establishing legally binding commitments on marine genetic resources, environmental impact assessments, area-based management tools, capacity-building, and technology transfer, the BBNJ Agreement fills in these gaps.

This article conducts a legal analysis of the BBNJ Agreement in relation to UNCLOS, emphasising their comparative approaches to dispute resolution. While UNCLOS establishes mandatory jurisdictional mechanisms via ITLOS, ICJ, and arbitral tribunals, the BBNJ Agreement prioritises collaborative adherence within a Conference of the Parties (COP) framework, which raises issues regarding enforceability, fragmentation, and jurisdictional overlap.

This paper contextualises these developments within India. As a signatory to UNCLOS and an engaged participant in BBNJ negotiations, India confronts a dual challenge: harmonising its developmental ambitions as a maritime nation with its commitments to global biodiversity preservation. The examination critically addresses India's interest in marine genetic resources, its involvement in capacity-building and technology transfer for the Global South, and its stances in negotiations regarding benefit-sharing. The paper examines the ramifications of the BBNJ Agreement for India's Blue Economy initiatives, its involvement with the Indian Ocean Rim Association, and its prospective leadership role among developing nations in establishing equitable governance of the high seas.

This article examines the interaction between UNCLOS and the BBNJ Agreement from both global and Indian perspectives, emphasising the transformative yet contentious aspects of emerging governance in the high seas.

From Negotiation to Implementation: Legal Challenges for India under the BBNJ Agreement

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Abstract

The agreement on the Conservation and Sustainable Use of Marine Biological Diversity of Area Beyond National Jurisdiction marks a progressive development of International maritime law for the protection of marine biodiversity at the high seas. Despite India's active participation in BBNJ negotiations and signing of the agreement, challenges persist regarding the harmonisation of its domestic legal framework with the emerging international obligations. The research aims to identify the problem between India's legal provisions and the stringent obligations of the BBNJ agreement. These problems are

magnified by unresolved issues at the global level, including ambiguities in the scope of the agreement, overlaps with the existing legal regimes and unclear enforcement and compliance mechanisms. The establishment of a 12-member drafting committee to prepare domestic legislation aligning BBNJ provisions highlights the complexity of integrating international treaty obligations with India's existing legal architecture, including the Environmental Protection Act and various maritime laws. The study uses qualitative doctrinal analysis of international treaty provisions, comparative assessment with the UNCLOS, India's legislation and other related instruments. The study argues that the adoption and enforcement of the BBNJ agreement would mark a paradigm shift in the global commons governance and for India the implementation requires a comprehensive amendment of its domestic laws, new institutional mechanisms for monitoring and enforcement of the clear formulas of the benefit sharing and other benefits from the high seas. So, India's path to BBNJ ratification and implementation involves navigating complex legal terrain encompassing domestic law amendment and new enactment, institutional capacity building, sovereignty consideration and enforcement challenges. The delay in ratification reflects India's cautious approach to ensuring domestic legal preparedness before committing to binding international obligations. Addressing the legal challenges is not only essential for ratification but also for enhancing India's role as a responsible maritime stakeholder in global commons governance.
Keywords: BBNJ Agreement, India's legal framework, sovereignty, compliance, enforcement

Piracy and the Limits of UNCLOS: A Critical Appraisal of Maritime Security in the 21st Century

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Abstract

Piracy continues to pose a serious threat to global maritime security, stretching from the Singaporean Strait to the Gulf of Guinea. Despite a marginal decline in reported incidents—from 120 in 2023 to 116 in 2024, as per the International Maritime Bureau (IMB)—the menace remains far from eradicated. More alarmingly, the use of advanced technologies, including drones in the Red Sea in early 2025, signals a dangerous evolution in the methods and capabilities of actors involved in such activities.

The legal framework governing piracy is primarily found in the United Nations Convention on the Law of the Sea (UNCLOS), particularly under Part VII, Articles 100 to 107 and 110. These provisions define piracy, set jurisdictional limits, and place an obligation on states to cooperate in its suppression. However, UNCLOS suffers from critical limitations. It applies exclusively to private actors operating on the high seas, leaving state-sponsored or

state-affiliated actors outside its purview unless artificially construed as private through a contingent legal fiction.

Moreover, the regime lacks a standing enforcement mechanism and depends solely on individual states to implement its provisions—a task hampered by jurisdictional constraints and varying national capacities. In this context, UNCLOS resembles a coordinated yet insufficient game of 'whack-a-mole,' where the absence of a centralised institutional hammer undermines collective enforcement efforts.

The paper will critically examine whether UNCLOS, in its current form, is equipped to deal with the contemporary challenges posed by maritime piracy, especially as it evolves in scope, geography, and technological sophistication.

Keywords: Maritime Piracy, UNCLOS, International Maritime Law, Enforcement Mechanisms

Marine Genetic Resources and Benefit-Sharing: Implications of the BBNJ Treaty for India

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Abstract

The governance of marine genetic resources (MGRs) beyond national jurisdiction has exposed persistent inequalities in the management of the global commons. The Biodiversity Beyond National Jurisdiction (BBNJ) Treaty, adopted to fill critical regulatory gaps, introduces mechanisms for access to MGRs and equitable benefit-sharing, aiming to redress these imbalances. Yet, disparities in scientific capacity, technological advancement, and maritime governance continue to challenge equitable participation, particularly for developing countries.

This paper critically analyzes the evolving international legal framework under UNCLOS and the BBNJ Agreement, focusing on India's strategic positioning as a rising maritime power and a key player in marine biotechnology. It explores India's nuanced balancing act between protecting sovereignty, advancing national interests, and embracing multilateral cooperation to promote sustainable use of marine biodiversity.

The study further examines India's engagement with capacity-building, technology transfer, and benefit-sharing provisions within the treaty, situating these efforts within larger global debates on ocean justice, equity, and environmental stewardship. By unpacking India's proactive role in shaping the BBNJ regime, this paper argues that India has significant potential to lead the transformation of ocean governance towards a more inclusive, rights-based framework that aligns with both its national priorities and global sustainability commitments.

Keywords: Marine Genetic Resources, Benefit-Sharing, BBNJ Treaty, India's Maritime Strategy, Ocean Governance, Sustainable Development.

Strengthening Maritime Commons: The BBNJ Agreement as a Pillar of UNCLOS for Marine Biodiversity Protection

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Abstract

The United Nations Convention on the Law of the Sea (UNCLOS), adopted in 1982, establishes the bedrock for international ocean governance by delineating zones such as territorial seas, exclusive economic zones (EEZs), and the high seas, which constitute about 64% of Earth's surface and sustain vast marine biodiversity.UNCLOS advocates for the conservation and sustainable utilization of marine resources via Part XII provisions, yet it provides no targeted frameworks for biodiversity in areas beyond national jurisdiction (ABNJ), including the high seas and the deep seabed "Area.This deficiency has heightened alarms regarding overfishing, habitat loss, and bioprospecting, endangering ecosystems worldwide and stalling Sustainable Development Goal 14 on life below water.

To rectify this, the Agreement under UNCLOS on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction (BBNJ Agreement), adopted on June 19, 2023, serves as a groundbreaking implementing treaty, the third following those on seabed mining and fish stocks. In harmony with UNCLOS's goal of cooperative ocean use, it centers on four pillars: (1) marine genetic resources (MGRs), guaranteeing equitable benefit-sharing from ABNJ-derived genetics, including digital sequence information; (2)

area-based management tools (ABMTs), such as marine protected areas (MPAs) to protect fragile habitats; (3) environmental impact assessments (EIAs) to scrutinize and alleviate activity impacts on biodiversity; and (4) capacity-building and marine technology transfer to aid developing nations' engagement.These elements promote global collaboration, tackling transversal matters like a Conference of the Parties, a clearing-house mechanism, and a dedicated funding system.The BBNJ Agreement operationalizes UNCLOS's environmental protections, fostering equity in managing global commons, and stems from two decades of talks launched by UN General Assembly Resolution 72/249 in 2017, concluding after five sessions despite geopolitical frictions.It enters force 120 days post-60th ratification, integrating with prior UNCLOS pacts amid ongoing ratification (September 2025) and synergies with bodies like the International Seabed Authority.

This research investigates the BBNJ Agreement's bolstering of UNCLOS, assessing its

efficacy in advancing biodiversity via fair mechanisms. Incorporating scientific studies, policy reviews, and cases on MGR sharing and MPA setup, it emphasizes the treaty's vital role in resilient ocean governance facing climate threats.The study also probes implementation obstacles, like reconciling navigation freedoms with conservation, financial equity between developed and developing states, and robust enforcement tools.Nonetheless, the BBNJ Agreement advances sustainable ocean stewardship and biodiversity safeguarding.

Ultimately,the BBNJ Agreement upholds UNCLOS principles, building an inclusive regime for ocean resources that overcomes historical divides.Affirming oceans as shared heritage, it upholds equity, ecological care, and long-term vitality.Its success relies on states' steadfast collaboration and faithful execution.

Keywords: Law of the Sea, BBNJ Treaty,Marine Biodiversity,Ocean Governance, Sustainable Development

The Governance of Marine Biodiversity Beyond National Jurisdiction: A Critical Analysis of The High Seas Treaty & India's Position

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Abstract

The 2023 High Seas Treaty, formally the Agreement on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction (BBNJ), adopted under the United Nations Convention on the Law of the Sea (UNCLOS), represents a significant step in global ocean governance. Encompassing two-thirds of the world's oceans, the high seas support 10 million undiscovered species and absorb 90% of excess heat, functioning as a critical carbon sink. However, UNCLOS's principles of freedom of the seas and common heritage have created gaps in biodiversity conservation, equitable sharing of marine genetic resources (MGRs), and environmental protections. These deficiencies intensify with deep-sea mining, overfishing (reducing stocks by 30% in some areas), and climate impacts, such as ocean acidification threatening 70-90% of coral reefs by 2050. This paper examines whether the Treaty effectively bridges these gaps, balancing state sovereignty, global stewardship, and sustainable development. Employing a doctrinal methodology, it analyzes Treaty texts, UNCLOS jurisprudence, and India's official submissions to assess legal innovations: fair MGR benefit-sharing, marine protected areas (MPAs) aiming for 30% coverage by 2030, environmental impact assessments (EIAs), technology transfer, and binding dispute resolution. Focusing on India, a 2024 signatory with a $100 billion blue economy target by 2030, the study explores New Delhi's advocacy for equity and environmental justice within its Indo-Pacific strategy. Although the Treaty, slated to enter force in 2026, offers transformative potential, its success depends on collaboration, innovative financing, and narrowing North-South divides. Structured in four

sections; legal advancements, India's strategic positioning, implementation challenges, and global implications, this research aims to enhance discourse on sustainable high seas governance.
Keywords: High Seas Treaty, marine biodiversity, India, UNCLOS, sustainable development

INTERNATIONAL HUMANITARIAN AND REFUGEE LAW

HARMONIZING NATIONAL SECURITY LAWS IN INDIA WITH THE CONTEMPORARY INTERNATIONAL ORDER

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Abstract

India's approach to counterterrorism today stands at an important crossroads. With the introduction of the Bhartiya Nyaya Sanhita (BNS), 2023 and the continuing operation of the Unlawful Activities (Prevention) Act (UAPA), 1967, the country now has two legal systems dealing with terrorism. While both aim to protect national security, their overlap raises key interpretational and constitutional questions. The main issue this paper explores is whether the broad definitions of "terrorist acts" under these laws respect India's commitments to international human rights standards, particularly under the International Covenant on Civil and Political Rights (ICCPR) and United Nations counterterrorism norms.

This research uses a doctrinal legal approach, relying on the interpretation of statutes, case laws, and constitutional provisions. It studies how courts have interpreted the powers of the government under the UAPA such as preventive detention, banning organizations, and reversing the burden of proof and whether these align with principles of fairness, equality, and personal liberty under Articles 14, 19, and 21 of the Constitution.

The paper suggests a rights-based interpretational model that maintains the necessary balance between national security and individual freedoms. It argues that harmonizing the BNS and UAPA through careful judicial interpretation, rather than simply adding overlapping laws, will strengthen both constitutional values and India's position in the contemporary international legal order.

Keywords: Counterterrorism Law, Legal Interpretation, Human Rights Compliance, BNS–UAPA Harmonization, International Legal Order.

Childhood in Fragments: Safeguarding the Right to Family Life for Refugee Children

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Abstract

When children are forced to flee their homes because of war, persecution, or environmental disasters, their childhood is deeply affected. Losing family bonds puts refugee children at great risk, not just of losing their home but of being separated from parents, facing neglect, and suffering emotional and psychological harm. The right to family life is crucial for children's development, safety, and well-being. International laws like the Convention on the Rights of the Child (CRC) clearly state that every child has the right to grow up with their family and receive care and protection. Other key agreements like the International

Covenant on Civil and Political Rights (ICCPR) and the Universal Declaration of Human Rights (UDHR) also protect family unity. Despite this, many refugee children face broken families and weak protection systems that fail to secure their rights. India provides an important example. While India hosts many refugees, it has no specific refugee law and has not signed the 1951 Refugee Convention. Refugee children in India often suffer because there is no clear legal protection for family unity in refugee policies. Although the Indian Constitution guarantees dignity and equality (Articles 14 and 21), it does not specifically protect the right of refugee children to live with their families. Because of this, refugee children face challenges in accessing education, healthcare, and being reunited with family members. This paper focuses on the right to family life as a fundamental child right within international human rights law. It uses legal analysis and comparison with other countries, drawing from international treaties, UNHCR guidelines, and courts like the European and Inter-American Human Rights Courts. Research from organizations like UNICEF and UNHCR also informs the study. The main argument urges India to create a child-focused refugee protection system that centers on keeping families together. Important reforms include formally recognizing family unity in refugee laws, aligning national laws with the CRC, and adopting international best practices that prioritize a child's right to family life. Protecting refugee children's right to family life is not just an act of kindness but a legal responsibility vital to ensuring they grow up with safety, love, and belonging despite displacement.

Keywords: Refugee children, Child rights, Family life, India, International law

Humanitarian Warrant for Evolution of State Sovereignty: Offerings from Indian Value System

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Abstract

Celebrated hypothesis of social contract presumes the instrumentality of state in realization of humanitarian goals in terms of security and certainty. Consequently, the early developments in international legal realm emphasized on the consolidation of state through inviolability of its sovereignty and establishing non-intervention as a governing principle taking centre stage in Westphalian paradigm. The fact that state is nothing but another instrument to subserve humanity slipped into oblivion and state sovereignty has become the indispensable monster to devour the fundamentals of human life. This research paper, titled "Humanitarian Warrant for Evolution of State Sovereignty: Offerings from Indian Value System," attempts to explore how humanitarian principles can redefine the core of international legal regime to make it more authentic and effective.

The research problem being addressed in the article encapsulates the conflict between state's right to sovereignty and its obligation to protect human dignity as conceived

universally and globally. This obligation transcends the individual territories to become a collective responsibility and compels the states to balance their rights and obligations harmoniously and hierarchically if the former strategy fails. Can the humanitarian values—engraved in India's classic civilizational repertoire—provide an enduring resort to this problem?

Methodologically, this primarily doctrinal discourse relies on analysis of fundamental cornerstones and other crucial milestones including the preamble of UN charter to various international instruments impregnating humanitarian concerns while setting out their journey. Values of Vasudhaiva Kutumbakam, Sangachhadhvam Sangadadhvam can offer an unwavering axiological foundation to reconcile the conflict between sovereignty and individuality, making the state truly utilitarian and humanitarian.

The paper argues that India's civilizational ethos implicitly supports a dynamic conception of sovereignty which in sharp contrast with static narcissism and ensuring a continuous transition from self-serving inertia to an unabated evolving universal compassion and deep humanitarian consciousness.

In its climax, the study proposes that integrating the humanitarian warrant—illuminated by Indian value system—into the global legal order can replace the effacing shield of exclusion with an all-inclusive wield to yield the fundamental goal behind its conception. State sovereignty identifying with duty rather than right, means rather than ends may well define the next evolution of international law and India's rightful place within it.

Keywords: State sovereignty, international legal order, humanitarian law, vasudhaiv kutumbakam, Indian value system.

International Humanitarian Law & Refugee Law: A Critical Analysis Of Indian Legal Framework

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Abstract

International humanitarian law and refugee law has become a point of contention these days due to the various cross border as well as internal turmoils. The war-like situations have caused a great chaos among the people internationally who then try to seek shelter in other nations, creating a predicament in the host countries particularly the vulnerable sections of society, like women, elderly people, and children face major challenges.

Through this research the author(s) are trying to interrogate the complex interplay between the International humanitarian law(IHL) and International refugee law (IRL) with a special focus on the Indian legal framework by incorporating the doctrinal method of study. While

being a home to numerous refugees from Myanmar, Bangladesh, Afghanistan etc, the India's non-ratification of the 1951 refugee convention and lack of domestic refugee laws has led to inadequate protection for refugees and asylum seekers which not only violates their International Human Rights but also the Constitutional Fundamental Rights enshrined under Art 14 & 21 available to everyone irrespective of their citizenship or nationality.

The study further analyses the judicial take on the continuous rejection of interim relief to stop deportation, particularly with respect to Rohingya Muslims, which raises serious concerns about the effectiveness of domestic remedies, and further goes against India's commitments to international obligations mentioned under ICCPR, CAT and UDHR and goes against India's historical commitment to the concept of Vasudhaiva Kutumbakam (the world is one).

Keywords:- International humanitarian law, Asylum seekers, International Human rights, Fundamental rights, Deportation.

Conjugal and Family Rights of Prisoners and Refugees in Detention: A Humanitarian Law Perspective

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Abstract

Conjugal and family rights of prisoners and refugees in detention are very important in today's humanitarian law discussions. When a person is sent to prison or kept in a detention camp as a refugee, their freedom is restricted. But this restriction does not mean that all their basic human rights, such as the right to family life, dignity, and personal relationships, should be taken away. International Humanitarian Law (IHL) and human rights laws like the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) clearly say that people in detention must still be treated with respect and humanity. For prisoners, conjugal and family rights mean meeting their families, communicating with them, and in some countries, being allowed private conjugal visits with spouses. These rights are linked to the prisoner's mental health, dignity, rehabilitation, and reintegration into society. For refugees in detention centers or camps, family unity is also a major concern. International refugee law, especially the 1951 Refugee Convention, protects the right of refugees to live with and stay connected to their families. Denying these rights harms their dignity, increases suffering, and goes against humanitarian principles. This paper looks at how different countries and legal systems deal with conjugal and family rights of prisoners and refugees. It also studies the gap between what international law promises and what actually happens in practice. The paper argues that protecting family life, even during detention, is not just a favor but a legal and moral

duty of states under international law. Respecting these rights supports human dignity, reduces mental stress, and helps in building peace and social stability.

Keywords: Conjugal Rights, Prisoners, Refugees, Family Life, Humanitarian Law

Striking A Balance Between Sovereignty And Human Rights Under International Law: A Curious Case Of India's Refugees Policy In The Contemporary Age

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Abstract: For many years, India has been the host of multiple refugee movements. People have traditionally valued bridging the gap between human rights and national security, which is founded on the concepts of justice, equity, dignity, and respect for one another. As the global refugee crisis persists, nations encounter increasing difficulties in tackling the humanitarian and geopolitical dimensions of forced displacement. Despite receiving an extraordinary amount of migration, India has not passed a national refugee statute or ratified any Refugee Convention. The study looks at how India, despite not having ratified the Convention, maintains both human rights and national security, two concepts that frequently conflict in international law and politics since they have a significant impact on countries worldwide. The usefulness of human rights and the degree to which they are incorporated into national legal and political systems are examined in this paper. Additionally, it contends that India's international human rights position may be strengthened by becoming a signatory to the 1951 Convention, but doing so would require strong domestic legal standards to strike a balance between international norms and national interests. For this purpose, a comprehensive assessment of India's refugee policy through sovereignty-human rights lens is required. This analytical study offers a comprehensive analysis of India's distinct position in tackling the problem of forced displacement, which adds to the larger conversation on refugee governance. The paper aims to clarify the delicate balancing act that defines India's approach to refugee management by looking at the points where humanitarian ideals and national objectives converge. The research methodology used in this study is doctrinal which will provide insight into India's approach to this problem and assesses how its refugee policy has changed over time.

Keywords: National Sovereignty, Human-Rights, International Law, Indian Law and Policy Refugee.

Citizenship Adjudication and the Production of Statelessness: Refugee Protection and International Law in India

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Abstract

This paper examines how India's legal and administrative processes construct belonging, with particular reference to those displaced or rendered stateless. The central question is how citizenship policy which is shaped in the absence of a dedicated refugee law and India's non-accession to the 1951 Refugee Convention, intersects with obligations under humanitarian and human rights law. This intersection has immediate implications for communities most vulnerable to exclusion.

The study adopts a doctrinal and comparative approach. It analyses constitutional provisions and judicial pronouncements of the Supreme Court and High Courts, alongside administrative determinations from Assam's Foreigners Tribunals and statutes such as the Citizenship Amendment Act. These are read together with empirical insights from civil society documentation, including the NLSIU–Parichay Unmaking Citizens project, in order to ground the legal analysis in lived realities. This combination demonstrates how law, as interpreted and applied, translates into persistent uncertainty in everyday life.

Three arguments are advanced. First, administrative procedures governing citizenship claims tend to privilege expediency over procedural fairness, creating errors that may culminate in de facto statelessness. Second, securitised approaches to migration and selective inclusion generate protection gaps that stand in tension with India's international commitments to non-refoulement, equality and dignity. Third, constitutional remedies, particularly those under Article 21 remain an underused yet significant safeguard in the absence of a statutory refugee framework.

The conclusion advocates for reforms that place rights at the centre of citizenship adjudication. This can be attained through procedural guarantees in tribunal processes, clearer mechanisms to prevent statelessness, and gender-sensitive protections that account for how exclusion disproportionately impacts women and children. Such reforms do not seek to undermine sovereignty, instead set out to reconcile domestic practice with humanitarian commitments and allow India to shape a more principled regional response, in alignment with customary international law.

Keywords: Refugee Law; Statelessness; Citizenship; International Humanitarian Law; Human Rights in India

Statelessness in the Context of Rohingyas

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Abstract

This paper offers a humane, holistic examination of the Rohingya's statelessness, tracing how centuries-long histories, discriminatory law, and violent campaigns combined to produce one of the world's largest and most vulnerable stateless populations. It synthesises historical narrative, domestic and international legal analysis, humanitarian reporting, and comparative case studies to show how Myanmar's 1982 Citizenship Law transformed social difference into legal exclusion and how that exclusion has been compounded by episodic mass violence and entrenched policy.

The work proceeds historically from pre-colonial and colonial patterns of settlements to post-independence acknowledgement, ending in the 1982 legal rupture and its waves of subsequent displacements, especially that of 2016–2017. By contrasting *de jure* and *de facto* statelessness, the paper clarifies that the Rohingya situation is rooted in a formal legal deprivation of nationality and consequently results in ongoing deprivation: restricted mobility, access to healthcare and education denied, inability to own property or travel, and generational birthright exclusion.

The paper compares Myanmar's domestic laws to international laws, like the UDHR, the 1954 and 1961 Statelessness Conventions, the Genocide Convention, and other human rights treaties. It reveals a large gap between that which ought to be and that which is. It examines how the world has responded: Bangladeshi relief efforts, restricted regional diplomacy, selective sanctions, and ongoing judicial proceedings in international courts. It asserts that relief is insufficient to replace restoration through law and recompense.

Comparative vignettes of additional long-standing stateless populations reveal both opportunities and risks associated with reintegration, legislative recognition, and receiving-state policies. On this basis, the paper proposes a multi-layered solution: short-term measures to prevent deaths and document births; medium-term adjustments of Myanmar law to revive citizenship and render nationality proceedings transparent; and long-term efforts from the international community, including inducements to accession to treaties, diplomatic action, additional resettlement and legal recourse, and means of holding people to account. The paper holds that ending Rohingya statelessness goes beyond administrative acts; it requires political will, legislative action, and long-term humanitarian commitment to make the right to nationality a reality. Statelessness will persist as a source of trauma to generations to come, and will remain a challenge to the international community to adhere to human rights and to justice and will call for accountability if such concerted action is not emplaced.

Keywords: Rohingya; statelessness; 1982 Citizenship Law; international law; humanitarian protection.

Weaponising The Law: Evaluating the Efficacy of the Geneva Convention and The Evolving Indian Legislative Mechanism on Refugees

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Abstract

On August 15th, 2025, the Prime Minister of India announced the need to implement 'Demography Mission'. The mission's proposed focus is to identify and remove infiltrators from among the refugees. Immediately thereafter, the Government of India passed the Immigration and Foreigners Act, on September 10, 2025. India has historically been on the fence regarding aligning with the Geneva Convention and its subsequent Protocols. Although the government of India had enacted the Geneva Convention Act, 1960, a symbolic document to show solidarity with the Geneva Convention, an individual person (read, a refugee or a civilian) was not empowered under the Act to go to a court to seek remedy. Those powers, under the 1960 Act, were only vested in the Government or an officer of the government. Now, with the latest Immigration and Foreigners Act, 2025, the State has granted Immigration Officers sweeping powers to make final and binding decision on the matters of identifying, detaining and deporting foreign nationals. Section 26 of the Act grants power to an officer of the rank of Head Constable or above to arrest a person against whom *reasonable suspicion* exists. The Government of India, however, claims that the Act is being enacted to avoid multiplicity and overlapping of laws on the same or related subject and to bring about simplification of laws.

In his paper, the authors will analyse the objectives of the Union of India behind enacting the Immigration and Foreigners Act, 2025, its impact on aligning with the Geneva Convention and its Protocols, and whether India has deviated from the Convention's core principles. Alternatively, it will examine whether India is justified in responding to its ever-shrinking resources and global threats through this enactment. Furthermore, this paper will endeavour to examine whether the International Humanitarian Law and Refugee Law, originally created for internal or external armed conflicts, are sufficient to address situations where nations weaponise their own laws and thereby potentially create refugee crises.

Keywords: Demography Mission, Immigration and Foreigners Act 2025, Geneva Convention 1949, Civilian, Refugee

EMERGING TECHNOLOGIES AND INTERNATIONAL LEGAL CHALLENGES

India and the Global Quest for Responsible AI Governance

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Abstract

Artificial Intelligence (AI) is transforming economies, governance, and social interactions at a pace comparable to historic industrial revolutions, raising critical concerns about accountability, fairness, and human rights. Thought leaders like Nobel laureate Geoffrey Hinton highlight existential risks associated with superintelligent AI, urging urgent government actions, international cooperation, and greater corporate responsibility to mitigate potential harms. Simultaneously, AI pioneer Fei-Fei Li advocates for a human-centered AI governance approach emphasizing transparency, equity, scientific rigor, and interdisciplinary regulation, calling for interoperable policies that empower diverse stakeholders and comprehensively address societal impacts. For India, these issues are especially pressing. Despite rapid digital growth, India ranks 72nd on the global AI Preparedness Index and lacks a comprehensive legal framework for AI regulation, leaving critical gaps in data protection, transparency, and algorithmic accountability. Addressing these deficiencies is essential not only for alignment with global norms but also to ensure AI development upholds constitutional values, fosters inclusive growth, and protects citizens' rights.

This paper employs doctrinal and comparative analysis to examine India's AI policies in relation to leading frameworks such as UNESCO's AI Ethics Recommendation and WIPO guidelines. It offers a harmonized policy framework tailored to India's socio-legal context, bridging domestic gaps with international governance standards. The primary contribution lies in actionable recommendations to strengthen India's AI governance ecosystem, balancing innovation with accountability, enhancing transparency, and promoting socially inclusive, sustainable AI development. This research aims to inform policymakers and stakeholders on advancing responsible AI governance amid rapid technological change.

Examining Legal Accountability Frameworks for AI

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Abstract

From AI-powered diagnostic tools in hospitals to autonomous drones in military operations, Artificial Intelligence is rapidly shaping decisions that affect millions of lives every day. Imagine a medical AI misdiagnosing a patient due to faulty training data, or a semi-autonomous weapon acting unpredictably on the battlefield — who is held accountable when such high-risk technologies fail?

This paper explores how India, the European Union (EU), and the United States (US) address the legal accountability of AI systems, particularly in public health and military applications, where the consequences of errors or misuse can be catastrophic. Instead of relying on statistics or coding frameworks, this study uses a qualitative comparative approach to examine laws, policy documents, ethical guidelines, and case studies.

Through a detailed review of legislative texts (such as the EU AI Act, US Executive Orders, and India's evolving AI strategy), court decisions, and international instruments like the OECD AI Principles and UNESCO Recommendation on AI Ethics, the paper identifies common legal gaps and unique regulatory approaches. It highlights how the EU has adopted a more structured regulatory path, the US follows a sector-based approach, and India is at a formative stage, relying heavily on ethical guidelines rather than binding rules.

The paper concludes by proposing a layered accountability framework that blends legal responsibility, ethical oversight, and international cooperation to address the fast-evolving challenges of AI in these critical sectors.

E- WASTE MANAGEMENT: A STEP TOWARDS A SUSTAINABLE DIGITAL FUTURE

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Abstract

The rapid pace of the use of digital technologies resulted in the rapid growth of electronic waste and it has become one of the most urgent environmental and regulatory challenges of the 21st century. The article aims to analyse the normative and legal provisions with regard to e-waste in the context of Indian and international environmental law. The main research question is the insufficiency of the current legal framework and the mandate of international conventions that seek to control transboundary flows of hazardous electronic waste, especially between the developed and the developing countries. This paper examines common e waste disposal methods and various legal principles that are entrenched in the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, and the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movements and Management of Hazardous Wastes within Africa, and the various E-waste Management Rules using a doctrinal research approach. The research design is a systematic review of treaties, interpretative tools, as well as applicable case laws to evaluate the enforcement processes, and normative development of international e-waste regulation. Scholarly articles, United Nations Environment Programme (UNEP) reports, and policy papers which fill gaps in compliance and implementation will also be reviewed. The Basel Convention, though globally applicable, its operation is undermined by the ambiguity of the aspects associated with the definition of

used electronics as second-hand goods, which allows formal dumping in developing nations. The Bamako Convention, albeit in a regional approach, is treated as a progressive legal tool that supplements the Basel framework by its stricter ban on the imports of hazardous waste into Africa. It is proposed in the paper that there should be a way of harmonizing these legal regimes to a broader paradigm of the circular economy, which focuses on producer responsibility, long life cycles of products, and the creation of green digital infrastructure. The paper concludes that there is need to have a legally consistent international system which is backed by binding obligations and cooperation to promote sustainable and fair digital revolution.
Keywords: E-waste, Environmental Sustainability, Basel Convention, Bamako Convention, SDGs.

Digital Privacy and Child Sextortion in India: Legal Challenges and the Role of Social Media Platforms

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Abstract

The rapid expansion of digital communication technologies has revolutionized the way individuals connect, communicate, and build communities across borders. Social media platforms have become spaces for expression, inclusion, and information exchange. However, alongside these benefits lies a pressing challenge; child sextortion, where perpetrators coerce minors into producing explicit content and threaten exposure if they resist. This form of online exploitation has severe emotional, psychological, and social consequences, especially for vulnerable children who often lack the awareness or digital literacy to recognize such dangers.

The research problem addressed in this study concerns the tension between the right to digital privacy and the urgent need to protect children from online sexual exploitation. It examines whether existing laws and platform regulations adequately safeguard minors from sextortion and how privacy frameworks can coexist with stronger child protection mechanisms.

The methodology adopted includes a doctrinal analysis of statutory provisions, judicial decisions, and policy documents in India, along with a comparative examination of international instruments such as the UN Convention on the Rights of the Child and the Budapest Convention on Cybercrime. The study also reviews platform policies and enforcement mechanisms to evaluate compliance and identify regulatory gaps.

The key arguments advanced highlight that while Indian laws such as the Information Technology Act, the Protection of Children from Sexual Offences (POCSO) Act, and the Digital Personal Data Protection Act, provide a foundational legal framework, they fall short in enforcement, accountability of social media intermediaries, and coordination in cross-border investigations.

The paper concludes by proposing reforms such as stronger compliance obligations for digital platforms, mandatory digital literacy initiatives for minors, and enhanced international cooperation in investigating and prosecuting sextortion cases. By bridging the domains of digital privacy, child safety, and international legal obligations, this study contributes to the evolving discourse on safeguarding vulnerable users in the online ecosystem and offers actionable recommendations for policymakers, regulators, and technology stakeholders.

Keywords: digital privacy, sextortion, child, cybercrime, social media

Balancing Digital Sovereignty and Global Commerce: India's Data Privacy Act and the Future of Cross-Border Data Transfers

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Abstract

This paper analyses India's Digital Personal Data Protection Act, 2023 (DPDP Act), primarily looking at its impact on how data travels across borders, and India's place in the international legal order at the present. India's data governance impacts commerce, and international digital commerce, and India is an important part of the global economy. This paper considers the DPDP Act's provisions relating to the export of data to other countries. It contrasts India’s more protective data regulations with the European Union’s General Data Protection Regulation and with more market-driven data regulations of other countries. It examines the tension between India’s ambition for digital sovereignty, or governance over data within its borders, International Legal Order and the need for unencumbered data flow to maintain global commerce. This paper further outlines the Digital Personal Data Protection (DPDP) Act's potential role as exemplifying data protection legislation in South Asia and developing countries. It shows the extent and the way in which the emphasis on fiduciary accountability and significant fiduciaries is in line with or differs from the global standards on data protections. In particular, it attempts to address the proposed certification mechanisms in relation to cross-border data transfers and the potential to develop trust in the geopolitical arena concerning data localization, surveillance, and risk. The paper further attempts to address the legal fragmentation to provide the practical regulatory alignment necessary to reconcile national data protection

legislation and the desire for a rule-governed global digital economy in financially integrated markets. The paper would compare laws around different countries around the globe to analyze the DPDP Act's provisions to different multinational cooperations around the globe Lastly, the study asserts that India can lead the world in the application of the DPDP Act in the ethical use of data while claiming its position as a global digital economy leader, all the while meeting its own intrinsic values and external commitments.

Keywords:- International Legal Order, DPDP Act, Data Privacy, Cross Border Data Transfer and Digital Sovereignty.

Grey Zone Warfare: An In-Depth Legal Analysis Through The Lens Of Doctrine Of Premptive Self- Defence In International Law

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Abstract

Grey zone warfare in the present age depicts a highly strategic and planned spectrum that exists in the grey area between peace and wars. It often suffuses over ambiguity, deniability and use of unconventional tactics in the cyberattacks, disinformation campaigns, proxy forces and economics coercion. Since this warfare falls below the ambit of an armed warfare, they pose a significant challenge to the doctrine of pre-emptive self-defence and its legal implications under Article 51 of the United Nations charter. The paper conducts and in-depth legal analysis on the grey zone warfare and understanding it through the lens of doctrine of pre-emptive self-defence and its customary practices. The paper outlines when and under what conditions the grey zone warfare may trigger the doctrine of self defence and it critically examines the connotations of 'armed attack', 'imminent threat', 'necessity' and 'proportionality' in the context of non- traditional threats. The paper highlights various cyber operations, state-sponsored proxy violence, and hybrid tactics that deliberately blur the line between aggression and lawful statecraft. It evaluates relevant jurisprudence from scholarly interpretations, state practice, International Court of Justice and International Criminal Court seeking to establish a framework as to when can pre-emptive self defence can be invoked with respect to grey zone warfare. Conclusively the research comprehends that while the current legal regime offers a slender and bounded but evolving pathways for recognizing certain grey zone acts as triggering pre-emptive self-defence rights, there is still need for doctrinal clarity and normative development. Without such refinement, it would pose a threat to international stability and the rule of law. The paper also aims to assess the legal abuse that may arise from over expansive and vague interpretations of doctrine of pre-emptive self defence. The study concludes by proposing a set of legal

criteria and policy recommendations aimed at enhancing the legitimacy and efficacy of state responses to grey zone threats within the existing international legal order.

Key words: Grey zone warfare, pre-emptive self defence, cyber operations, international legal order, legal criteria

Space Technologies And Militarisation Of Outer Space: Legal Challenges And India's Strategic Role

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Abstract

With space technologies advancing at an unprecedented pace, outer space is no longer just a frontier for scientific exploration it has rapidly become a critical domain for communication, surveillance, navigation, and national security. This growing dependence has brought outer space into the spotlight of global geopolitical and legal discussions. What was once seen as a neutral, cooperative realm is now facing increasing risks of militarisation.

This paper takes a closer look at the legal challenges surrounding the militarisation of outer space and assesses India's evolving role in this landscape. The primary legal framework that governs space activities is the Outer Space Treaty of 1967, which prohibits the placement of weapons of mass destruction in orbit and emphasizes the peaceful use of outer space. However, it leaves major gaps particularly in addressing conventional weapons, dual-use technologies, and anti-satellite (ASAT) weapons.

These grey areas have become more prominent with recent developments, including India's Mission Shakti in 2019, where it successfully tested its ASAT capability. While this marked a significant milestone in India's strategic capabilities, it also raised questions about how such actions fit within the current legal regime.

India, while committed to peaceful space exploration, has also taken steps to secure its assets, such as establishing the Defence Space Agency (2019) and enhancing its satellite-based intelligence systems. At the same time, India continues to support global efforts to prevent an arms race in outer space, notably through backing proposals like the Prevention of an Arms Race in Outer Space (PAROS) initiative at the United Nations.

This paper also examines the shortcomings of treaties like the 1979 Moon Agreement, which remains largely ineffective due to minimal international support. It argues for the urgent need to develop a comprehensive and binding legal framework that addresses the realities of space militarisation and emerging technologies. Finally, it highlights India's potential to play a bridging role between developed and developing countries in shaping future space norms that uphold both national security and the peaceful use of outer space.

Keywords: Space Law, Militarisation of Outer Space, India's Strategic Interests

Impact of Digital Platform Dominance on Consumer Choice and Market Contestability and the Need to Counter the Adversities

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Abstract

Digital markets comprise technology-driven business activities that facilitate innovation, cross-border trade, and consumer choice through online platforms such as marketplaces, search engines, social media, operating systems, and cloud services. These platforms often create interconnected ecosystems leveraging economies of scale, network effects, and data-driven intermediation. Despite their efficiencies, digital markets raise major competition challenges including market concentration, entry barriers, abuse of dominance, and unfair practices by large "gatekeeper" platforms. Such dominance has led to dependency of businesses, limited contestability, and risks of digital monopolies[1]. Globally, regulators are responding with laws like the EU's Digital Markets Act and emerging Digital Competition frameworks in nations such as India to ensure fairness, transparency, and innovation. However, many jurisdictions, including India, remain in early stages of developing digital competition policies. This research explores sustainable competition in digital markets by examining cross-jurisdictional approaches, enforcement challenges, and policy innovations aimed at balancing efficiency, innovation, and consumer welfare in the evolving digital economy.

The research methodology to be adopted will be doctrinal in nature. The researcher will analyze the distinguished features of Digital markets that facilitate market efficiencies and consumer benefit but also allow digital intermediaries to distort the competition in the market and create barriers. The researcher will also analyze the provisions of the existing and proposed regulatory framework with respect to competition in Digital Market viz. Foreign and Indian Statutes, case laws as well as the secondary sources such as books, study reports, articles, commentaries (both printed and in electronic form). There would be some amount of data collection needed to support the research for which various data collection methods may be resorted. There are certain other foreign jurisdictions such as the European Union and Australia which the researcher will take into consideration in order to draw a comparative analysis of those provisions with their Indian counterparts.

The research methods such as descriptive, analytical and diagnostic may be resorted to provide depth to the research.

In the contemporary times the companies that hold a substantial market power has a tendency of capturing the market and distort the market forces which sustain the competition. Therefore, these tendencies need to be regulated by the competition regulations and the legislation pertaining to the same are being enforced with efficiency. But the situation is not same when it comes to the regulations governing in domain of digital markets. Although the use of technology in selling goods and services is not new but it has taken a front seat in last few years. The evolution of online business has forced the regulatory authorities to pay heed to the competition legal mechanism in the digital markets so that there is no adverse impact on market forces. The competition regulations in digital markets around the world are at a very nascent stage and are evolving with every passing day. The jurisdictions around the world are resorting to various new policies that may regulate anti-competitive practices in digital markets. In India, the legislations relating to the aforesaid issues have not attained a substantial recognition. Therefore, it becomes pertinent to analyze the enactments in other countries so that the situation in India can be changed and better enactments, regulations suiting the Indian legal system may be introduced.

Keywords: Digital Market, Anti-competitive, Competition, Dominance, Efficiency

Reconciling Digital Sovereignty with Global Data Flow: India's Leadership in International Data Governance

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Abstract

With the rise of a technologically driven world, the cross-border data flow outweighs the transnational movement of goods and services. The data flow across the borders has enabled the development of the economy and standardization of living conditions, mostly in the developing countries. However, the free movement of data across borders does not come without challenges, especially w.r.t digital sovereignty. In light of the same, the author, through this paper, intends to examine the Digital Data Protection laws in India and their international implications with a special focus on the DPDP Act 2023. The major gap lies in the inadequate comparative study of Indian laws on cross-border data protection and international laws like GDPR.

To address the same, the paper adopts a qualitative doctrinal methodology, augmented by comparative case studies. The author will in-depth analyse the key provisions of the DPDP Act, including data localization mandates and conditional transfer mechanisms, and will

establish a parallel examination of the EU's adequacy decision process and the US-India data framework, highlighting both areas of convergence and critical divergences. Through the comparative analysis of the legal frameworks across the world, the author intends to present a balanced model to reconcile digital sovereignty with data mobility using standardized treaty clauses and model texts to create legal frameworks that will enable and safeguard the international transfer of data through secure channels. Through this roadmap, the research advances a more equitable, inclusive, and innovative international legal order in the digital age.
Keywords: Digital Data, Cross Border, Transnational, Secure Channels, GDPR

AI and Right to Privacy: International Legal Challenges in Regulating Surveillance and Data Processing

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Abstract

The rapid proliferation of Artificial Intelligence (AI) technologies has revolutionized governance, security, and commerce worldwide, yet it has simultaneously triggered a critical privacy crisis in the digital era. The *right to privacy*, a fundamental human right guaranteed under Article 12 of the UDHR and Article 17 of the ICCPR, is increasingly threatened by AI-driven surveillance systems, predictive policing, biometric identification, and algorithmic profiling. The research problem explored in this paper concerns the inadequacy of existing national and international legal frameworks to regulate AI-based data processing and surveillance while maintaining a balance between state security interests and individual rights to privacy and dignity.

Adopting a doctrinal and comparative research methodology, this study examines major international human rights instruments, regional data protection regimes and judicial developments in landmark cases, including *Justice K.S. Puttaswamy (Retd.) v. Union of India* (2017) and *Big Brother Watch v. United Kingdom* (2021). It further explores the role of soft-law frameworks to understand how ethical AI governance can strengthen binding human rights obligations. The paper argues that current legal regimes are fragmented and display jurisdictional asymmetry in addressing AI's role in surveillance and data processing. The study concludes by advocating the development of an AI-specific international human rights framework, anchored in ethical governance, transparency, and accountability. It recommends the establishment of International AI Governance Treaty incorporating privacy-by-design principles, human rights impact assessments, and enforceable obligations of explainability and meaningful consent to align technological progress with human dignity and autonomy.

Keywords: Artificial Intelligence, Right to Privacy, Surveillance, Data Protection, Human Rights.

Mapping Global AI-IPR Governance: Comparative Insights from EU AI Act and IPRLaw in India

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Abstract

Recent advancements in the Artificial Intelligence (AI) have a transformative impact on intellectual creativity, and it calls for a re-evaluation of the traditional intellectual property paradigms and the conventional notions of authorship, inventorship, and ownership. Enormous disparities persist regarding the AI-IPR governance across jurisdictions. Significant insights into the global governance of AI-IPR can be gained from a comparative study of European Union (EU) AI Act, 2024 and India's IP laws and regulations.

On one hand, the EU has operationalized AI governance by requiring transparency, rights-reservation, and provisions for text and data mining through the EU AI Act (2024) and Digital Single Market (DSM) Directive (2019/790). Even in USA (Thaler v. Perlmutter, D.C. 2024), a human-centric approach can be seen, as AI is not recognized as an author. India briefly granted a copyright registration for an artistic work co-authored by the AI model 'Raghav', but later withdrew it pursuant to sections 2(d)(iii) and 2(d)(vi) of the Copyright Act, which reserve authorship for natural persons or those who cause the work to be made. Despite these limitations, India's participation in the Global Partnership on AI (GPAI) demonstrates its growing impact in developing ethical, adaptive frameworks for AI–IPR governance at the international level.

This study adopts a critical comparative approach, systematically analyzing primary legal sources and policies including reports from the WIPO Standing Committee on the Law of Patents, UN resolutions (Res. 78/265), a clause-by-clause analysis of the EU AI Act and DSM Directive (2024), Indian statutes including Copyright Act (1957), Patents Act (1970), and relevant judicial decisions. Supplementary analysis draws from GPAI communiqués to put India's international engagement into context.

It also covers the relevant international, national and regional legal positions by highlighting the gaps in AI-IPR regulation and governance and examines indicators indicators such as patent filings, higher education, levels of digital-literacy, the digital-divide, and patterns in citations. The paper also proposes pathways for India to achieve globally harmonized AI–IPR regulation by leveraging its roles in GPAI and WIPO,

and promoting education and adaptive legal reforms for equitable, innovation-driven governance.

Keywords : Artificial Intelligence (AI), Intellectual Property Rights (IPR), EU (European Union) AI Act 2024, WIPO (World Intellectual Property Organization), Governance

Algorithms of Memory: Integrating Artificial Intelligence and Traditional Knowledge

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Abstract

India comprises of 104 million indigenous people out of the 476 million people across 90 countries and amongst this population 706 indigenous groups have been recognized as scheduled tribes under the Indian constitution. India has an unparalleled reservoir of traditional knowledge in domains such as agriculture, medicine, cultural practices, biodiversity, etc. Swadeshi (self-reliance) a concept which has been in existence from pre independence days and has again gained traction. Knowledge is not a static entity; it evolves in leaps and bounds. However, technological development should not be at the expense of traditional knowledge.

Artificial Intelligence (AI) has permeated so deep into our modern-day life that sometimes even the future of humans is questioned. "AI will not replace humans, but those who use AI will replace those who don't". Artificial Intelligence is not a substitute to human intelligence, but rather a catalyst for those who want to create a synergy with knowledge. Internationally, there are states which are technologically advanced, and AI is integrating into their society at a rapid speed. AI has a bad reputation for misappropriating traditional knowledge, true to an extent due to the lack of protection and ethical guidelines that are available. It can also be used to protect it by offering various tools for documentation and preservation, monitoring and prediction, and innovative applications. The cultural wealth that India possesses can be used to create a regime where there is community rights available, equitable benefit sharing and innovation. AI can be a safeguard and an enabler for Traditional knowledge to be used in various sectors across the states. India has the potential to create a path for the World to showcase how tradition and technology can contribute to a just and inclusive legal order.

Keywords: Artificial Intelligence, Traditional Knowledge, Swadeshi, Community rights, IPR.

Between Treaties and Technology: India's Role in Reimagining Space Governance

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Abstract

The legal framework governing outer space is undergoing significant transformation in the twenty-first century. Although the foundational treaties continue to provide the normative baseline, they are increasingly complemented and in certain respects challenged by national legislation, technical standards, and private regulatory practices. The resulting order is characterized by pluralism and fragmentation, as norms now emerge from multiple institutional and normative sources rather than a centralized system. This diversification facilitates innovation and responsiveness, yet it simultaneously raises questions of coherence, legitimacy, and effective accountability.

Within this evolving landscape, the paper focusses on India's role as an emerging spacefaring power. It examines the normative developments that have reformed space law, highlighting the reinterpretation of existing treaties, the proactive law making of states, and the growing influence of private actors in shaping operational standards. At the domestic level, the analysis turns to India's policy framework, identifying persisting gaps in areas such as licensing regimes, liability allocation, insurance mechanisms, and the management of orbital debris. The analysis highlights how India's current regulatory instruments, while promising, remain fragmented and lack the comprehensive statutory backing required to address emerging commercial and security challenges.

Comparative insights are drawn from the practices of other jurisdictions that have already begun to regulate commercial resource extraction, space traffic management, and mega-constellations. These examples reveal the urgency for India to act proactively rather than reactively. At the international level, ongoing debates around equitable access, sustainability, and resource governance offer India both opportunities and responsibilities. Positioned between developed and developing states, India has the potential to serve as a bridge-builder, promoting inclusive governance while safeguarding its own strategic and commercial interests.

The study advances three core arguments. First, India should enact a consolidated national space law that harmonizes treaty obligations with domestic needs while providing flexibility for private sector participation. Second, investment in space traffic management and debris mitigation mechanisms is essential to ensure long term sustainability. Third, India's diplomatic engagement should aim at shaping norms that balance innovation with equity, thereby strengthening the legitimacy of space governance in an era of fragmentation.

By integrating doctrinal analysis with policy recommendations, the paper contributes both to academic debate and to India's practical roadmap for responsible and forward-looking participation in outer space activities.

Keywords: Space governance, Emerging technologies, Pluralism, Space traffic management, India

AI-Driven Digital Platforms and International Legal Challenges: India's Strategic Role in Shaping Global Tech Governance

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Abstract

AI-driven digital platforms are reshaping the global legal order by transcending territorial boundaries and disrupting traditional frameworks of sovereignty, accountability, and regulation. As the largest democracy and a rapidly expanding digital economy, India holds a distinctive strategic position to influence the trajectory of global technology governance.

The borderless operations of such platforms generate acute legal uncertainty, especially where national data protection laws collide with extraterritorial corporate practices. Weak international enforcement and persistent regulatory arbitrage undermine states' ability to exercise digital sovereignty, while the absence of harmonized global standards for AI ethics and accountability risks deepening economic fragmentation and weakening democratic safeguards.

Methodologically, this study employs a doctrinal, comparative, and analytical legal approach, drawing on international treaties, UN and G20 frameworks, and India's Digital Personal Data Protection Act (2023). Comparative analysis of the European Union's rights-based extraterritorialism, the United States' innovation-driven sectoral model, and China's security-focused centralization highlights India's emerging alternative: a governance model that balances democratic rights, security, and economic innovation.

The research identifies key international legal gaps in data governance, algorithmic transparency, cross-border intellectual property, and digital competition law. Existing voluntary standards fail to provide effective remedies against extraterritorial AI risks, necessitating binding global frameworks. India's Digital Public Infrastructure, grounded in accountability and user empowerment, offers a unique normative approach rooted in the ethos of Vasudhaiva Kutumbakam ("The World Is One Family").

India's normative potential is evident in its G20 presidency, where it advanced human-centric AI principles and amplified Global South concerns. At the WTO, India can safeguard regulatory space while promoting fair digital trade, and at the UN, it can lead calls for binding treaty-based standards on algorithmic accountability.

The study concludes that India's democratic and developmental approach represents the most viable pathway for harmonizing international legal responses to AI-driven platforms. Concrete policy recommendations include establishing a Global South Digital Alliance for

equitable data governance, negotiating a UN Treaty on Algorithmic Accountability, and creating a domestic Digital Enforcement and Cooperation Authority. Collectively, these measures would position India as a catalyst for cooperative, democratic multilateralism in global tech governance.

Keywords: AI governance, digital platforms, international law, India, digital sovereignty

Climate Proofing Nuclear Legacy: Legal Obligations for Decommissioning Finance and Site Resilience against Environmental Change

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Abstract

The global push for nuclear energy to mitigate climate change creates a paradoxical long-term safety challenge on how to protect nuclear legacy sites from the very climate impacts that the energy is meant to curb. Current national and international financial assurance regimes for decommissioning (IAEA standards, national funds) are primarily designed to cover internal technical costs and operational risks over a short-to-medium-term horizon (20–30 years). They fail to adequately anticipate or fund the massive, multi-century costs required to "climate-proof" these sites against sea-level rise, extreme flooding, coastal erosion, and permafrost thaw.

The central thesis of this paper is that the conventional legal and financial architecture of nuclear decommissioning is critically vulnerable to the escalating, dynamic, and exogenous risks introduced by climate change. As the Anthropocene reshapes the physical environment, manifesting in phenomena such as rapid sea-level rise, increased frequency of extreme flooding, accelerated coastal erosion, and permafrost thawing, the security and stability of these legacy sites are fundamentally compromised. A coastal power plant, safely shuttered and awaiting final dismantlement under 20th-century regulatory mandates, now faces an existential threat from 21st-century storm surges and permanent inundation. This convergence highlights a critical shortfall: decommissioning costs and financial assurance instruments have consistently failed to account for the necessary investment in perpetual climate-proofing. The result is a profound solvency and liability gap.

The traditional application of the "Polluter Pays Principle" is insufficient for intergenerational climate risk management. The research identifies a legal and financial solvency gap, where the inevitable, long-term costs of climate adaptation for nuclear legacy sites will likely be borne by the taxpayer, thereby undermining the principles of intergenerational equity. By analysing the convergence of Nuclear Law with principles of International Environmental Law (IEL), the paper argues for the legal necessity of reforming financial assurance models. It advocates for the mandatory integration of

site-specific climate-risk modelling into decommissioning cost estimates, requiring operators to pre-fund a separate, perpetually managed Climate Resilience Reserve.
Keywords: Climate Proofing, Nuclear Decommissioning, Nuclear Energy Law, Polluter Pays Principle, International Environmental Law.

The Regulatory Recipe: Harmonizing India's Food Laws for Cellular Agriculture and 3D Food Printing

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Abstract

The arrival of cell-based agriculture and 3D food printing marks a transformation in the global food system that is more sustainable, gives more flexibility and improves food security. Yet, in developing economies like India, these technologies bring challenges for traditional food safety or regulatory systems. This paper examines the institutional and legal lacunae in India's food regulatory system with respect to lab-grown meat manufacturing
and added-food manufacturing, and puts forward a coordinated path that accords with international standards.

Lack of explicit legal provisions in the Food Safety and Standards Act 2006, combined with the narrow scope of FSSAI regulations on embedding novel food technologies, is at the core of this research. Singapore and the European Union are transitioning into laws novel food rules, while India remains reactive and fragmented. This research applies a comparative legal approach to examine Codex Alimentarius guidelines, the EU Novel Food Regulations, and the U.S. FDA stance on cell agriculture. It also includes interviews with stakeholders and analyses of policy in order to assess India's situation and identify potential regulatory problems.

Key discussions highlight the urgent need for a novel legal classification known as Tech-Processed Foods. This classification would address safety protocols, labelling standards, intellectual property protections, and moral considerations. The article suggests a multi-layered regulatory system that includes approval before products are sold, observation after products are sold, and compliance with international commerce rules. It further recommends collaboration between government and private entities, along with improving the skills of those who enforce regulations.

To summarize, India has arrived at a crucial moment where advancements in law must align with advancements in technology. Creating a regulatory formula grounded in science that is consistent with internal administration is extremely important, and it will also be important to establish India as a global leader in food technology diplomacy. This article

offers realistic advice to bridge the divide between legal and technical aspects, as well as to foster ethical advancement in the food sector.

Keywords : Cellular Agriculture, 3D Food Printing, Law on Food Safety, Harmonization of Regulations, Novel Foods

From Layers To Schrödinger: Sovereignty In Cyberspace And India's Emerging Legal Position

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Abstract

Today, digital signals traverse borders faster than diplomats can respond, cyberspace dismantles traditional sovereignty compelling states to rethink the rules that define their influence. For India—with its booming digital economy, youthful demographic, and strategic stakes in critical infrastructure—clarifying cyber-sovereignty is not merely theoretical; it is a national imperative.

This paper examines competing conceptualizations of sovereignty in cyberspace, including Roguski's *Layered Sovereignty*, Cornish's *Schrödinger's Sovereignty*, the Westphalian territorial model, the effects doctrine, airspace and outer space analogies, the res communis/global commons approach, functional/layered governance models, and human rights-centric frameworks. Using textual and comparative analysis, each framework is evaluated for clarity, transposability, and practical utility, juxtaposed with state practice, international law principles, and policy debates. The study identifies a significant research gap in India-focused scholarship, where the country's evolving cyber policies and multilateral engagement have not been systematically analysed in light of these theoretical debates.

Findings reveal that India follows a pragmatic, layered approach: asserting sovereignty over critical infrastructure and sensitive data, promoting innovation, and engaging selectively in global norm-setting. The paper contributes to international legal theory by situating India's emerging cyber-sovereignty model within global debates, bridging doctrinal critique with policy relevance. Recommendations include formalizing a balanced cyber-sovereignty doctrine anchored in legal thresholds, due diligence principles, and Global South cooperation—safeguarding national security while fostering economic and technological growth. By moving beyond seductive analogies, India can assert leadership in shaping a secure, equitable, and innovation-friendly digital future.

Keywords: Cyberspace sovereignty, Layered governance, Quantum sovereignty, India digital policy, International law.

Harmonizing Legal Certainty for Smart Contracts in International Trade: A Framework for India's Integration into Global Digital Commerce

By

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Abstract

With a substantial advancement of technology driven transactions smart contracts were introduced as instrument ensuring efficiency in international commercial transactions and simultaneously ensuring cost effectiveness of the cross border transactions. However, the smart contracts which have incorporated a decentralized nature of block chain technology and autonomous execution capabilities don't come without challenges associated with them. It has brought to surface various legal challenges concerning their enforceability, jurisdictional authority and regulatory compliance across the global legal systems. In the light of such unprecedented challenges, the authors through this research wish to address the critical gap in international trade law thereby examining how legal certainty for smart contracts can be enhanced through harmonizing conflict of law rules and establishing a standardized framework which could be adopted across the countries ensuring the uniformity in the application of law.

This study employs a mixed-methodology approach combining doctrinal legal analysis with comparative jurisprudential examination. The research systematically analyses existing legal and judicial frameworks across major trading jurisdictions, including the European Union, United States, Singapore, and India, while evaluating the applicability of international instruments such as the UN Convention on Contracts for the International Sale of Goods (CISG) and the recently adopted UNCITRAL Model Law on Automated Contracting.

The authors intend to propose a tripartite framework for enhancing legal certainty: *first*, development of standardized choice-of-law provisions specifically designed for smart contracts; *second,* establishment of specialized arbitration mechanisms with technical expertise in blockchain technology; and *third,* creation of mutual recognition agreements among trading partners to ensure cross-border enforceability. The research demonstrates

how a successful implementation of this framework could position India as a preferred jurisdiction for international smart contract transactions while contributing to global legal harmonization.

Keywords: Smart Contracts, International Trade Law, Legal Harmonization, Block Chain Regulation

India's Digital Sovereignty: Aligning The Digital Personal Data Protection Act(Dpdp), 2023 With International Framework

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Abstract

This research paper examines how the Digital Personal Data Protection Act (DPDP) 2023, with its unique features like the concepts of 'legitimate users', creates similarity with global laws. This research analyzes to which the DPDP,2023, succeeds in reconciling India's assertion of digital sovereignty and the necessity of achieving global regularity when compared to provisions already established by the European Union's General Data Protection Regulation (GDPR) and the United States's California Consumer Privacy Act (CCPA).

This research paper uses a comparative methodology to compare and analyse the alignment of India's DPDP Act with the European Union's GDPR and the United States's CCPA. GDPR being the very first comprehensive law to establish the concepts of privacy while having extraterritorial reach, which broadens its jurisdiction further, the foundational concepts of the DPDP Act are seen to be made with the efforts to align with GDPR. Further, CCPA forms a contrast to the GDPR, and it represents the most stringent commercial data regulations. The comparison with both provides a strategically pertinent comparison to determine the effectiveness of the DPDP Act in protecting rights and promoting global trade. This helps in exploring the broader implementations of the DPDP Act for Multinational Corporations setups operating in India. In short, the paper discusses how the new data protection and data privacy rules of India balance the individual data rights and national digital governance.

Ultimately, this research paper theorizes how the DPDP Act 2023, being crucial and complex in its nature, balances and contributes to India's digital sovereignty and how this Act meets the demands of a globalized digital ecosystem.

Keywords:- Digital Sovereignty, DPDP Act 2023, GDPR, CCPA, Comparative Methodology, Data protection, Multinational Corporations, India

United Nations Role In Combating Emerging Technologies

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Abstract

Law is dynamic, so is the society, this fundamental principle was far ahead of its time .The development and deployment of scientific tools globally in different genre of lives has caused legal uncertainty with respect to the sovereignty all over the world. The absence of legal accountability has created an intense dilemma amongst the international community in framing and implementing laws for these technological disruptions that are caused across various sectors of work. The concern is not restricted to some field but its hacked every major domain of technologies, whether it be artificial intelligence, biotechnology, cross border data network interception, unmanned combat weapon system. This list is unending and the deployment of these technological functionalities has created, which is primarily pointing fingers towards the organizations and the developers for not setting reasonable transparency or following fundamental safeguard to ensure protection to human rights of the community at large and taking accountability of ethical compliance and non-compliance. The paper examines how the conventional international framework of jus ad bellum and jus in Bello is lagging behind to tackle the misuse created by these originating and deriving technologies. It contends for an urgent need of reasonable eradication of these issues strategically and by establishing a dedicated UN body to determine new standards for technology due diligence to alleviate the risks by analyzing the new breakthroughs related to cyber governance, international and humanitarian laws. The paper highlights, how the implementation of technological due diligence under the guidance of international law can mitigate the risk in order to maintain territorial sovereignty and integrity of the nations and the necessity for substantiate basic fundamental protection required against these technological disruptions by corroborating and guaranteeing the security from digitally caused harm and protecting civilian human rights and ensuring global justice by the revision of human rights treaty laws. It highlights the indispensible and an urgent need for collaborative actions to be taken by the states and organizations by staying abreast of the uncertainties of the evolving technologies while maintaining adherence to humanitarian principles and rule of law.

KEYWORDS: Artificial intelligence, Technological due diligence, rule of law, Sovereignty, Cyber Governance , Global Governance, Human Rights

India's Human-Centric AI Governance: Shaping a Responsible International Legal Order for the Global South

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Abstract

Artificial Intelligence (AI) is one of the biggest technological challenges we face in the twenty-first century, with major implications for international law, human rights, and global governance. Yet, the current international legal order is notably fragmented, particularly when it comes to grappling with AI's ethical and regulatory questions. Most of the existing frameworks, such as the European Union Artificial Intelligence Act, the Organisation for Economic Co-operation and Development (OECD) Principles on Artificial Intelligence, and the United Nations Educational, Scientific and Cultural Organization (UNESCO) *Recommendation on the Ethics of Artificial Intelligence,* tend to reflect priorities of the Global North, focusing heavily on technological control and market regulation, often at the expense of inclusivity and developmental concerns.

This research seeks to examine how developing democracies can meaningfully participate in shaping a globally equitable AI governance regime, focusing on India as a case study. Through a comparative legal and policy analysis methodology, it examines India's domestic framework, primarily the *Digital Personal Data Protection Act, 2023,* and the *National Strategy for Artificial Intelligence*, alongside international instruments such as the EU AI Act and OECD principles. It further analyses India's judicial and constitutional foundations, particularly the Supreme Court of India's recognition of privacy as a fundamental right in *K.S. Puttaswamy v. Union of India*.

The central research question guiding this study is how India's human-centric, rights-driven model can offer a bridge between the Global North's regulatory rigidity and the Global South's developmental imperatives. The paper will explore India's evolving participation in multilateral forums such as the Group of Twenty (G20), the Global Partnership on Artificial Intelligence (GPAI), and BRICS to examine the feasibility of integrating ethical AI principles with context-sensitive governance through its policy model.

The research aims to assess the potential of India's evolving policy architecture to develop a hybrid governance model, combining flexible domestic regulation with soft-law international cooperation, and to identify the challenges, implications, and future directions for establishing an equitable and innovation-friendly global AI order. This framework not only aligns with India's constitutional values but also supports the broader democratisation of international law in the era of emerging technologies.

India's 4.0 Path In The Contemporary Legal World

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Abstract

The international legal order has historically been state-centric, rooted in principles of sovereignty, non intervention, and territorial integrity as codified in the United Nations Charter. However, globalization and technological progress have expanded its scope, bringing new dimensions such as international human rights law, environmental law, trade law, and humanitarian law into focus. With the advent of emerging technologies, the boundaries of international law now extend to cyberspace, artificial intelligence, biotechnology, and even the governance of outer space. These fields challenge traditional doctrines and demand a renewed legal architecture that can respond effectively to transnational issues. At the same time, humanity faces pressing ethical questions about equity, access, and justice in the use of these technologies. India, as a rapidly growing economy with a strong technological base and a democratic legal tradition, holds a unique position in contributing to and shaping the contemporary international legal order The world already faces immediate problems: cyberattacks that threaten state sovereignty without clear attribution, artificial intelligence systems that reinforce inequality and bias, disputes over cross-border data flows that fragment global trade, and the looming risks of lethal autonomous weapons undermining international humanitarian law. For India, these challenges are not abstract. As a rapidly growing digital power and a leading voice of the Global South, India is compelled to address them while safeguarding the aspirations of over a billion citizens for dignity, equity, and development.

What are the challenges that persist in the Absence of comprehensive treaties on AI, cyber law, and space governance? Conflicts between digital sovereignty and global interoperability. Ethical dilemmas in biotechnology and data privacy. Risk of technological colonization by advanced economies, marginalizing developing countries, ensuring benefits of technological innovation align with sustainable development, and human rights.

This paper contend that India's prospects in the evolving legal order depend on three critical solutions: first, clarifying doctrinal thresholds in international law to govern cyber operations, artificial intelligence, and autonomous systems; second, engaging actively in multilateral norm-building through the United Nations General Assembly (UNGA), particularly in initiatives such as the Independent International Scientific Panel on AI and the Global Dialogue on AI Governance; and third, leading South–South cooperation and capacity-building so that technology becomes a tool for equity rather than exclusion. These strategies are not merely legal or technical;

they are profoundly human, ensuring that innovation advances justice and dignity for all.

Keywords : International legal order, Emerging technologies, Cyber security, Human Development, United Nations General Assembly

Artificial Intelligence and International Human Rights Law: Legal Challenges and the Need for a Global Regulatory Framework

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Abstract

Artificial Intelligence (AI) is changing the way societies function, offering many benefits in areas like healthcare, education, and security. However, the use of AI also creates serious challenges for international human rights. Technologies such as facial recognition, predictive policing, and automated decision-making can lead to violations of rights such as privacy, non-discrimination, freedom of expression, and fair trial. Many AI systems are used without proper transparency, accountability, or the ability for individuals to challenge harmful decisions made by machines.

This research explores how international human rights law responds to the risks created by AI technologies. It examines whether existing human rights treaties, such as the International Covenant on Civil and Political Rights (ICCPR), are strong enough to protect people in the age of AI. It also looks at recent efforts by the United Nations, regional bodies, and other international organizations to guide the ethical use of AI.

The study finds that while current laws provide a basic foundation, there are significant gaps, especially in enforcement and global cooperation. Different countries follow different rules, leading to unequal protection. As AI continues to grow, there is a clear need for a global regulatory framework that ensures AI systems respect human rights across all borders.

The research recommends stronger international guidelines, human rights impact assessments, and possibly a new treaty focused on AI and human rights. These steps are necessary to protect human dignity in the digital age.

Keywords: Artificial Intelligence, Human Rights, International Law, Global Regulation

Regulating the Gig Economy: India in the International Legal Order

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Abstract

Intermediary delivery platforms such as Swiggy, Zomato, Zepto, and Dunzo have transformed India's digital economy, reshaping consumer markets and creating new forms of gig work. Yet, their rapid expansion has highlighted significant regulatory gaps at both national and international levels. This paper critically examines the governance of these platforms through the lenses of trade law, competition policy, labor rights, and data protection. At the national level, it evaluates India's evolving frameworks, including consumer protection legislation, gig-worker welfare initiatives, and competition law oversight. While these efforts demonstrate regulatory responsiveness, challenges remain in ensuring fair working conditions, platform accountability, and digital privacy. At the international level, the paper situates platform regulation within ongoing debates on cross-border e-commerce at the WTO, OECD guidelines on the digital economy, and comparative approaches in the European Union and United States. The study employs a doctrinal and comparative methodology, mapping the fragmented legal regimes that shape platform economies. It argues that India must adopt a calibrated approach, one that aligns domestic regulations with international commitments while safeguarding constitutional values of equality, labor rights, and consumer protection. The paper concludes by proposing a hybrid governance framework that integrates statutory regulation, self-regulation, and international cooperation. Such framework can enhance accountability, promote fair competition, and protect both workers and consumers in the platform economy. By situating intermediary delivery apps within the broader international legal order, this research contributes to ongoing debates on India's evolving role in digital governance and its capacity to shape equitable and sustainable global norms.

Keywords: Intermediary liability, international trade law, consumer protection, platform regulation

Resisting Digital Colonialism through Data Localization: Big Data, Surveillance Technologies, and the International Legal Challenges of Sovereignty

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Abstract

The research paper explores the new age of emerging technological power inequalities, also referred to as "digital colonialism", which has been brought about by the sudden expansion of big data, modern surveillance technologies, and the global dominance of multinational technology corporations of the Global North. In light of this transnational movement of data and surveillance activities, the paper deals with the issue of how countries may maintain their digital autonomy and sovereignty. The paper then addresses the growing practice of

data localisation as a key strategy used by countries especially those in the Global South, in order to defend against the threats of digital colonialism and protect their sovereignty.
This research paper examines the data localisation policies and sovereignty claims of three major actors– India, China, and the European Union (EU) using a comparative qualitative methodology. A variety of data localisation strategies are examined using case studies of China, India, and the EU to see how well they promote economic and technical autonomy, protect citizens' data, and further strengthen national sovereignty.
In addition to being a technological or economic problem, the paper argues that digital colonialism challenges the established ideas of national sovereignty. It brings focus on the ways that big data and surveillance technologies support governance while also allowing digital harvesting that reinforces the supremacy of the Global North. Data localisation is a strategic tool for reclaiming digital sovereignty, despite strong criticism that it might divide the global internet and create trade barriers. However, its implementation faces legal and regulatory challenges, especially with extraterritorial regimes like China's PIPL (Personal Information Protection Law) and the EU's GDPR (General Data Protection Regulation).
The research paper ultimately arrives at the conclusion that, despite its advantages and disadvantages, data localisation is still an important tool for claiming digital sovereignty and resisting digital colonialism. The paper expands understanding of how countries might resolve international legal disputes, protect individual data, and resist predatory digital power structures by re-evaluating state sovereignty in the big data age. Recognizing the validity of such sovereignty claims along with developing collaborative frameworks that strike a balance between economic growth, national security, and the international characteristic of the digital ecosystem are essential to the future of an equitable digital society.
Keywords: Digital Colonialism, Data Localization, Data Sovereignty, Big Data, Surveillance Technology.

LAW OF EXTRADITION

The Role of UN Model Law on Extradition In Shaping Domestic Extradition Laws

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Abstract

The Model Law on Extradition (2004) drafted by the United Nations Office on Drugs and Crime (UNODC) provides comprehensive framework to assist the Member States in drafting an altogether new legislation or to reform their existing domestic extradition legislations. The model Law is inspired by the Model Treaty on Extradition framed by the UN in 1990 as well as the emerging trends in extradition law, also considering various provisions on extradition in the existing international treaties. The principle guiding this model instrument was acknowledgement of the fact that effective cooperation could be achieved in the field of extradition by streamlining existing national legislations.

This paper examines how the UN Model Law on Extradition acts as a benchmark in reforming the domestic extradition laws of the UN Member States, how it helps in harmonizing the domestic extradition laws throughout the world, and analyzes the implications this has for international cooperation in extradition of fugitives and safeguarding human rights.

Keywords: Extradition, United Nations, Reforms, Legislation, Human Rights

Code is Not a Shield: Extraditing Decentralised Finance Protocol Developers for Downstream Criminal Activity- A Comparative Analysis of Liability, Attribution and Jurisdictional Challenges

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Abstract

The rapid and exponential expansion of Decentralised Finance (DeFi) protocols has created novel challenges for international extradition law. Traditional legal frameworks struggle to identify individuals accountable and establish a jurisdictional nexus when sovereign and autonomous smart contracts facilitate the evils of money laundering, terrorist financing and sanctions evasion across borders. This research article focuses on the aspects of situations when developers of DeFi protocols should be subjected to extradition for the crimes committed by the users of their blockchain code. This paper addresses a critical gap at the junction of transnational criminal law and technological innovation.

This study evaluates the method of conceptualisation of criminal liability for code developers and the application of foundational extradition principles, such as double criminality, being adopted across different jurisdictions of the US, UK, EU and Singapore. This research employs doctrinal analysis, case study methodology and comparative jurisprudence to scrutinise recent prosecutions, specifically focusing on the Tornado Cash Case, to determine patterns contributing to liability along with procedural challenges. The facet of divergences in balancing innovation protection with criminal liability is also analysed, assessing the imperative issues such as the degree of developer knowledge and control needed to establish criminal liability, if post-deployment immutability of smart contracts negates ongoing responsibility, the degree to determine double criminality when DeFi-centred offence may exist in requesting states but not in the executing states, etc.

The study acts as conceptual groundwork by broadening attribution theory to cover diffuse, decentralised systems and by suggesting frameworks for establishing the territorial nexus in borderless digital crimes. On the ground, it offers a judicial guidance for prosecutors deciding on the feasibility of extradition, defence counsel spotting the viable challenges, and judges dealing with novel technological issues. The research ends with a call for local and international legal reforms — a reduction of friction in bilateral treaties and domestic laws, a move towards international harmonization that still keeps the innovation incentives intact but ensures that those who deliberately facilitate transnational crimes are held accountable. The establishment of clear legal frameworks for developer liability in the case of DeFi ecosystems graduating is as critical to the technological innovation sector as it is to international criminal justice.

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Keywords: Decentralised Finance, DeFi, Extradition, Smart Contracts, Cryptocurrency, Double Criminality, Jurisdictional Nexus, Transnational Crime, Blockchain Technology, Attribution Theory

Corporate Gatekeepers and Extradition: Rethinking Sovereignty, Privacy, and International Cooperation in the Digital Era

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Abstract

Extradition law has traditionally been understood as a dialogue between sovereign states. Yet in the digital age, multinational corporations, particularly technology companies that control vast amounts of user data, have become unexpected gatekeepers of international justice. Extradition requests increasingly depend on access to electronic communications, cloud storage, and metadata held by private firms such as Google, Apple, and Microsoft. This development creates a research gap: while much scholarship addresses the role of states and treaties in extradition, very little attention has been paid to the influence of corporate actors who can, in effect, enable or frustrate extradition proceedings.

The research problem explored in this paper is the absence of a coherent legal framework governing corporate compliance with extradition-related requests, particularly where obligations under state treaties collide with corporate privacy policies, data localization laws, or human rights considerations. Should corporations be legally bound to comply with extradition-related evidence requests across jurisdictions? Or should their role remain discretionary, guided by business interests and user rights?

The methodology combines doctrinal analysis of leading extradition treaties and national legislation with case studies, including *United States v. Microsoft Corp. 584 U.S. 138 S. Ct. 1186 (*2018*)* (the "Ireland data" case) and EU proposals requiring tech companies to provide cross-border access to stored data. A comparative approach is used, drawing on Indian, American, and European practice, alongside an evaluation of emerging human rights due diligence obligations for corporations.

The paper advances three arguments. *First,* the classical state-centric model of extradition is inadequate in an era where private actors mediate access to digital evidence. *Second,* unchecked corporate discretion risks arbitrariness, undermining both justice and individual rights. *Third,* a hybrid framework is needed that balances sovereignty with corporate accountability and embeds human rights safeguards. The paper concludes by proposing model treaty clauses to regulate corporate obligations in extradition contexts, as well as an international dialogue under the UN Convention against Transnational Organized Crime and aims to shift extradition discourse beyond states alone, towards a realistic recognition of corporations as indispensable actors in the pursuit of cross-border justice.

Keywords

Extradition Law, Technology Companies, Cross-Border Data Access, Digital Sovereignty, Human Rights in Extradition

Reassessing the Law on Extradition: India's Approach within the Contemporary International Legal Order

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Abstract

Extradition represents a crucial instrument of international cooperation in criminal justice, embodying the balance between state sovereignty, human rights protection, and the global pursuit of justice. Amid the growing incidence of transnational crimes and complex diplomatic dynamics, India's approach to extradition warrants renewed scholarly attention. This paper critically examines the evolution, challenges, and prospects of India's extradition framework in the context of its constitutional obligations and international commitments.

Tracing the historical trajectory of India's extradition regime, the study begins with colonial-era treaties and moves to the post-independence structure governed by the *Extradition Act, 1962*. Employing a doctrinal and comparative methodology, it evaluates the relevance of international instruments such as the *United Nations Model Treaty on Extradition*, G.A. Res. 45/116 (Dec. 14, 1990), and the *European Convention on Extradition*, Dec. 13, 1957, 359 U.N.T.S. 273. The paper further examines India's bilateral treaties with jurisdictions such as the United Kingdom, the United States, and the United Arab Emirates.

Judicial decisions including *Abu Salem Abdul Qayyum Ansari v. Union of India*, (2011) 11 S.C.C. 214, and *Government of India v. Taylor*, [1955] A.C. 491 (H.L.), are analyzed to illustrate the interplay between reciprocity, due process, and political discretion in extradition proceedings. The study also interrogates the procedural safeguards under Indian law, particularly in relation to protection against double jeopardy, fair trial rights, and the prohibition of torture—principles reinforced by Article 21 of the Constitution of India and India's obligations under the *International Covenant on Civil and Political Rights*, Dec. 16, 1966, 999 U.N.T.S. 171.

The paper concludes that while India has made notable progress in aligning its extradition practices with international standards, persistent challenges—such as procedural delays, diplomatic sensitivities, and inconsistent application of human rights safeguards—continue to impede efficiency. It recommends institutional reforms to enhance transparency, strengthen mutual legal assistance, and reinforce India's role as a proactive participant in the evolving international legal order.

Keywords: Extradition Law, International Cooperation, Human Rights, Sovereignty, India

Balancing Sovereignty And International Cooperation Under International Law: India's Extradition Policy In Contemporary World

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Abstract

The advent of globalization and transnational crime compelling sovereign nations to balance their commitments under international law with their local legal authority. This paper delves into the basic international principles governing the practice of extradition and navigates how India negotiates bilateral and multilateral commitments while defending its fundamental rights and national interests while looking at the legal and constitutional legal framework that governs extradition in India. It studies these principles in the context of Indian Extradition law and explore how these principles work out in actual practice along with the emphasis laid to how diplomacy and domestic policy in the implementation of extradition policies. The study proposes the expanding regional cooperation networks and integrating international practices which will improve India's extradition efficacy without compromising due process and sovereign interests. Extradition treaties are vital instruments in international law, facilitating the cooperation between states to ensure that the accused do not escape justice by crossing border, how such cooperation is worked out in Indian legal system with foreign nations We will explore how India epitomize an evolving balance by preserving political autonomy while participating in global extradition regime by adhering to international norms and humanitarian action. This paper explores the intricate balance between state sovereignty and the pursuit of justice within the extradition framework. Delving into the modern extradition frameworks are governed by the combination of the bilateral and multilateral treaties, domestic law and customary international law. Additionally, it explores the tension between respecting a nations sovereign authority and fulfilment of its international obligation to combat crime. By analyzing these issues and offering recommendations for harmonizing standards and enhancing human rights safeguards. This paper aims to provide a comprehensive understanding of how extradition treaties can be effectively and fairly implemented. The research methodology used is the doctrinal legal research to get an insight into India's approach to this issue and assess the change in its policy pertaining to extradition.

Keywords: Sovereignty, International Cooperation, International Law, Indian refugee policy, Refugee

Sovereignty in the Balance: Law, Politics, and the Extradition Dilemma

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Abstract

In International law, extradition is crucial mechanism which ensures criminals and offenders cannot evade justice by crossing national borders. In India, the principal law which governs the extradition process is the Extradition Act, 1962 which provides the legal

framework of surrendering individuals accused or convicted of offences in another country. According to section 2(d) of the act, “Extradition” means the surrender of a person by one state to another state for being accused or convicted of an extradition offence. Extradition is not automatically enforceable under international law, it requires treaties, conventions, or reciprocal arrangements such as Bilateral treaties (e.g. India-UK Extradition Treaty, 1992) Multilateral conventions such as UN Convention against Transnational Organized Crime 2000, UN Convention against Corruption 2003, European Convention on Extradition 1957, Inter-American Convention on Extradition 1981.

The law of extradition is predicated on a fundamental tension: it is a legal process governed by treaties and statutes, yet its application is invariably subject to political influence. The central research problem this article addresses is how, in practice, the formal legal principles of extradition are tested, manipulated, and ultimately decided upon when faced with a request targeting a high-profile political leader. The case of the Bangladeshi government's 2007-08 attempt to extradite then-opposition leader Sheikh Hasina from the United States provides a critical and stark illustration of this problem. This article employs a qualitative case study methodology, conducting a deep textual analysis of the legal principles invoked in the Hasina extradition request (dual criminality, political offence exception, fair trial guarantee) against the contemporaneous political context of Bangladesh. The research is grounded in a doctrinal analysis of international extradition law, supplemented by a review of public records, diplomatic histories, and scholarly commentary on the period to reconstruct the legal and political calculus of the key stakeholders. The article concludes that the extradition request serves as a paradigm of the "politicized extradition." It underscores that while legal frameworks provide the necessary structure for extradition, they are insufficient on their own to prevent abuse. The case ultimately affirms the indispensable, if politically fraught, role of executive discretion in acting as a final gatekeeper to refuse cooperation with judicial processes that, while legally plausible, are politically corrupt. This highlights a critical vulnerability in the international legal order regarding the weaponization of law for political ends.

Key Words: - Dual criminality, political offence exception, fair trial guarantee, politicized extradition, executive discretion

Historical development of extradition law: From Bilateral treaties to Multilateral conventions

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Mr. Sani Kumar, Assistant Professor, School of Law, IFTM University, Moradabad

Abstract

Extradition law governs the transfer of individuals accused or convicted of crimes between nations, balancing state sovereignty, international cooperation, and individual rights. This paper explores the principles, processes, and challenges of extradition within the framework of international law. Rooted in bilateral and multilateral treaties,extradition ensures that fugitives face justice while respecting jurisdictional boundaries. Extradition principles include dual criminality requiring the act to be a crime in both states and the prohibition of extradition for political offenses safeguarding against abuse. The process involves formal requests for judicial review and executive discretion, often complicated by differing legal systems and human rights concerns. Challenges arise from non-uniformtreaty obligations conflicting national laws and issues for torture or unfair trial risks inthe requesting state, which may halt proceedings under human rights frameworks the European Convention on Human Rights. Recent time increased scrutiny of extradition due to geopolitical tensions and evolving norms on asylum and refugee protection. Case studies such as high-profile extraditions highlight tensions between diplomatic relations and legal obligations. This paper underscores the need for harmonized standards to ensure fairness, efficiency and respect for fundamental rights in extradition practices,advocating for reforms to address modern complexities .
Keynotes: Extradition, International, Human Rights, Treaties, Political.

REGIONAL ORGANISATIONS AND INTERNATIONAL LAW

The Role of BRICS in Reforming Multilateral Institutions (UN, WTO, IMF) in 2025

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Abstract

The BRICS grouping—comprising Brazil, Russia, India, China, and South Africa—has emerged as a pivotal force in reshaping the architecture of global governance. Originally conceptualized as a coalition of emerging economies seeking to amplify their collective voice, BRICS has evolved into a multifaceted platform addressing issues of finance, trade, development, and political reform. This paper critically examines the role of BRICS in advocating reforms within major multilateral institutions—the United Nations (UN), World Trade Organization (WTO), and International Monetary Fund (IMF)—from 2010 to 2025. It explores how BRICS has leveraged both diplomatic engagement and institutional innovation, such as the New Development Bank and Contingent Reserve Arrangement, to challenge structural imbalances in global decision-making. Using a qualitative, analytical, and descriptive approach, the study evaluates the extent of BRICS' success in promoting equity, representation, and inclusivity within the international system. The findings reveal that while BRICS has achieved limited structural reform, it has exerted substantial normative and symbolic influence by reinforcing multipolarity, de-dollarization, and South–South cooperation. The paper concludes that BRICS' impact lies more in redefining global discourse than in achieving immediate institutional transformation.

Keywords:
BRICS, Global Governance, Institutional Reform, United Nations, World Trade Organization, International Monetary Fund.

Understanding the Role of SAARC in Contemporary Times: A Special Focus on Peace and Security

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Abstract

The South Asian countries form the South Asian Association for Regional Cooperation (SAARC) to collaborate on common interests, ranging from trade and economic policies to security and cultural exchanges. Despite positive political cooperation, its members remain under political tribulation due to ideological disparities, and its Charter's non-binding nature limits its effectiveness. This paper examines why its initiatives, such as

SAFTA (South Asian Free Trade Area), and its objectives aimed at promoting mutual trust, understanding, and appreciation of shared challenges are considered capable of helping member states overcome several limitations and create opportunities for positive regional linkages, yet are observed to fall short despite their promising and well-intentioned goals. Results show that the peace and security of each country hold greater priority than trade and mutual interests among member states. The Indo-Pak border dispute over Kashmir reduces cooperation between the two countries. The Taliban's takeover of Afghanistan in 2021 further strains its dynamics. The paper discusses how a regional legally binding instrument fosters peace and security in the region and helps revive its regional initiatives. It also explains how the promotion of mutual amity between member states through compulsory obligations under its Charter strengthens regional stability and meets the needs of contemporary regional institutions.
Keywords: SAARC, South Asian, regional cooperation, international law, peace and security

Regional Peace, Prosperity, And Security Under New Global Legal Order: Assessing The Role Of Shanghai Cooperation Organization From Indian Perspective

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Abstract

The Shanghai Cooperation Organization (SCO) has emerged as an international regional organization in the Eurasian region for the promotion of regional peace, prosperity, and security under the new global legal order. The new global legal order demands international peace and security as envisaged by the Charter of the United Nations, based on the principles of mutual trust, cooperation, and disarmament. Accordingly, SCO aims to make joint efforts with its original and newly added members to maintain peace, stability, and security in the Eurasian region. Besides, it gives priorities towards the regional peace and security by closely associating with members against terrorism, separatism, extremism, illegal trafficking, and migration. However, it also works for multilateral trade, investment, and economic integration through environmental protection efforts, energy security projects, and international transport initiatives in this region. In the Astana SCO summit 2017, India became a Full Member ; with the support of all the members of the SCO and also hosted the meeting for the ;Councils of Heads of State of Shanghai Cooperation Organization; at New Delhi in 2023. Through its New Delhi Declaration, India reaffirmed its commitment to peace, joint development, and equal relations; and called for action against terrorists, extremists, and radical groups indulging in armed conflict, illicit human and drug trafficking, challenging regional stability and security in this region. Besides the introduction and conclusion, the research paper in the central parts includes legal aspects of regional cooperation and integration in the Eurasian region; the role of the SCO in

regional peace, prosperity, and security in this region; and recent proposals for action from an Indian perspective. Reviewing the available literature and legal instruments, this research paper will employ a doctrinal research method to reach viable observations and suggestions.
Keywords: International Law, International Peace and Security, Regional Organization, Shanghai Cooperation Organization, India.

OTHER

Crossing Borders Of Dignity: A Comparative Study Of Sexual Harassment At Workplace Laws In India And United Arab Emirates

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Abstract

Sexual harassment at workplace not only affects an individual's well being but also collapse the entire trust in an institution which is bound to protect the equality and safety at workplace. It deeply affects women's dignity, professional confidence and participation in workforce. With time, growing number of Indian professional and migrant workers in United Arab Emirates (UAE), make it immensely important to study how a conservative middle east country ensures the safety and dignity of its diverse workforce. This paper is going to do a comparative analysis of law related to sexual harassment at workplace of UAE and India which will help to understand prevention mechanism in both jurisdictions from different legal and cultural lenses. It will examine the evolution of anti-sexual harassment laws, statutory definition, complaint mechanism, employer obligations, redressal structure, rights of the victim, penalties and consequences in UAE's law and India's Prevention of sexual harassment of women at workplace (Prevention, Prohibition and Redressal) Act, 2013. Using doctorial research method based on legislation, case law and secondary commentaries, this paper is going to propose reforms that harmonize complaint confidentiality, strengthen independent oversight, mandate employer's due diligence and expand remedies to include restorative and rehabilitative measures which will offer policy makers, practitioners and civil society in both jurisdiction a clear roadmaps.

KEYWORDS: Sexual Harassment at Workplace; POSH Act, 2013; UAE's Labour Law; Workplace Dignity; Gender Justice; Women's Right; Comparative Legal Analysis.

Constitutionalism and International Judiciary: Assessing the Role of International Courts in Shaping the Global Legal Order.

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Abstract

The evolution of constitutionalism has historically been confined within the territorial and political boundaries of the nation-state. Rooted in notions of limited government, separation of powers, and protection of rights, Constitutionalism is often regarded as a national phenomenon expressed through written constitutions and domestic legal systems. However, the increasing interdependence of global institutions and the growing significance of international courts invite a critical re-examination of whether the tenets of constitutionalism can transcend national boundaries and find meaningful expression in international judicial practice.

This paper explores the dynamic relationship between international judiciary and constitutionalism, with particular focus on the International Court of Justice (ICJ) and the International Criminal Court (ICC). It examines whether and how these judicial bodies reflect constitutional principles such as rule of law, accountability, and checks on institutional power in their jurisprudence and procedural frameworks. The paper argues that while the international judiciary lacks a formal constitutional spirit or hierarchical sovereign authority, its functioning increasingly exhibits constitutional characteristics — especially through judicial reasoning, procedural fairness, and the affirmation of universal norms that restrain the arbitrariness of state action.

By analyzing select cases from the ICJ and ICC, the study investigates how contemporary global issues — including use of force, human rights violations, and climate change disputes — have been addressed through the standards and spirit of constitutionalism. It also evaluates the challenges of legitimacy, consent, and enforcement that distinguish international adjudication from domestic constitutional orders.

Ultimately, the paper contends that the international judiciary, despite operating in a decentralized global structure, contributes significantly to the constitutionalization of international law. In doing so, it reshapes the contours of global governance and strengthens the normative foundations of the international legal order. The paper concludes that the idea of "global constitutionalism," though aspirational, is gradually materializing through the evolving practices and jurisprudence of international courts.

Keywords: Constitutionalism, International Judiciary, International Court of Justice (ICJ), International Criminal Court (ICC), International Order

Cybersecurity Threats To Intellectual Property In The Digital Economy: India's Approach Under International Law

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Abstract

India, now ranked as the fourth-largest economy globally, has witnessed a structural transformation wherein the digital economy has emerged as a dominant pillar of growth, significantly contributing to innovations, intellectual property generation, and cross-border commercial activity. With this significant evolution there is an equivalent escalating face of cybersecurity challenges that requires attention.

The protection of Intellectual Property (IP) actively engaged in digitalization constitutes a crucial contemporary concern that demands priority. This paper which is based on the core of integrating Intellectual Property and Cybersecurity is structured with the aim of establishing four key dynamics that is to identify and highlight key cybersecurity threats to IP in the digital economy, to analyse India's legal framework addressing IP-related cyber

risks, examining India's compliance with international IP and Cybernorms and to propose reforms for a more integrated IP-Cybersecurity regime. This research paper, following both doctrinal and non-doctrinal methods, aims at bridging the gap between IP laws and Cybersecurity laws while delineating certain recommendations for Indian terra firma.

KEYWORDS: Digital Economy, Intellectual Property, Cybersecurity

Global Administrative Law as a Tool for Rule of Law beyond the Municipal Jurisdiction in 21st Century

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Abstract

Global Administrative Law (GAL) has emerged as a vital normative and analytical framework for regulating the exercise of public power beyond the traditional confines of municipal or State-centric legal systems. In the context of globalization, governance has increasingly shifted from purely domestic institutions to complex transnational, international, and hybrid regulatory bodies. Administrative decision-making today often occurs in arenas that transcend national borders, necessitating legal principles capable of ensuring legality, accountability, and protection of rights beyond municipal jurisdiction. GAL refers to the body of legal rules, principles, procedural standards, and institutional norms that govern such global administrative processes.

The concept of global administrative law gained prominence in the early twenty-first century, building upon the foundations of international administrative law while significantly broadening its scope. Unlike traditional public international law, which primarily rests on State consent and treaty-based obligations, GAL seeks to reflect the realities of contemporary global governance where authority is exercised by a diverse range of actors, many of whom do not derive their power directly from States. The term "global administrative law" is therefore preferred, as it avoids the misconception that this field is merely a sub-branch of international law. Instead, it recognizes the existence of a global administrative space where regulatory authority is fragmented, decentralized, and often exercised through informal or hybrid mechanisms.

At its core, global administrative law extends the foundational objectives of domestic administrative law-control of power, prevention of arbitrariness, and protection of individual rights-into the global sphere. GAL aspires to subject global regulatory power to principles such as transparency, participation, reasoned decision-making, accountability, legality, and review. These principles are increasingly necessary as decisions taken by global administrative bodies directly affect States, private entities, and individuals, influencing areas such as trade, environmental protection, public health, labour standards, digital

governance, and human rights. Contemporary global governance involves a wide array of actors, including intergovernmental organizations like the United Nations, World Trade Organization, World Health Organization, and International Labour Organization; hybrid public–private bodies such as ICANN and the World Anti-Doping Agency; informal transgovernmental networks like the Basel Committee and the G-20; and private standard-setting institutions performing public regulatory functions. Many of these entities exercise significant regulatory authority without being subject to traditional democratic oversight or comprehensive judicial review, thereby blurring the distinction between national and international, as well as public and private, administration. The growing influence of global administration has profound implications for the rule of law beyond the State. Global regulatory decisions can constrain domestic policy choices and
directly impact individuals without providing adequate avenues for participation or redress.
GAL responds to these challenges by emphasizing proceduralization as a mechanism for advancing the rule of law in the absence of a centralized global legislature or judiciary. Mechanisms such as access to information, stakeholder participation, consultation procedures, accountability forums, and review mechanisms increasingly form part of global regulatory regimes.
Despite its normative promise, global administrative law faces significant challenges, including the absence of a unified global constitutional framework, diversity of legal traditions, power asymmetries among actors, and concerns of democratic deficit. Nevertheless, GAL represents an essential tool for extending the rule of law beyond municipal jurisdiction in the twenty-first century by ensuring that global administrative power remains subject to legality, accountability, and fairness in an interconnected world.

Keywords: Global Administrative Law; Rule of Law Beyond the State; Global Governance; Accountability; Transparency; Administrative Power; International Institutions; Procedural Fairness; Legitimacy; Transnational Regulation

AFSPA and the International Legal Order: Reconciling Security and Human Rights in India's Constitutional Democracy

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Abstractma

The Armed Forces (Special Powers) Act, 1958 (AFSPA) epitomizes the tension between national security imperatives and India's constitutional and international human rights obligations. Enacted to empower the armed forces in "disturbed areas," AFSPA has been criticized for conferring sweeping powers that enable impunity, leading to allegations of

extrajudicial killings, arbitrary detention, and torture. This paper examines AFSPA in the context of India's proactive role in shaping the contemporary international legal order. It explores how such exceptional security legislation aligns-or conflicts-with India's constitutional values, commitments under international treaties such as the ICCPR, and its diplomatic positioning as the world's largest democracy.
Keywords: AFSPA, India, Constitutional rights, Impunity, International legal order

A Feminist Re-reading of International Law: India's Engagement with CEDAW

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Abstract

The international human rights law has a universal promise, and this is very much challenged in the postcolonial setting, whereby states escape the central legal requirements through the use of the language of cultural accommodation. This paradox is clearly demonstrated by the involvement of India in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Even though the ratification of India symbolises its acknowledgement of its obligations under international law, its reservations in line with the personal laws of religious communities are a direct contradiction of the object and purpose of the Convention. Although the state policy of non-intervention is presented as a bow to cultural pluralism, it is actually a tool that protects discriminatory practices by not subjecting them to human rights review and, thus, contains contradictions to the integrity of the very treaty. This paradox is deconstructed by using a "postcolonial feminist legal analysis". This framework exposes the application of the idea of the public-private divide, one of the pillars in international law, to justify the further subordination of women in the family. It also reveals how human rights application may unwittingly reproduce dynamics of colonialism, either by creating the figure of the "Third World woman" as a "passive victim subject" who we ought to rescue or by consuming the rights of women into depoliticising the "development" agenda, where economic growth at the expense of substantive equality is the priority.

The reservations in India are no longer a neutral legal act, rather, a political decision to preserve patriarchal systems and avoid responsibility. The argument of "non-interference" therefore serves as a kind of "cultural relativism" which undermines the universality of the human rights norms. In order to be transformative, a human rights tool such as CEDAW needs to go beyond formal legal inclusion to tackle the structural power dynamics that give rise to gender inequality. This would necessitate a fundamental reconsideration of the practice of human rights itself, which abandons the "rhetoric of the tragedy of victimisation".

This necessitate questioning the patriarchal and colonial propositions that may be implicit in international law and promoting an alternative approach to law, one that acknowledges the multilayered agency, desire and subjectivities of the postcolonial woman. An erotic justice vision is a strong adjuration, and human rights law does not only exist to guard women against evil, it exists to empower them to openly express themselves in a completely free manner.

Keywords: Human Rights Law, CEDAW, Postcolonial Feminism, Feminist Legal Theory, Personal Laws.

The Principle of Non-Intervention and the Right of Self-Defense: Co-existence and Conflict in International Law

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Abstract

Conflicts between different states and kings are not a new phenomenon. Since ancient times, kings and generals have fought with each other, either for the subjugation of the Country, Control of the resources, or for the economic or social interests in the region. All these Wars over the centuries have caused immense loss of life, with humanity suffering its deadliest brink in World War 2, which left at least 60 million people dead or wounded and caused destruction that had effects for decades to come. As General MacArthur Said after the surrender of Nazi Germany, “From this solemn occasion, a better world shall emerge out of the blood and carnage of the past, a world founded upon faith and understanding.” With this thinking, the United Nations was formed in 1945, although the Principle of non-intervention was already formulated in 1936 in Article 15(8) of the Montevideo Convention on the rights and duties of states. The Principle of Non-Intervention is therefore an inseparable part of International Law; this was also demonstrated by the International Court during the Corfu Channel case of 1949 and the Nicaragua case of 1986. While the Principle of non-intervention formed a landmark decision in the whole of mankind to stop the bloodshed, there have been several challenges faced in the implementation, highlighted by the Iraq Invasion in 2003 to “the NATO intervention” in Libya in 2011. The primary question highlights the fact whether the Doctrine of Intervention or the Responsibility to Protect are in relation to each other. In some cases, the intervention may not just be because of the social interest, but also for the welfare of people, as demonstrated in the case of NATO intervention in Yugoslavia and Timor-Leste. This paper explores the historical context of the Principle of non-intervention, while also establishing parallels between the right to self-defense, with a special focus on the cases of Iraq and Libya. The paper also goes on to

explore the different aspects of self-defense and its legality with a special focus on Operation Sindoor of India and Israel's war in Gaza.

Keywords- States, wars, United Nations, non-intervention, provocation

A Constitutional Study of Right to Religion and the Anti-Conversion Laws: Special Reference to Rajasthan

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Abstract

The Constitution of India guaranteed that India does not have a state religion, which means the state treats all religion equally, India is a secular country and it has rich diversity of religion, the issue of religious conversion has always been considered sensitive and controversial because in India, people of not just one religion but people of many religions and sects reside. The importance of any law depends on social and political considerations and circumstances. Although the Indian Constitution guarantees its citizens freedom of religion, freedom of belief and the right to propagate, practice and profess any religion under Articles 25 to 28. However, anti-conversion laws passed by various states in the last few years, such as the "Rajasthan Prohibition of Unlawful Religious Conversion Act 2025" recently passed by the Rajasthan Legislative Assembly, have further intensified the debate on whether such bills truly protect religious freedom or become a means of curbing individual liberty. Even the issue of anti-religious law is also already challenged and it is sub-judice in the Honourable Supreme Court, in which here too, on one hand, religious freedom, privacy,

Freedom of Individual, will of marriage, Individual dignity and on the other hand, the constitutionality of anti-conversion laws. This paper presents constitutional analysis of anti-religious conversion laws enacted by various states Like U.P, M.P. etc. The study aims to understand how the structure, purpose, and implementation of these laws are consistent with or conflict with the core fundamental rights and secular values of the constitution of India with a particular focus on the critical study of laws enacted by the state of Rajasthan. It also examines some important Indian judicial decisions and recent judicial perspectives.

This paper concludes that laws against forced religious conversion can be considered just only if they are implemented within the limits of fundamental rights. This requires that the state limit its power even in cases of unlawful conversion legal framework, and that citizens freedom of personal belief, thought, and religious conversion must be respected. A balanced legal framework, one that neither stifles religious freedom nor disrupts social harmony, is the only way to protect India's secular democratic character.

Key words: Constitution, right to religion, right to life, Human Rights, Unlawful religious

Conversion.

Cyber Trafficking Of Narcotics: Emerging Legal Challenges In The International Order

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Abstract

The convergence of cyber technologies and transnational narcotics trafficking has created a shadow network that subverts borders, law, ; oversight. Darknet platforms, encrypted apps, crypto-payments have turned conventional drug routes digital. Enforcement struggles to keep pace with anonymization tools, onion routing, ; decentralized marketplaces like Silk Road ; Hydra. Indian authorities under NDPS Act, 1985, IT Act, 2000 lack cohesive mechanisms to tackle these hybrid threats. Jurisdictional barriers, evidentiary gaps under Bharatiya Sakshya Adhiniyam, 2023, slow MLAT channels further delay justice. International regimes such as 1988 Vienna Convention, UNODC's Synthetic Drug Strategy 2021–25, Budapest Convention on Cybercrime-offer frameworks, but fall short of confronting AI-driven drug supply chains encrypted communications. INTERPOL's Operation Pangea shows that multi-jurisdictional crackdowns are feasible, but not scalable due to procedural lags digital sovereignty issues. Indian enforcement faces capacity gaps in forensic tools, dark web surveillance, ; AI-powered detection systems. The human rights concerns over digital surveillance raise alarms under Article 21 of Indian Constitution. ICCPR's privacy clauses. Courts continue to walk tightrope between liberty security. Without robust digital forensic capabilities, evidence integrity under Sections 61–69 of BSA collapses. The demand for transnational, tech-enabled, ; harmonized legal response grows urgent. This paper investigates cyber-narcotics trends, Indian statutory deficiencies, international frameworks, human rights friction, evolving enforcement models.

Keywords: Cyber trafficking of narcotics, dark web drug markets, international legal challenges, digital forensics in narcotics enforcement, transnational organized crime.

Contemporary International Legal Order: Where does the Law of Innovations Stand? - The Mauritius-India Comparative Case Study

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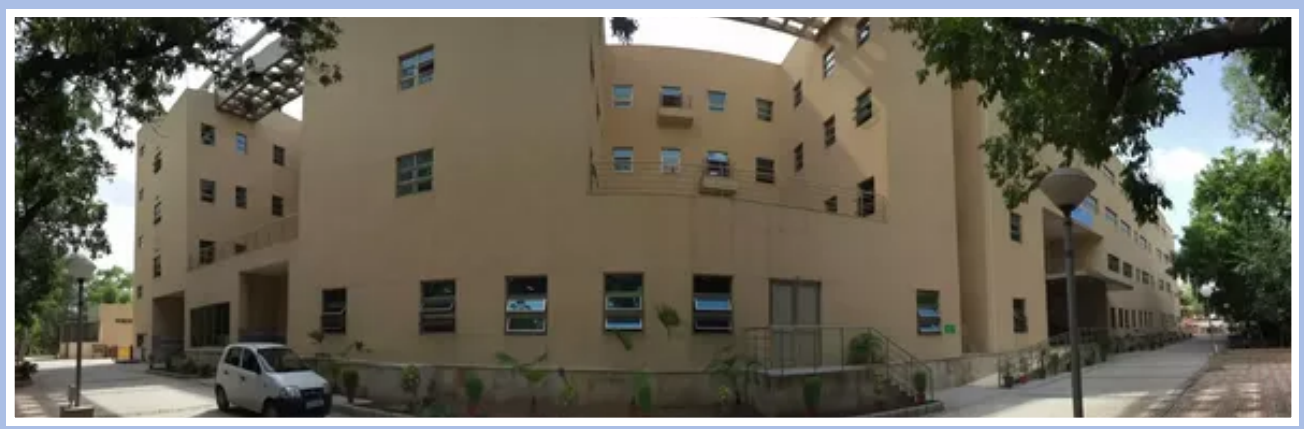
Abstract

This international conference is an ideal platform to reflect innovations and research which are carried out to boost the economy of India. In a comparative study, the authors demonstrate to what extent recent scientific research in science, law, economics, finance may shape the economy of a country to fight against unemployment, eradicate poverty, or to improve the health and well-being of all its citizens. In a world of high competitiveness irrespective innovate or die. In this paper, the authors have identified the most important key sectors but limited to investment law, international environmental law, international human rights or banking law which would enhance, inter alia, socio-economic development for one and all and to eradicate poverty to strengthen the economy of both India and Mauritius provided there are, inter alia, law and legislations, very vibrant innovations and an aggressive lobbying in terms of international and regional trade, maritime security, the development of the blue economy, support from companies to contribute to corporate social responsibility (CSR), the nations' willingness to promote artificial intelligence and digital engagement, Islamic banking offers a wide range of facilities for development and the contribution of small and medium enterprises (SMEs). However, even the most powerful country in the world remain vulnerable to pandemic diseases and there is room to cater and to control them to prevent death and other problems.

Keywords : International law, innovations, international trade, maritime security, artificial intelligence, well-being of citizens



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