



PANJAB UNIVERSITY LAW REVIEW



CONSTITUTIONAL AND JUDICIAL SAFEGUARDS IN FAVOUR
OF INDIAN WOMEN

DR. B.R. AMBEDKAR THE CHIEF ARCHITECT OF SOCIAL
JUSTICE IN INDIA

ISSUES RELATED TO FARMER SUICIDES IN INDIA - A STUDY

PANOPTICISM AND AUTOPOIETICISM OF LAW AND
CONTEMPORARY SOCIETY THROUGH THE LENSES OF
JEREMY BENTHAM, MICHEL FOUCAULT AND NIKLAS
LUHMANN

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PRISONERS

MATERNITY BENEFITS:
THE LEGAL CONUNDRUM IN THE CONTEXT OF SURROGACY

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CONSTITUTIONAL AND JUDICIAL SAFEGUARDS IN FAVOUR OF INDIAN WOMEN

Prof. (Dr.) Vandana Ajay Kumar & Ms. Lovleen Sharma

Abstract

Women have always been accorded a special place in all spheres of life which is very beautifully and explicitly augmented in our Constitution nevertheless it is heartbreaking to realize that theoretical provisions are not being properly implemented for their welfare. In order to fill the gaps, the Apex Court and Indian Constitution played their part in an uplifting women and ensuring that they appreciate their privileges and did not suffer only because of the biological reason of being a woman. In this article, the author has analyzed the Constitutional Provisions and judicial decisions in favor of women.

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DR. B.R. AMBEDKAR THE CHIEF ARCHITECT OF SOCIAL JUSTICE IN INDIA

Prof. (Dr.) Richa

Abstract

Babasaheb Dr. B.R. Ambedkar, the Chief Architect of Indian Constitution was a scholar par excellence, a philosopher, a visionary, an emancipator and a true nationalist. He led a number of social movements to secure human rights to the oppressed and depressed sections of the society. He stands as a symbol of struggle for social justice. B.R. Ambedkar's concept of social justice stands for the liberty, equality and social justice of all human beings. He stood for a social system which is based on right relations between man and man in all spheres of life. According to Ambedkar, the term "social justice" is based upon equality, liberty and fraternity of all human beings. The aim of social justice is to remove all kinds of inequalities based upon caste, race, gender, power, position, and wealth. The social justice brings equal distribution of the social, political and economic resources of the community. The contents of Ambedkar's concept of social justice included unity and equality of all human beings, equal worth of men and women, respect for the weak and the lowly, regard for human rights, benevolence, mutual love, sympathy, tolerance and charity towards fellow beings. Humane treatment in all cases dignity of all citizens, abolition of caste distinctions, education and property for all and good will and gentleness, He emphasized more on fraternity and emotional integration. His view on social justice was to remove man-made inequalities of all shades through law, morality and public conscience; he stood for justice for a sustainable society. In this paper the researcher attempts to find out Ambedkar's vision on social justice and its impact on contemporary social milieu.

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Issues related to Farmer Suicides in India - A Study
Dr. Babita Devi Pathania & Yudh Veer Singh

Abstract

Farmers are a significant piece of our country. All things considered, India is a horticultural country. We rely exceptionally upon our farmers. Notwithstanding, tragically, the case is that rancher suicides are a typical issue in our country. Every year we see such countless instances of these suicides because of various reasons. The public authority of India needs to go to lengths to forestall this issue. We really wanted to exclude our farmers from this awfulness as they are the ones who forage us. Indeed, even the residents should know about this issue and not pay them less so they endure misfortune. There is a great deal of purposes behind farmer suicides in our country. Normal cataclysms like dry seasons and floods are a significant explanation. Also, capitalization and privatization are different elements. Besides, high obligations and family pressure additionally add to this issue. This article has been discussed through like the introduction, reasons of farmer's suicide, laws for farmer's protection, recommendation for stop farmer's suicide and conclusion.

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**Panopticism and Autopoieticism of Law and
Contemporary Society through the Lenses of Jeremy
Bentham, Michel Foucault and Niklas Luhmann
Vikram Singh & Tabrej Alam**

Abstract

Law without compassion is a meaningless journey on this earth. Law is all about care, respect and understanding of human rights. Right is the totality of law. The human happiness of others and oneself is the sole object of the law. Human morality is the highest principle of human life. Human dignity is humanity. Human respect is not a will, it is a feeling that deals with morality. In mature legal system respect for law must be considered as respect for humanity. Law always keeps surveillance over behavior. Law is an instrument of social change. These changes are always associated with the inspection, surveillance and panoptical nature of law. Law is also an observer of our behavior, our action, and our pursuits. But there are two types of thought processes in relation to the surveillance nature of law. One deals with the traditional approach of law and the second deals with an open and free society and one approach belongs to positivism and the second-dimension deals with post-positivism. The panopticon dimension of law is based on the writings of Bentham's arrangement of rights and duties which are the base of a civilized society. Law is here to ensure these rights and duties in society and becomes an instrument of social control. A good life is the purpose of the law. One may say that morality is the internal dimension of social life. To maintain a good social life law is essential and the idea of Bentham with regard to law is also based on panopticism. The inspecting nature of law is covered under the doctrine of panoptical. Panopticism is also discussed as the relationship between mind, power and law. How do the laws regulate our minds? Fictional jurisprudence is the dimension of law. Similarly, the panoptical approach of law also deals with the relationship between law and human psychology. Law always affects human behavior through psychology. Law is present everywhere and directs human life directly or indirectly.

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EMPOWERMENT OF WOMEN: CONSTITUTIONAL AND LEGISLATIVE SAFEGUARDS

Dr. Promil Diwan

Abstract

Empowerment is now increasingly understood as a process by which the person once without power is given greater power and control over his life. This means control over resources and material assets, intellectual resources and ideology. It involves power to, power with and power within. Social empowerment means all section of the society having equal control over their lives and opportunity to take important decisions. Social empowerment is both pre-requisite as well as indicator of a nation's development. For a Nation to grow, it is first and foremost requirement that all sections of the society are equally empowered. This can be achieved only when different plans and policies are integrated to ensure equitable growth opportunities and access to all. The government has been trying to empower poor, marginalized sections, tribals, senior citizens, differently abled and women by adopting a multipronged approach. Women who have remained historically subdued under the patriarchal norms of the Indian society, the struggle for empowerment starts from birth. A girl child must fight even for her right to be born. Realizing these problems, government of India has taken many steps to make women empowerment the prime focus of the government and initiatives have been taken by the constitution makers as well as various legislative provisions have been made by the authorities for the empowerment of women in India. In this paper author has been trying to trace out the constitutional mandates, legislative measures, and other initiatives taken by the government in empowering women and improving their status in the society.

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INDIVIDUAL'S PERSONAL LIBERTY: EXPANDING HORIZONS

Dr Puja Jaiswal & Amit Jaiswal

Abstract

The matter which the authors have raised is that while a law students and legal practitioners are time and again reminded about the hierarchy of Courts, about the procedures, about the requirement to first approach the court lower in hierarchy. The Supreme Court in recent times has time and again refused to entertain so many matters concerning civil liberties and asked the petitioners to follow the proper procedure and to respect the Court hierarchy. Similarly, there are detailed guidelines and caveats by Supreme Courts and High Courts in how to exercise its powers under Article 226 of the Constitution and under section 482 Cr.P.C. according to which the High Court must exercise these powers only sparingly. While the Bombay High Court declined to grant interim bail to Arnab Goswami, the rejection seemed very much in line with Supreme Court judgments and guidelines. However, when the matter reached the Supreme Court and listed before the bench headed by Hon'ble Justice D.Y. Chandrachud, the bench came down heavily upon the State of Maharashtra and Bombay High Court. In the case of *Arnab Manoranjan Goswami Versus The State of Maharashtra & Ors.*, the bench granted interim bail to Arnab Goswami and also made observations that how the High Courts and Supreme Courts are duty bound to safeguard the individual/civil liberties' jealousy. The Supreme Court points out how important is individual liberties. Though the regular bail application of Arnab Goswami was pending before Alibaugh Court but the Supreme Court did not care for any procedural nitty gritty etc. and granted the interim bail. And just a few days after another bench of SC in a case of another journalist reminded the counsel to follow proper hierarchy and procedures. Thus, the authors' wants to highlight that the Supreme Court must appear like a one court and it should not be a matter of luck for the petitioners as to before whom his case is listed particularly when the issue is as important as individual liberty of citizens.

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THE CONSTITUTION OF THE “INDIVIDUAL”

Ms Lovleen Sharma & Ms Prerna Dhingra

*“Little drops of water,
little grains of sand,
make the mighty ocean....”*

Abstract

The very mighty ocean is the product of water; to this, we state, the very mighty society is the product of each of its individual. It is quite strange that sometimes looking at the broader picture does not make us see the existing microscopic things. The mighty aura of the Constitution of India, 1950 (“The Constitution” henceforth) is not unknown or hidden from the world. But, a popular perception that goes is, it is for the society at large, for its different communities, for those in the position of power in our legislature, executive or judiciary and, many people do not realize the fact that the society is made up of individuals and as much as our Constitution is for societal interests, it adequately balances the rights of each individual that composes our diverse society. This article is an attempt of looking at those ‘individual’ Articles of the Constitution that makes one realize, “It is the Constitution of individual too!”, hence, the title!

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INCARCERATION NOT THE END OF FUNDAMENTAL RIGHTS: A CONSTITUTIONAL PERSPECTIVE ON THE RIGHTS OF PRISONERS

Ms. Ajayita Sandhu & Ms. Brea Sandhu

Abstract

Inmates' rights have been a hot-button issue since the dawn of civilization. In most cases, prisoners are deprived of their basic human rights. Judicial decisions as well as the Constitution of India have, nevertheless, accepted that inmates have fundamental rights. After a person is convicted, he or she is still a human being. Articles 14, 19, 20, 22, and 39A of India's Constitution, interpreted broadly in light of Article 21, grant all detainees the same basic human rights, regardless of their criminal conviction. Humanizing the prison's solitary confinement is one method to make it feel more like home. Using a holistic approach to the fundamental rights of the highest possible quality of prisoners' rights, this research paper discusses the main issues of a jail and offers some ideas for reforming the prison system.

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MATERNITY BENEFITS: THE LEGAL CONUNDRUM IN THE CONTEXT OF SURROGACY

Shruti (Shurpali) Reddy

Abstract

The importance and issues surrounding child bearing and child rearing have been recognized world over through international treaties and conventions, as well as by the domestic law. In pursuance of the international conventions, India has a largely comprehensive legal framework in the context of maternity benefits- pre-natal and post-natal, that entitles a mother to maternity benefits. With the evolution of society and change in interpretation of family with the introduction of third-party reproduction, the introduction of laws governing Assisted Reproduction and Surrogacy, the meaning of mother also widened and can now be understood in diverse contexts. Ideally this interpretation must also reflect in the allied laws, as in the case of the legal framework governing maternity benefits. But, either due to absence of laws in this regard or the absence of suitable provisions in the existing law, the broader meaning of mother, that distinguishes and includes a biological mother- delivering her own child, a commissioning mother- getting her child delivered with the help of another woman and a surrogate mother- a woman delivering a child for the commissioning mother, was not incorporated. This led to conflict in interpretation of motherhood and entitlement to maternity benefits that has been largely addressed by the Courts and Tribunals only. This article explains the existing legal framework governing maternity benefits in India, analyzes the case laws in the context of surrogacy and maternity benefits and attempts to explore a suitable way forward for the benefit of mother and child.

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