

---

# LEGAL MIRROR

---

ISSN- 2454-6216



Volume 1 | Issue 4 (1) | June 2016

E-mail- [editor.legalmirror@gmail.com](mailto:editor.legalmirror@gmail.com)

Website- [www.legalmirror.in](http://www.legalmirror.in)

## **DISCLAIMER**

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Editor-in-chief of Legal Mirror (Hereinafter referred to as 'LM'). The Editorial Team of LM holds the copyright to all articles contributed to this publication. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of LM. Though all efforts are made to ensure the accuracy and correctness of the information published, the Editorial Team or the Publisher of LM shall not be responsible for any errors caused due to oversight or otherwise.

**© LM, March, 2016, All Rights Reserved**

# **EDITORIAL TEAM**

## **Editor-in-chief**

*Ayush Jaiswal*  
(*Editor-in-chief, International Journal of Legal Research*)

## **Executive Editors**

*Ankit Agrawal* / *Akshay S. Kheria* / *Mugdha Tomar*  
(*Student, NLIU-Bhopal*) / (*Student, NLU-Visakhapatnam*) / (*Student, NLUVisakhapatnam*)

## **Editors**

*Vinti Agarwal* / *Richa Soni*  
(*Student, NLU-Odisha*) / (*Student, HNLU-Raipur*)

## **Public Relation Managers**

*Ojas Jaiswal*  
(*B.Com., M.B.A., Sikkim Manipal University*)

## **Web Administrators**

*Siddhartha Sharma*  
(*B.E. (Electronics and Communications) RGTU, Bhopal*)

*Priyanka S. Srirangam*  
(*Assistant Ads Integrity Specialist, Facebook Inc.*)

© Editor-in-chief, Legal Mirror, March 2016

**Typeset and Printed in India**

**[www.ijlr.in](http://www.ijlr.in)**

Legal Mirror (L.M.) ISSN-2454-6216 is a student edited, peer reviewed quarterly publication which focuses on all aspects of law. LM aims to facilitate students, teachers, scholars and others interested in the field to write articles on various contemporary issues and current trends in law.

## **EDITORIAL**

Legal Mirror is a quarterly journal started with an aim to provide an avenue for the expression and enrichment the views of people interested in the field of Law. Knowledge of this field has now elevated form being a matter of passing interest to a level of general aptitude.

Aristotle once said “The law is reason free from passion”. We, however have different view!

As said by Elle Woods “passion is a key ingredient to the study and practice of Law and Life.” To us, passion is the wind that blows every ship its course (with the moist being your will). Without passion for Law, without a zeal for the daunting task of going through numerous four inch thick books, the study of law is futile.

It is with this thought in mind that we have begun the Legal Mirror. It is our hope that we re-ignite those smouldering embers of passion that lie buried inside us, waiting for that elusive spark.

**-Team LM**

## **Acknowledgement**

We sincerely thank Mr. Shaik Mohammed Ismail who has been instrumental in realization of the dream of Legal Mirror. Without your guidance and support, establishment of LM would have been a distinct reality, Sir!

We are extremely thankful to Adv. Hume Sastry Burra, Dr. J. Uma Rao and our parents for their advice and encouragement.

A special acknowledgement is deserved to all the authors, for choosing LM as the stage to showcase their views.

## INDEX

1. NON DISCRIMINATION PROVISIONS AND THE EQUALITY OF PROTECTION UNDER INTERNATIONAL LAW <i>A. AMADU-KANNIKE</i> <i>(SAN), E. E. JUMBO</i>	1
2. RULE OF LAW VIS-A-VIS, INDEPENDENCE OF JUDICIARY * <b>Dr.P.Ashok Kumar</b>	24
3. JUDICIAL REVIEW OF ADMINISTRATIVE ACTION IN THE UK AND THE US <i>Shruti Agrawal</i>	32
4. <i>COMMUNAL RIOTS INDUCED</i> <i>DISPLACEMENTS: VIOLENCE AND VICTIMISATION</i> <i>Roop Chaudhary</i>	47
5. TRACING THE GENESIS OF VICTIMOLOGY IN INDIA <i>Shobhit Singh</i>	67
6. DO WE HAVE AN OBLIGATION TO OBEY LAW? <i>Saloni Kumari</i>	76
7. EUTHANASIA-RIGHT TO DIE WITH DIGNITY <i>Palak Agrawal</i>	85
8. SCOPE OF PUBLIC POLICY IN ARBITRATION AND CONCILIATION PROCEEDINGS <b>Diksha Chandok*</b> <b>Suraj Raj Keshewani**</b>	100
9. SAMATHA V. STATE OF A.P. AND ORS. JUDGMENT: A CRITICAL APPRAISAL <i>Abhishek Kumar</i>	111
10. JUDICIAL DECISION MAKING: AN ANALYSIS <i>Pranav Tanwar</i> <i>Shriya Bhat</i>	122
11. COLONIAL JUSTICE IN BRITISH INDIA: WHITE VIOLENCE AND THE RULE OF LAW <i>Yash Karunakaran</i>	139
12. AFFLUENT WITNESS PROTECTION SCHEME THE NEED OF THE HOUR <i>Sakshi Kanodia</i> <i>Ranjabati Ray</i>	146
13. NEW CONSUMER PROTECTION LAWS AND POLICY- WITH SPECIAL EMPHASIS TO THE CONSUMER PROTECTION ACT, 1986	174

*Vaishnavi Aggarwal*

14. CONFIDENTIAL INFORMATION AND TRADE SECRET	182
<i>Manik Sethi</i> <i>Smeeksha Pandey</i>	
15. PREVENTION OF OPPRESSION AND MISMANAGEMENT ANALYSIS OF CASES DECIDED BY THE SUPREME COURT IN THE PAST 3 YEARS	188
<i>Srishiti Sinha</i> <i>Sanmati Raonka</i>	
16. <i>Case Commentary</i> Kerala Liquor Ban Case - A Critical and Normative Analysis	196
<i>Rohit Jacob Varghese</i>	
17. THE PRINCIPLE OF NON-REFOULEMENT AND ITS VIABILITY IN THE INDIAN CONTEX	211
<i>Aastha Garg</i>	
17. APPLICATION AND INTERPRETATION OF THE PRECAUTIONARY PRINCIPLE BY THE INDIAN JUDICIARY.	229
<i>V. Priya Krithika Devi</i> <i>S. Vadivumathi</i>	
18. HUMAN RIGHTS OF CHILDREN : LEGAL AND JUDICIAL UNDERPINNINGS	242
<i>Ajay B. Sonawane</i> <i>Radhikam S. Banpel Raje-Bhonsle.</i>	
19. THE ART OF BALANCING	258
<i>Sayesha Bhattacharya</i>	
20. RIGHT AGAINST EXPLOITATION (ARTICLE 23 AND ARTICLE 24): STILL A FAR CRY	265
<i>Karan Singh</i>	
21. CASE COMMENT: THE NOVARTIS SAGA	275
<i>Abhijeet</i>	
22. MEDICO-LEGAL ASPECT OF ABORTION	285
<i>Runu Sharma</i>	
23. MEDIATION CENTRE - A RELIEF FOR INDIAN JUDICIARY	301
<i>Shubham Krishna</i>	
24. LEGALITY OF TRIPLE TALAAQ	315
<i>Shreyansi Goel</i> <i>Vaishnavi Saxena</i>	
25. CORPORATE RESTRUCTURING AND	333

THE DEMERGER OF RELIANCE-A CASE STUDY

*Varendyam Jahnawi Tiwari*

*Vidushi Puri*

26. The Novartis Case Its Impact On Foreign Investors And Investments **345**  
*Varendyam Jahnawi Tiwari*  
*Vidushi Puri*
27. THE LACUNAE OF CAPITAL PUNISHMENT: A GLOBAL PERSPECTIVE **371**  
*Saloni Bhatt*  
*Shruti Tandon*
28. MOTOR INSURANCE LAW IN INDIA. **390**  
**Surja Kanta Baladhikari**