

SANGEETA AHUJA

PEOPLE, LAW AND JUSTICE

CASEBOOK
ON PUBLIC INTEREST
LITIGATION / VOLUME I



People Law And Justice Casebook On Public Interest Litigation Vol

**B.S. Chimni, Masahiro Miyoshi, Surya
Subedi**



People Law And Justice Casebook On Public Interest Litigation Vol :

People, Law And Justice: Casebook On Public Interest Litigation (Vol. II) Ahuja,1997 This two volume book documents all the reported and unreported cases of Public Interest Litigation PIL from its inception in 1979 to April 1994 The author stresses that the law is not autonomous but embodies the priorities of those involved in establishing and maintaining a legal system She shows how PIL provides a means whereby the terms of the legal discourse may be challenged equally she shows how PIL suffers paradoxically by being a part of the very system it seeks to question *Public Interest Environmental Litigation in India, Pakistan, and Bangladesh* Jona Razzaque,2004-01-01 This research examines the growth and expansion of public interest environmental litigation PIEL in India and analyses the changes that are influencing the development of PIEL in Bangladesh and Pakistan The necessity for this research lies in the rapid degradation of environment and the need of efficient environmental management in the three countries of the South Asian region Here we compare the legal systems of the three countries from the environmental point of view discuss new ideas and directions and critically analyse the legal provisions that would help to apply environmental norms These offer the legislators a chance to find out what can be applied in their own region thus developing their existing legal mechanisms About the author Jona Razzaque is barrister and holds a PhD in law from the University of London She works in the field of access to environmental justice and has published numerous articles on this issue She taught law in Queen Mary College and School of Oriental and African Studies under the University of London She is currently working as a lawyer in the Foundation for International Environmental Law and Development FIELD on cross themed projects related to bio diversity trade and climate change *People, Law, and Justice* Sangeeta Ahuja,1997-01-01 This two volume book documents all the reported and unreported cases of Public Interest Litigation PIL from its inception in 1979 to April 1994 The author stresses that the law is not autonomous but embodies the priorities of those involved in establishing and maintaining a legal system She shows how PIL provides a means whereby the terms of the legal discourse may be challenged equally she shows how PIL suffers paradoxically by being a part of the very system it seeks to question **Asian Yearbook of International Law, Volume 10 (2001-2002)** B.S. Chimni,Masahiro Miyoshi,Surya Subedi,2005-08-01 The Asian Yearbook of International Law is a major refereed publication dedicated to international law issues as seen primarily from an Asian perspective This is a special publication of its kind edited by a team of leading international law scholars from across Asia The Asian Yearbook of International Law provides a forum for the publication of articles in the field of international law and other Asian international law topics written by experts from the region and elsewhere Its aim is twofold to promote international law in Asia and to provide an intellectual platform for the discussion and dissemination of Asian views and practices on contemporary international legal issues As a rule each volume of the Asian Yearbook normally contains articles notes a section on State practice an overview of the participation of Asian countries in multilateral treaties a chronicle of events and incidents surveys of the activities of international organizations

which have special relevance to Asia such as a survey of the activities of the Asian African Legal Consultative Committee and book review bibliography and documents sections

Judicial Activism in Bangladesh Ridwanul Hoque, 2011-01-18 This book critically examines the evolving global trend of judicial activism with particular reference to Bangladesh. It constructs judicial activism as a golden mean adjudicative technology standing between excessive judicial assertion and unacceptable judicial passivity that may leave injustices unredressed. It argues that judicial balancing between over activism and meek administration of justice should essentially be predicated upon domestic conditions and the needs and fundamental public values of the judges' respective society. Providing cross jurisdictional empirical evidence, the study demonstrates that judicial activism steered towards improving justice and grounded in one's societal specificities can be exercised in a morally and legally legitimate form and without rupturing the balance of powers among the state organs. This study has sought to displace the myth of judicial activism as constitutional transgression by unelected judges, arguing that judicial activism is quite different from excessivism. It is argued and shown that a particular judge or judiciary turns out to be activist when other public functionaries avoid or breach their constitutional responsibilities and thus generate injustice and inequality. The study treats judicial activism as the conscientious exposition of constitutional norms and enforcement of public duties of those in positions of power. The study assesses whether Bangladeshi judges have been striking the correct balance between over activism and injudicious passivity. Broadly, the present book reveals judicial under activism in Bangladesh and offers insights into causes for this. It is argued that the existing milieu of socio-political injustices and over balance of constitutional powers in Bangladesh calls for increased judicial intervention and guidance of course in a balanced and pragmatic manner which is critical for good governance and social justice. Writing about judicial activism easily gets shackled by fussy and pedestrian debates about what judges may or may not do as unelected agents of governance. The book goes much beyond such reductionist pedestrianisation of law for it courageously lifts the debate into the skies of global legal realism. The analysis perceptively addresses bottlenecks of justice, identifying shackles and mental blocks in our own minds against activating concerns for justice for the common citizen. Prof Werner Menski Foreword

Monetary Remedies for Breach of Human Rights Lisa Tortell, 2006-11-13 This book constructs a framework which allows a greater understanding of domestic causes of action for breaches of human rights sounding in a monetary remedy. The first part describes the cause of action in three jurisdictions: the United States of America, India, and New Zealand. The second part discusses two insights resulting from a comparative analysis of these three jurisdictions. The first is a list of four common questions that when answered structure the cause of action. These questions address what the cause of action protects, who the cause of action protects against, whom the cause of action is directed at, and what the court orders. The second is a list of four overarching influences that affected the answers given to those questions in the three jurisdictions, so completing the structure of the causes of action. These influences are the cause of action's source, age, wider context, and internal context. Putting these two chapters together

provides a generalised outline of the causes of action In the third part of the book the analysis is turned around The generalised framework is assessed as a way in which to categorise the development and shape of the cause of action in England under the Human Rights Act 1998 The book concludes that a generic structure of the cause of action is common to the three jurisdictions studied and that the differences between the jurisdictions can be explained by influences that affect the causes of action in different ways Further this generalised framework is of relevance beyond the three jurisdictions from which it was drawn it can be used as a guide by other jurisdictions in which such a cause of action either exists or will develop in the future

Global Business, Local Law Amanda Perry-Kessaris, 2016-04-22 This volume establishes a theoretical framework for exploring the role of host state legal systems courts and bureaucracies in mediating relations between foreign investment civil society and government actors It then demonstrates the application of that framework in the context of the south Indian city of Bengaluru formerly Bangalore Drawing on the law and community approach of Roger Cotterrell the volume identifies three mechanisms through which law might in theory ensure that social relations are productive by expressing any mutual trust which may hold actors together by ensuring that actors participate fully in social life and by coordinating the differences that hold actors apart Empirical data reveals that each of these legal mechanisms is at work in Bengaluru However their operation is limited and skewed by the extent to which actors use abuse and or avoid them Furthermore these legal mechanisms are being eroded as a direct result of the World Bank's investment climate discourse which privileges the interests and values of foreign investors over those of other actors

Hindu Law Werner Menski, 2008-09-10 This book presents a study on a postmodernist analysis of classical Hindu law which has become neglected due to the modernist assumptions about the increasing irrelevance of religious legal systems The book is split into three parts The first part focuses on the historical and conceptual background of Hindu law while the second part concentrates on five facets of Hindu law that go beyond tradition and modernity namely the Hindu marriage law child marriage polygamy divorce and the maintenance law Finally the third part presents a concluding analysis to the preceding chapters where it presents the postmodern condition of Hindu law

The Politics of Hunger in India B.

Currie, 2000-03-29 Do people starve in democratic polities It is often claimed that as government must respond to public needs in times of crisis democracy has reduced famine in India since Independence This book seeks to identify the processes which generate and perpetuate hunger in India and what sort of intervention by public and private agencies are best suited to combat this problem Drawing on fieldwork in the much publicised Kalahandi district Bob Currie explains why problems of poverty and alleged starvation remain despite regular elections and extensive regional and national publicity

Comparative Law in a Global Context Werner F. Menski, 2006-03-30 Now in its second edition this textbook presents a critical rethinking of the study of comparative law and legal theory in a globalising world and proposes an alternative model It highlights the inadequacies of current Western theoretical approaches in comparative law international law legal theory

and jurisprudence especially for studying Asian and African laws arguing that they are too parochial and eurocentric to meet global challenges Menski argues for combining modern natural law theories with positivist and socio legal traditions building an interactive triangular concept of legal pluralism Advocated as the fourth major approach to legal theory this model is applied in analysing the historical and conceptual development of Hindu law Muslim law African laws and Chinese law

Resettling Displaced People Hari Mohan Mathur,2012-03-12 This volume focuses on critical issues pertaining to involuntary resettlement that affects millions of people around the world every year It examines emerging resettlement policy initiatives and the current approaches and practices to address problems of rebuilding the lives of people displaced by developmental projects

The Oxford Handbook of the Indian Constitution Sujit Choudhry,Madhav Khosla,Pratap Bhanu Mehta,2016-05-03 The Indian Constitution is one of the world s longest and most important political texts Its birth over six decades ago signalled the arrival of the first major post colonial constitution and the world s largest and arguably most daring democratic experiment Apart from greater domestic focus on the Constitution and the institutional role of the Supreme Court within India s democratic framework recent years have also witnessed enormous comparative interest in India s constitutional experiment The Oxford Handbook of the Indian Constitution is a wide ranging analytical reflection on the major themes and debates that surround India s Constitution The Handbook provides a comprehensive account of the developments and doctrinal features of India s Constitution as well as articulating frameworks and methodological approaches through which studies of Indian constitutionalism and constitutionalism more generally might proceed Its contributions range from rigorous legal studies of provisions within the text to reflections upon historical trends and social practices As such the Handbook is an essential reference point not merely for Indian and comparative constitutional scholars but for students of Indian democracy more generally

Modern Indian Family Law Werner Menski,2013-12-16 This text presents an overview of the major issues and topics in current developments in Indian family law Indian law has produced a number of very important innovations in the past two decades which are also highly instructive for law reform debates in western and other jurisdictions Topics discussed are marriage divorce polygamy maintenance property and the Uniform Civil Code

India's Human Security Jason Miklian,Ashild Kolas,2013-09-11 India s explosive economic growth and emerging power status make it a key country of interest for policymakers researchers and scholars within South Asia and around the world But while many of India s threats and conflicts are strategized and discussed extensively within the confines of security studies strategic studies and conventional international relations perspectives many less visible challenges are set to impact significantly on India s potential for economic growth as well as the human security and livelihoods of hundreds of millions of Indian citizens Drawing on extensive research within India this book looks at some of the hidden risks that India faces exploring how a broadened scope of what constitutes risk itself holds value for Indian security studies practitioners and policymakers It highlights several human security risks facing India including the inability of the world s largest democracy

to deal effectively with widespread poverty and health issues resource depletion and environmental mismanagement pervasive corruption and institutionalized crime communal violence a protracted Maoist insurgency and deadlocked peace processes in the Northeast among others The book extracts common themes from these seemingly disparate problems discussing what underlying failures allow them to persist and why policymakers heavily securitize some political issues while ignoring others Providing an understanding of how several lesser studied risks can pose potential or actual threats to Indian society and its emerging power growth narrative this book is a useful contribution to South Asian Studies International Security Studies and Global Politics

The Role of Islam in the Legal System of Pakistan Martin Lau, 2006 Starting in 1947 this volume examines the way Pakistani judges have dealt with the controversial issue of Islam in the past 50 years The book's focus on reported case law offers a new perspective on the Islamisation of Pakistan's legal system in which Islam emerges as more than just a challenge to Western conceptions of human rights

COMMUNITY ORGANIZATION AND DEVELOPMENT ASHA RAMAGONDA PATIL, 2012-11-19 In a democratic country like India community organization and development has a great significance This concise yet comprehensive book explains the basic concepts of community organization and development and other related issues in an accessible manner The book deals with different aspects of community organization and describes in detail the process of community development It dwells on the concept of community mobilization covering needs benefits and challenges related to it and explains different models of community organization for bringing social change Besides the book focuses on conflict management in a constructive way and suggests that conflicts if dealt proactively can bring positive changes and harmony among people Finally it concentrates on models and strategies used in social action and different roles of the community worker while working with the people Examples especially from the Indian situation are given to clarify the topics discussed Chapter end questions will help the student to understand the subject in a better way The book is intended for the undergraduate and postgraduate students of Social Work Besides professionals in the field will also find the book quite useful

Capturing Institutional Change Himanshu Jha, 2020-09-10 Institutions are norms that undergird organizations and are reflected in laws and practices Over time institutions take root and persist as they are path dependent and thus change resistant Therefore it is puzzling when institutions change One such puzzle has been the enactment of the Right to Information RTI Act in India in 2005 which brought about institutional change by transforming the information regime Why did the government upend the norm of secrecy which had historically been entrenched within the Indian State This book uses archival material internal government documents and interviews to understand the why and how of institutional change It demonstrates that the institutional change resulted from ideas emerging gradually and incrementally leading to a tipping point About the IDSA Series This series interrogates the interplay between globalization the state and social forces in the making and un making of institutions in South Asia Why do institutions persist and change Do we need to transcend materialism and dwell in ideas and culture as

well to understand why institutions perform and fail The first book in the Institutions and Development in South Asia series this volume studies the historical institutionalism in the information regime in India by presenting an alternative narrative about the evolution of the RTI Act **Public Interest Litigation and Human Rights in India** Arun Ray Mohapatra,2003

People, Law And Justice: Casebook On Public Interest Litigation Ahuja,1997-01-01 This two volume book documents all the reported and unreported cases of Public Interest Litigation PIL from its inception in 1979 to April 1994 The author stresses that the law is not autonomous but embodies the priorities of those involved in establishing and maintaining a legal system She shows how PIL provides a means whereby the terms of the legal discourse may be challenged equally she shows how PIL suffers paradoxically by being a part of the very system it seeks to question **Indian Review of Books** ,1997

Decoding **People Law And Justice Casebook On Public Interest Litigation Vol** : Revealing the Captivating Potential of Verbal Expression

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