

**MESSAGE  
FROM  
PROFESSOR-IN-CHARGE**

Albeit delay, I am privileged to present to all our dear readers the 20th issue of our flagship journal titled *National Capital Law Journal ('NCLJ' in short)*, published by Law Centre-II. Throughout its publication journey, this journal has been widely acclaimed by the readers, mostly scholars, practitioners, and students of law in our country. At the time when this journal was first published in 1996, it was second only to *Delhi Law Review*, a publication from the Faculty of Law, University of Delhi. At that time, there was a dearth of quality journals in the national capital region.

So much water has flown down after that time and there is abundance of many journals and law reports in this region. However, the NCLJ has remained as the trusted source of reference for the members of academia and practitioners of law all over the country and abroad even today. Research articles submitted for publication in this journal are blindly peer-reviewed and matched with its aims and scope. The editor-in-Chief and the entire Editorial Board of this journal are very experienced and driven by the motto of excellence. The journal is published both in online and print formats.

The present volume has selected eleven long and short articles on contemporary topics, such as abortion rights, insolvency protocols, gender and climate change, child protection laws, criminal procedure, equality principle, law on occupied territory, powers of the President in the times of political instability, internal displacement induced by climate change, powers of President of Nigeria, and the scope for paperless judiciary. In addition, an attractive section, i.e., book review, adds another feather in the cap of this journal as it has selected one book on IPR and Bio-technology for it.

I take this opportunity to congratulate the entire editorial team for selecting the best articles and bringing out this issue with strict adherence to the highest standards of scholarly editing. I wish Professor Pinki Sharma, the editor, and her editorial team a huge success in broadening the base of readers of this flagship journal by sharing and tagging the journal to their social media profile and by such other electronic means. Last but not the least, the advisory board of this journal deserves kudos for their support and blessings for the journal.

**PROF. DR. ANUPAM JHA (Editor-in-Chief)**  
**PROFESSOR-IN-CHARGE**  
**LAW CENTRE-II, FACULTY OF LAW**  
**UNIVERSITY OF DELHI**

**MESSAGE  
FROM  
EDITOR**

It gives us enormous pleasure to present the latest issue of the National Capital Law Journal Vol XX, which endures our obligation to nurturing laborious academic review and critical rendezvous with contemporary legal issues. This issue brings together a miscellaneous assortment of contributions from academicians, research scholars and practitioners offering both doctrinal scrutinises and interdisciplinary perspectives.

Research articles in journals are not just theoretical exercises, but they are vehicles for knowledge conception and scholarly communications. Research articles published in journals are the foundation of academic discourse, intellectual growth and are a key mechanism for disseminating such results. They provide a professional means of expressing ideas, illustrating credentials, and contributing to the overall knowledge base. They safeguard that innovative ideas, critical evaluation, and empirical verdicts are shared with the widespread scholarly community. Amidst the fast-paced growth, research methodologies are in a constant state of evolution, punctuating the dynamic character of quest and exploration. The process of blind peer review adds credibility and preserves the integrity of research.

National Capital Law Journal (NCLJ) is a blind peer-reviewed, faculty-run journal published annually by Law Centre II, University of Delhi since 1996. Its aim is to promote academic research and foster debate on contemporary Legal and policy issues, both national and international, across all fields of law. NCLJ serves as important forum for the legal community, encouraging scholarly dialogue among academicians, judges, practitioners, researchers and prominent thinkers. This issue has received a positive response, highlighting the role of research in societal development and progress.

In this issue of NCLJ:

**Olusola Babatunde Adegbite**, in the article titled “*Scope of the President’s Power to Remove a Central Bank Governor under Nigerian Law: A Critical Analysis*”, discusses the constitutional and statutory framework governing the removal of Central Bank Governors in Nigeria. Using the 2023 removal of Governor Godwin Emefiele as a case study, he argues that the President lacks unilateral power to affect such removal, emphasizing the requirement of Senate approval to safeguard institutional independence, uphold the doctrine of separation of powers, and protect the Central Bank from political interference.

**Sandhya Sharma and Versha Vahini**, in the article titled ‘*Issue of Cross-Border Insolvency: Is Insolvency Protocol a success story in India?*’ have discussed the importance of insolvency protocols as mechanism to address challenges arising from multinational corporations having assets and creditors across jurisdictions, with reference to the legal framework in India, development of protocols through landmark cases and the continuing uncertainty over their standardisation despite their emergence as a practical tool for managing cross-border insolvency.

**Kanchal Gupta and Stuti Pandey**, in the article titled '*Protecting Children from Sexual Offences- Challenges and Issues in the Implementation of POCSO Act, 2012*', discuss the progressive features of the act such as gender neutrality, child-friendly procedures and creation of special courts, while also pointing out persistent challenges in its implementation. These include underreporting, social stigma, procedural delays, inadequate victim support, ambiguities around consent and uneven enforcement among others and argues that the act's promise can be achieved through sustained, multi-pronged reforms.

**Pramod Tiwari and Shubam Pandey**, in the article titled '*Margins to Mainstream: The Status of Transgender Persons' Right to Education in India*', have explored the historical, constitutional, and legal framework surrounding the educational rights of transgender individuals. It highpoints the progress made through landmark judgments, constitutional amendments, and legislation like the RTE Act and the Transgender Persons (Protection of Rights) Act, 2019. The article emphasizes tenacious challenges such as systemic discrimination, low literacy rates, and lack of institutional support, leading to exclusion from quality education. Recommendations for inclusive policies, anti-discrimination cells, gender-neutral facilities, and financial support mechanisms to ensure equitable access to education for the transgender community have been made.

**Santosh Upadhyay**, in the article titled '*Transformative Occupation of Iraq and International Law: A Legal Analysis*', discusses the far-reaching political, legal and economic changes introduced in Iraq by occupying powers violated the established law of occupation. The author argues that such transformative measures undermine sovereignty and self-determination and that lasting changes in occupied territories must come from people themselves, not from external force.

**Nitesh Saraswat and Shivani Pundir** in the article titled '*Political Stability vs. Federal Autonomy: A Study of President's Rule and Anti defection Law in India*' discuss the interplay between Article 356 and the Tenth Schedule. In regard to this, the authors highlight how these provisions, which are perceived as safeguards for constitutional crises and political stability are rather misused. The authors emphasize the urgent need for reforms, for instance, revisiting the merger clause, ensuring time-bound disqualification and strengthening institutional integrity to preserve India's federal balance, democratic resilience and constitutional accountability.

**Balajinaika B. G.**, in the article titled '*Climate Change, Internal Displacement, and the 2030 UN Agenda for Sustainable Development: Issues and Challenges*', discusses how climate change-induced displacement poses a major threat to the achievement of SDGs. By highlighting the gaps in international and regional frameworks, the author emphasizes the urgency of including internally displaced persons as a distinct category within SDG policies, urging national and global efforts to strengthen capacities.

**Tejaswini Misra and Sonam Dass**, in the article titled '*Feminist Perspectives on Environmental Justice: Need for Gender Equity in Legal Frameworks in combating Climate Change*', have discussed how climate change disproportionately impacts women, critiquing India's largely gender-blind climate policies and that the implementation of gender issues at the state level is very diverse. Tracing the gaps between normative goals and actual policy approaches, the paper argues for

integrating intersectional vulnerabilities of sex, caste, class and resource access into climate governance.

**Sona Khan** in the article titled '*Abortion in US Politics : Some Reflections*' scrutinizes the argumentative role of abortion in shaping American law, politics, and electoral strategy. It is highlighting how restrictive state laws, the revival of old statutes like the Comstock Act, and inconsistent federal policies have deepened polarization. Through significant cases, legislative battles, and personal misfortunes, the author emphasizes the human and ethical costs of abortion bans. It concludes that abortion has become not just a healthcare issue but a defining marker of political identity, women's autonomy, and constitutional morality in the United States.

**Zubair Ali and Ruhil B Raj**, in the article titled '*From Tradition to Technology: Exploring the Feasibility of a Paperless Justice Delivery System in India*', discuss the ongoing digital transformation of the Indian judiciary and the possibilities of moving towards a paperless system. Highlighting initiatives such as e-filing, virtual hearings, case management systems, and the Orissa High Court's near-paperless model, the author emphasizes that while digitisation can make justice more efficient, transparent, and accessible, its success ultimately depends on strong infrastructure, inclusivity, digital literacy, and bridging the technology divide to ensure that justice truly reaches everyone.

**Amrendra Kumar** reviews the book '*Biotechnology and Intellectual Property Rights: Legal and Social Implications*' written by Kshitij Kumar Singh. In his book, Dr. Kshitij explores the legal, social, and ethical dimensions of biotechnology patents across jurisdictions. The work highlights gaps in international frameworks and stresses the need for balanced reforms to ensure innovation serves both public welfare and global equity. The reviewer has made scholarly observations.

Thus, this issue of the Journal addresses various magnitudes that will provide treasured impetus for further research and a deeper understanding of the contemporary challenges faced by society.

On behalf of my editorial team members, I extend our deep gratitude to our Professor-In-Charge Prof. (Dr.) Anupam Jha for his constant unwavering support, valuable guidance, encouragement and insightful feedback for the successful publication of this Journal.

Wholeheartedly I extend my heartfelt appreciation to our esteemed authors for their scholarly insights, treasured advisory board members for their valued advice, sincere and honest reviewers, and the dedicated editorial team for their meticulous efforts in sustaining the high standards of the journal. Above all, my profound thanks to our readers for their continued support and sustained engagement, which remains the keystone of this journal's purpose. I wish all the best for future endeavours to all our authors who have contributed their perspectives on various contemporary issues by submitting well researched papers in our journal National Capital Law Journal, Volume XX Issue 2022.

**PROF. DR. PINKI SHARMA (Editor)**  
PROFESSOR, LAW CENTRE-II,  
FACULTY OF LAW, UNIVERSITY OF DELHI

**MESSAGE  
FROM  
CO-EDITOR**

With privilege and immense pleasure, I hail the legal fraternity for helping us to bring out the publication of this Journal. The luminaries of University of Delhi, Faculty of law, who have passed on the baton to us, and have previously helped illuminate legal minds, shape student personalities and have helped raised the stature of our faculty, are our guiding light to carry this mission forward. The endeavors we make today, should help the coming fraternity to follow the same path. The aim of this journal was to highlight the multifarious aspects of law to enlighten minds, which otherwise may not be mindful towards certain issues. It is with this vision, that I feel proud in being associated with the publication of this journal. I am grateful to the mind, labor, and efforts of all members, who helped to support and bring out this publication.

**DR. SHABNAM (Co-Editor)**  
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