

Role of Judiciary and Police in Connection With an Admissions and Confession and Abuses by Them

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Abstract – All admissions are confirmation however all affirmations are not admissions. Affirmation and admission are a fundamentals subject of the Indian law of proof and are a special case for the prattle. Affirmation and admission are significant in the Indian law of proof since they are the assertion against the interest of the people who makes them and they are without a doubt evident. In *State (NCT of Delhi) v. Navjot Sandhu* (2005) 11 SCC 600, the Supreme Court held that admission is considered exceptionally solid on the grounds that no ordinary individual would make an affirmation against himself except if elevated by his still, small voice to tell truth. Confirmation is significant proof yet creator can demonstrate that it isn't accurate. It's anything but an indisputable in nature however it is a definitive of the reality except if it is removed and demonstrated something else. Admission is an immediate confirmation of blame and it tends to be the premise of conviction. In *the Shankaria v. Province of Rajasthan AIR 1978 SC 1248*, the Apex Court held that an admission, if deliberate and honestly made, is a useful confirmation of blame. Segments 17 to 23 of the Indian law of proof, manage affirmation and areas 24 to 30 of the Indian law of proof, manages tolerability of admission by charged in criminal cases.

Keywords – Admission, Confessions

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INTRODUCTION

Law is primarily partitioned into considerable law and descriptor law. The system, arguing and the method of evidence are characterized by the target law and right, obligations and liabilities are characterized in the „substantive law“. The Rule of Evidence is an "modifier law" and it portrays the standard with respect to what matter is or isn't acceptable for motivation behind building up realities in debate and concerning the way where such matter might be delivered under the watchful eye of court. It decides the reality in issue and important realities and chooses their suitability. Confirmation is applicable in proof since blame is conceded by denounced himself thus, there is no compelling reason to demonstrate it. Each admission will be confirmation and not the other way around. A confirmation is an acknowledgment by an individual in any strategy to an individual against his interest.[1] all in all, an affirmation is an intentional affirmation of certainty in a suit, or in a procedure or in any capacity which is conflicting with his own revenue. It could be communicated and suggested. It is basically a strategy for disclosure of truth as it is utilized in evidence.[2] An acknowledgment has a critical part in occurring of preliminary. In the event that one

celebration demonstrates that other or inverse gathering conceded a few realities for a situation or continuing, crafted by court gets more obvious reality and choose the case. It is positive demonstration of affirmation which is cognizant and purposeful demonstration and something which would be inferred.[3] The quiet and inaction don't add up to confirmations. Subsequently, confirmations have a significant part in proof which save the hour of court as well as make expedient preliminary. It is generally acknowledged that a declaration is authenticated and repudiated by utilizing his prior assertion. Be that as it may, the position is entirely unexpected if there should arise an occurrence of confirmation and admission and they have evidential worth and it isn't considered as a simple articulation. A preliminary can be discarded, in outrageous cases, exclusively based on such affirmation and admissions, on the off chance that it is demonstrated requirement of admission. Accordingly, affirmation and admission have extraordinary significance in proof which save time as well as decide reality. Admission is a significant idea of Law of Evidence by which truth is consolidated. A deliberately admission might be a sole premise of conviction in a preliminary yet it is

dismissed when it isn't willfully and the charged or other are erroneously embroiled. There is diverse standard in various nations driving the admissibility of admission, yet every one of these guidelines guarantee that out of line conviction doesn't charge. It has additionally obstruction impact of halting the hostile cross examination by the researching organization, if some doubting method abuses strategy and respondent's right.[4] The court has critical part in enthusiasm for confession booth proclamation and assumes a significant part to shield charged from bogus explanation and wrong conviction. The issue of bogus admissions is obviously worried among a restricted weak populace and intellectually impeded.

The investigation and assessment of a presume's post-confirmation story against the well-established realities of wrongdoing forestall the unnatural birth cycle of equity. The mandatory video or sound account of cross examination associated is an interest with time which will diminish the risk of weakness brought about by bogus admission by creating the utilization of intellectually solid arm talk with method.[5] A admission is definitely not a simple articulation however it very well might be establishment of assessment, if, willfulness of it is set up, so it has an extraordinary significance in proof. Keeping in see the intricacies, arising in current time, which are influencing the organization of equity antagonistically, is the current arrangement of admissions and their execution. An acknowledgment of culpability by blamed is an admission. It is assumed that an affirmation of a blamed soon subsequently commission for wrongdoing conveys a ring of truth and he makes confirmation of blame which is valid and willful. Be that as it may, it is perilous to depend on all admission since they might be prepared, bogus, constrained and compulsory. Law makes qualification among willful and compulsory admissions and recommends certain test to decide if the admission is intentional prior to conceding them in proof. The Law of Confession is an admission to the all-inclusive guidance of constitution that certifications against self-implication.

Admission – Concept and Meaning

An oral, or in electronic structure or printed explanation that proposes any ramifications in regard to presence of component being referred to or appropriate component is an admission.[6] For instance, in a recuperation suit, a section in account book was delivered to show that he made a passage in his record book in regard of his credit which add up to affirmation in the respect of his responsibility of advance. Master James Stephen depicted confirmation and expressed that "an affirmation is an explanation which is oral or composed recommending a surmising regarding any reality in issue or applicable or considered to be pertinent to any such truth made by or in the interest of any gathering to any proceeding".[7] An acknowledgment should be clear and with no vagueness. The entire

assertion should be thought about and identified with truth in issue and important indeed. Simple quietness doesn't add up to admission. The oral acknowledgment or restricted in archives are its type, for instance for example societies, declarations, assertions, grumbings, composed explanations, exhibitions, profit and horoscopes.[8] A legal confirmation implies a conventional assertion made by a gathering during the procedures. It ties a gathering who makes it. Confirmation is a legal continuing comprises a waiver of verification under law of proof. In Satish Mohan v. State[9], it was affirmed that an affirmation in an arguing is a legal confirmation and the privileges of the gatherings are established on it. Casual confirmation is an explanation which was not made in any procedure yet made to any individual or in any record and so forth It is completely restricting and comprises establishment of the privilege of gatherings when works as an estoppel.[10] It might be oral and composed yet after the alteration in the Indian law of Evidence in 2002, it could be in electronic structure. An affirmation is important in proof since it is assumed that nobody would announce anything against himself except if it were true[11]. In any case, the assumption doesn't cover every one of the circumstances and conditions whose affirmations are significant.

There is no assumption where numerous people are intrigued. Wigmore puts the reasonability of confirmation on another premise. He expressed the premise of worthiness of confirmation on the comparability of alterable or unpredictable proclamation by onlookers finished on before event.[12] Phipson[13] called attention to the explanation of affirmation which incorporates that a revelry's acknowledgment is extensive in logical inconsistency of him and forgoes the privilege of verification. A confirmation is against the expectation which are presumably obvious. A confirmation isn't just a proof of his reality yet additionally conflicting to exemption for gossip receivable in inconsistency of a party not as proof of their veracity thus as to special case for prattle rule yet basically as being capricious with thus distrusting, the case thereafter bet up. It is announcement of gathering whether possibly in support of his advantage.

Confessions-Concept and Meaning

The word admission comes from Latin word „conficteri“ which is a mix of „con“ implies fulfillment and fitter intends to talk. In this way, admission should be absolutely liberated from any external impact in any capacity. The Black Law word reference portrays admission as "a deliberate assertion by an individual accused of commission of wrongdoing or crime correspondence to other wherein he recognizes himself to be blameworthy of the offense charged and unveils the conditions of the demonstration or the offer and support he had in it".[14] The Indian

law of Evidence of 1872 doesn't clarify the meaning of admission; nonetheless, it is the immediate affirmation of blame. As there is no meaning of the term admission, we need to search for our direction to the expressed impression of seats. Stephen[15] characterizes "an admission as a confirmation made whenever by an individual accused of a wrongdoing expressing or recommending on deduction that he carried out that wrongdoing". Hairpiece more expressed that "admission is an affirmation in express words, by the blamed in a criminal case, of the reality of the liable demonstration charged or some fundamental of it".[16] Phipson portrayed that "an explanation which the detainee had been caught mumbling to himself, if in any case than his rest, is allowable against him, if freely demonstrated".

The significance of term admission was elucidated by Stephen in his Digest and the choice of Pakala Narayan master's case[18] in which it was received in India which was overruled in Privy Council set out the specific and legitimate view which was given by Straight J. in Queen Emperor v. Jagrup.[19] Straight J. cited that it is any declaration which whole to coordinate affirmation of fault and does exclude criminalizing explanation from which a ramifications of culpability tracks. Acknowledgment bad behavior or any degree essentially the real factors to build up to bad behavior is an admission. A confirmation of harshly indicting realities or unmistakable sentencing truth isn't in its degree. For instance, blamed conceded that he is proprietor for cutting edge or gun and the demise was brought about by this edge however he has no explanation of some other man's control.

The meaning of Stephen was not acknowledged by the Privy Council. Stephen depicts that an acknowledgment by a person who was accused of a misconduct is certifying or meaning the end product that he gave the bad behavior. The Indian law of Evidence of 1872 doesn't contain any precise definition however it manages their suitability and importance. The Privy Council's definition in Pakala Narayan Swami[20] case is viewed as precise clarification of idea. From there on the Supreme Court offered endorsement to the definition in Pakala Narayan's case in the State of UP v. Deoman Upadhyaya[21], that acknowledgment of commission of wrongdoing by charged is admission. Thusly, admission including the few sections which may uncover the real commission just as important realities. Be that as it may, the admission is a straight acknowledgment of fault by the one accused of the offense. The Apex Court held in State of UP v. Naryat Sindh[22] that admission is estimated amazingly relentless on the grounds that no reasonable being would express an articulation against himself aside from elevated by his trustworthiness to convey the veracity. It was held that the affirmation should be acknowledged all in all including exculpatory and inculpatory part.[23] However, the Supreme Court acknowledged the idea

of English Law in Nishi Kant Jha v. Province of Bihar[24] that the implicating bit of an announcement can be depended and disposing of the reprieve. It will perhaps be assumed that an affirmation for reason for proof in continuing is a straight acknowledgment that the wrongdoing has been carried out by a suspect. In Common Law, an admission implies an adversative assertion or acknowledgment made by suspect in regard to the topic of culpability in a wrong. It was additionally held that each element of the establishments of a wrongdoing acknowledged by suspect including the cerebral segments is an admission.

Historical Background of Admissions and Confessions

Prior to the thirteenth century, there was accusatory technique where a gathering made a charge which was denied by inverse gathering on promise that the claim was bogus and false. Prior to the thirteenth century, confirmation and admission had assumed just a peripheral part in arbitration of case and organization of justice.[25] From that point jury method of preliminary came into power in which confirmation and admission proof turned into an authentic verification. It had a utilitarian significance which was changed into an instrument with which one can be held blameworthy by jury that upgraded the utility of admissions and raised its situation in criminal equity. An oversight to the widespread guideline that gossip proof isn't applicable and adequate in a procedure and when affirmations are made uninhibitedly and willfully are acceptable at the precedent-based Law. Direct gossip is permissible at the custom-based law, which depends on levelheaded assumption that nobody will concede a reality which is against the producer and that is the reason it conceivably will s be thought to be trustworthy[26] In England, it was given that accused's utter admission to an authority isn't adequate in the event that it isn't willfully made. To make it allowable in proof, it should be intentionally made with no actuation or power or impact brought about by exploring organization who can abuse his situation for acquiring an admission.

Later on, inquisitorial techniques got normal in which admission from suspected or blamed were thought of. However, in the earliest reference point of the seventeenth century, there was the utilization of torment in the inquisitorial strategy and it negated the precedent-based law guideline. In the underlying Seventeenth century, the delights in inconsistency of self-ramifications have been gotten comfortable England. It had been created round the questionable pastor Court. The charged or suspect could be indicted without satisfying essential prerequisites and the activity of torture during addressing was recognized.[28] The Government of Oliver Cromwell disposed of

these courts to end the act of torment. In 1894, The Criminal Evidence was ordered in England which annulled these courts. It conceded the privilege to charge to have been analyzed or affirmed under promise yet not a commitment. No blame was constrained to talk at preliminary and the option to keep on hushing up was perceived. The advantages in inconsistency of self-accusation were impacted in sacred instrument. Proficient police power had been set up and the rule of willfulness arose in England. The questionable affirmation and admission started to be barred in preliminary. A perfectly dependable admission was held to be denied if an inhumane or fierce methods were utilized to acquire any assertion. After establishment of Statutory law for the proof in common cases[29], admissions are administered by area 9 of this demonstration which depicts that in a procedure, an opposite assertion of an offended party or litigant to the procedure made by anybody conceivably will be expected a sign for purposes demonstrating acknowledgment in which truth expressed. The Common Law has been introduced by this demonstration. Later on, the Statutory[30] law came in power and the law of affirmation were represented by segment 7 of this demonstration which recommends that an assertion made by a gathering on his direct information and individual information wherein truth was conceded, might be given in proof and it is acceptable. An acknowledgment made by somebody on his conviction isn't a confirmation since he doesn't know from where it came from. In starting admissions were represented by the Common Law and their tolerability was chosen by the Common Law, later on legal law came into power and the laws of admission are regulated by the Statutory Law[32] and the segment 76(1) of this demonstration depicts rule in regards to the acceptability of admission. The part 76(1) of this demonstration portrays the standard interfacing with the worthiness of admission which is explicitly safeguarded by the segment 118(1) of the Statutory law[33] and now recommends the standard of tolerability of admission. In starting time, there was no efficient principle of proof in India. The standard and guideline of England was trailed by all the Presidency towns. The British Government had presented English principle in India in 1773 and passed the Statutory law.[34] The Highest Court was perceived in Calcutta through the Royal Charter which gave the Supreme Court would edge and draft rules as per the religion and way of locals. From that point in 1781, many befuddling enactments ended the standard of the English Evidence which was set up by Royal Charter. There was no sure law of proof in the mofussil Courts which were represented by the bearing gave every once in a while. The courts were represented by the standard law in light of the fact that there were uncertain and dubious guidelines. The English Regulation and rule of Evidence were not appropriate in the mofussil justices and Hindu and Muslim standard laws were likewise not pertinent in these courts. In the manner, there were no fixed standard of proof, and organization of equity was not agreeable.

After the First War of Independence in 1857, the Crown of India had been acknowledged to the British Crown from the organization which was fun time for upliftment of the Indian Legal System. The High Court had been set up by the India High Court Act which was passed by British Parliament in 1862. The force of the greatest court of allure had been affirmed to the Privy Council and the issue were chosen by the Lords of the House of Lords. The new law of legitimate experts was ordered which shut the entryway for India specialists.

The idea of Law Commission arose and the principal Law Commission was shaped which was directed by its Chairman, Thomas Babington Macaulay who drafted the Indian Penal Code. The matter identifying with proof and witness declaration was thought about and afterward, the British Crown passed a progression of Regulations and Acts to take care of this issue. The Muslim, Hindu and standard law represented all the mofussil courts and the English merchants were administered by their local law and they were absolved from neighborhood and standard law. There was an incredible requirement for development in the law of proof to eliminate vulnerability in regard of strategy with respect to confirm. This arrangement of Acts had been passed in such manner. The limitation of intrigued observer was eliminated and any one could show up as observer in court notwithstanding interestedness. The gatherings to continuing, their spouses and any remaining people who were keen on case, were qualified for give proof. The inadequacy of sentenced individual as an observer, who eliminated in such manner by presenting the new demonstration in 1837. There were a few challenges in use of English law of proof in India which constrained the authorization of the Indian Law of Evidence. In 1868, the primary Bill was presented regarding the matter which was dropped later in light of the fact that it was not considered very appropriate to the socio and strict circumstance of India and it didn't cover all circumstances and acknowledges. The Draft Bill of 1868 was drafted by Sir Henry Sumner Maine which was dropped by all legitimate specialists by submitting to be unsatisfactory for need of country. It was viewed as that it was not rudimentary for the workplaces for whose utilization it would have been established and not per the law of England. Sir James Fitz James Stephen drafted another Indian law of Evidence in 1872 which had 163 areas. The draft Bill was circled everywhere scale which was reprimanded and afterward it was re-drafted by Sir Stephen. The Indian Evidence Act was at long last endorsed in 1872 as the primary demonstration of 1872 including 167 segments. It is appropriate in Indian since 1872 in its unique structure yet a few changes have been acquainted from time with time.

The section 17 was substituted and Section 22A inserted by Amendment in Indian law of

Evidence in 2000.³⁷ Explanation in Section was also inserted in 1891.³⁸ Now admission and confessions were governed by this act with some new amendments.

REVIEW OF LITERATURE

The audit of the accessible writing is the initial step for start of the execution on research issue that is useful to comprehend the idea on which examination will be finished. Subsequent to referring to the examination issue, the direction from existing writing is vital to discover the appropriate response of your exploration issue which will assist with figuring the exploration system. All connected writing to work like books, monographs, reports, research papers or articles and so on are useful for clearness of idea. It uncovers the effect of previous exploration work on society which is useful to makes a decision about new work and its effect. Here, the surveys of writing of some approves are as per the following:

- (i) "C.D. Field"s Law on Admissions and Confessions" amended by Gopal S. Chaturvedi.³⁹ The book has been separated in two sections: the initial segment manages Admission and the subsequent part discusses the admission. In the second part the creator clarifies the significance just as meaning of the word admission by taking the help of related case laws. The creator likewise examines the various conditions where the admissions are acquired by the cops and the other individual who is authority. The Indian Evidence Act doesn't characterize "Admission", for quite a while frame the Indian courts received the definition given in Stephen"s Digest of law Evidence. Present title manages Sections 17 to 31 of the Indian Evidence Act, 1872.
- (ii) Law of Evidence by Dr. Asis Mallick,⁴⁰ this book has been appropriated into three sections including eleven parts, which manage reach and extent of the law of proof. The examination identified with confirmation and admission in this book clarifies in straightforward terms and is straightforward. The writer attempts to cover the fundamental components of admission like authentic point of view, statute of admission and reasoning, aside from this, in this book every assertion is clarified with the assistance of legal laws, case laws and with the decisions of the summit court.
- (iii) Sarkar on Law of Evidence by S.C. Sarkar⁴¹. In this book the writer examines the guideline whereupon an admission is treated as certain occasions unacceptable, that under specific conditions it gets conniving as declaration. Sarkar additionally referenced the admission of the charged

ought to be unequivocal term conceding the commission of the wrongdoing. Such an admission can't be utilized against a blamed except if the court was fulfilled that it was deliberately made and was valid.

- (iv) Specifications of Law of Evidence: Being a Commentary on Indian Evidence Act, 1872, By M. Monir.⁴² Monir in his book talk about the admissions and it should be authentic and intentional just as ought to have some verification to be depended upon and to be the premise of a conviction. Subsequently, the circumstance under which the admission has been acquired, the manners by which it is gotten and the individual to whom it is made, are fundamental components to be remembered prior to following up on an admission, particularly in non-legal admission and criminal cases.
- (v) "Product of Poisonous Tree: Evidence got from inappropriately and wrongfully acquired proof" by Kerri Mellifont⁴³. In his book Kerri notices "The fate of a criminal preliminary can be determined by a choice by the preliminary jury to discard proof which has been gotten by ill-advised or unlawful cross examination ways. Albeit much has been written in Australia on the standard and discretions to reject such proof, and little has been composed on a specific types of such proof, that is, proof which is gotten from or has been acquired by illicit or inappropriate insightful methods. A rejection of an admission got automatically, or drugs situated in an unlawful hunt, can bring about the breakdown of an argument against a denounced.
- (vi) A paper named "A near report among affirmation and admission" has been composed by M. Mano and K. Roja.⁴⁴ In their paper, they decide the examination among Admission and admission. The creators examine about the confirmation and admission with unique reference to India and the U.S.A. They find in their examination that admission has more prominent degree and evidentiary worth under Indian proof go about when contrasted with admission.
- (vii) "Admissions and the Criminal Justice Act 2003", article has been composed by Stockdale, Michael and Clough, Joanne⁴⁵. In their paper they talk about tolerability of prattle. The creator expressed that the report of law commission left behind different issues in regard of the adequacy in proof of

admission in its arranged legal prattle with far-fetched systems.

RESEARCH OBJECTIVE

1. To trace the history and background of the origin of admission and confessions
2. To analyze the role of judiciary and police in connection with an admissions and confession and abuses by them

RESEARCH METHODOLOGY

Present exploration is doctrinal or non-observational lawful examination which implies an examination that has been led on a suggestion via investigating the current legal law and investigation of cases by utilizing the thinking power. It contains requesting the lawful recommendation and investigation of case law through lawful thinking. The assortment of unique data for first time is known as essential or interior others which incorporates legal enactment, case law, standard law, codification, commissions reports and connectional law and so forth The determination of data from somebody is known as recuperation or outside wellspring of information which incorporates different editorials, book, note, digests, reference books, different articles and so forth

DATA ANALYSIS

Admission is a significant arrangement of Indian law of evidence¹ in criminal continuing and its reality can be demonstrated in a specific case which is in issue. The best reason for the forswearing of some confession booth declarations is that when admission isn't expected and there is hazard of the charged misleadingly implying himself or other for a situation. There are various principles in various nations superseding the passability of admission. One is ensured through these rules that illegitimate conviction doesn't occur. They additionally obliged as a notice to hostile addressing by the police and some doubting techniques abuses the freedom of respondent or custom right. 2 The piece of court in comparative with confession booth statement is likewise estimated. The bogus confession's issue is clearly worried among a thin weak populace and intellectually impeded. To forestall unnatural birth cycle of equity brought about by admission, examiner, judge and so forth should judiciously inspect and assess an accused's post-affirmation portrayal in logical inconsistency of the recognized confirmations of the bad behavior. The obligatory video or sound chronicle of law requirement organization cross examination would vitally decrease the threat of abuse created by wrong admission by delivering the act of mentally persuasive addressing technique.

CONCLUSION

In criminal procedures, an acknowledgment of order of wrongdoing by a speculated individual is demonstrated against him, is known as Confession. Then again, an affirmation for the most part identifies with common exchange involving every one of the assertions given in conditions of the segments 18,19 and 20. The willfully and purposely got Confessions may be perceived as conclusive to determine the issue and then again, a matter conceded affirmations are never definitive to choose the reality, yet it might go about as estoppels. Under the Section 21 of India law of Evidence gives that a confirmation of an individual might be utilized it for his own advantage. Admissions made by suspect might be demonstrated in inconsistency of other co-suspect when they are in effect together attempted to comparative offence, 1. The composed or oral assertion given by respondent is permissible which shows the commitment of individual making affirmations, and Confessions is proclamation made by litigant in printed or articulated structure which is considered as briefest tolerability of suit. The affirmation or confirmation of the blame is one of the critical instruments through which the culpability of suspect is brought into home. The willful admission has an extraordinary significance in criminal organization. Along these lines, affirmation has been separated in area 17 of Indian law of Evidence and admission has not been differentiated in this demonstration, however admission is immediate confirmation of blame. The law of affirmation and admission have been characterized from area 17 to 31 of this demonstration and willful and genuine admission are passable and premise of conviction. Confirmation is exemption for gossip proof.

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