



Editorial

The Journal and Publication Society, School of Law, CHRIST (Deemed to be University), takes pride in placing on record, the twenty seventh issue of the *Christ University Law Journal*. This is a special issue comprising research articles selected from the papers presented at the International Conference titled *Sustainable Development: Science, Technology and Human Rights* held in 2024, at Christ University, Delhi NCR Campus.

The relationship between sustainable development, technology, the advancement of science, and their impact on human beings is intricate. Sustainable development intends to meet the present needs without compromising on future generations' ability to meet their requirements. Technology and scientific advancement play a crucial role in achieving this by providing innovative solutions to environmental and social challenges. However, the impact on human rights must be carefully considered. While technology and science can enhance human rights by improving access to basic services, education, and health care, they can also pose challenges such as, privacy violations, discrimination, and exacerbate social inequalities. Hence, it is pertinent to ensure that sustainable development initiatives utilize technology and science to protect and promote human rights for all.

The United Nations Development Program (UNDP) and the UN human rights office in close cooperation with the UN development coordination office, formed a partnership to support the integration of human rights and sustainable development systems. The 2030 Agenda for Sustainable Development focuses on development grounded in the Universal Declaration of Human Rights and international human rights standards, with equality and non-discrimination as focus areas (United Nations Human Rights report).

The research articles in this issue aim to explore the intersection between sustainable development, technology and the advancement of science from a human rights perspective. There is a need to ensure equitable access, social inclusivity, and ethical considerations in the pursuit of sustainable development using science and technology. It

is also essential to monitor inequalities in order to ensure that human rights entitlements are realized and inequalities are done away with (The International Journal of Human Rights, 2017). This engagement is essential in achieving a more equal, peaceful, and sustainable world that is inclusive. Human rights interventions provide crucial data and information to facilitate actions towards inclusive development models. This is essential to achieve individual and collective well-being of the people, especially the marginalized ones.

Sairam Bhat and Gayathri's paper titled, *Restorative Justice and Environmental Compensation: A Critical Evaluation of Law and Policy*, focuses on restorative justice as an alternative way for addressing environmental crisis. The paper examines the compensatory regimes established by the Jen Vishwas Act and the National Green Tribunal. The paper highlights the difficulties in determining environmental crimes because of technological advances and poor implementation of existing laws. Of late, the authors point out that the focus of environmental law has shifted from retributive justice to that of restorative. Environmental restoration is also an approach that international organizations are taking to address the widespread loss of eco-systems. The authors strongly argue that nature restoration supplemented with environmental compensation is crucial for environmental conservation and sustainable development. The paper proceeds to explore in detail the challenges faced in this regard by examining various case laws. The paper concludes, suggesting that monetary penalties alone will not help in nature restoration. A strong political and executive will to strictly implement laws should go along with this.

The article, *Reframing Persecutions: A Socio-Legal Analysis of Asylum Claims Based on Climate Change-Induced Conditions* by Priya Mathur and Gowri Agarwal, highlights the plight of climate change-induced refugees in the absence of legal acknowledgement and international protective frameworks. The paper argues that the absence of a clear definition for the term 'climate refugees' is a major obstacle in safeguarding the rights of those displaced by climate change. In this regard, the paper analyses the State's responsibility while adjudicating asylum claims. The authors point out how often asylum claims are difficult to process, as this requires the victims to establish persecution. The authors bring in case laws from various

jurisdictions to demonstrate how claimants who were able to establish persecution got favourable consideration when compared to others who did not. Thus, it becomes pertinent to understand that most of the asylum seekers have faced rejection because of the limitation in the scope of the definition of the term refugee under the 1951 Refugee Convention. The paper concludes by presenting a strong case for those asylum seekers who failed to adequately present their plight and makes a plea to nation-states to strictly adhere to the non-refoulement principle that forbids the expulsion of asylum seekers.

Liji Samuel's paper titled, *Need for a Circular Economy to Manage E-Waste: An Analysis of Indian Legal Regime*, offers a comprehensive doctrinal analysis of India's e-waste management regulatory framework with that of global best practices and the need to transform India's approach to e-waste management from a linear model to a sustainable circular economy framework. The author critiques the E-Waste (Management) Rules, 2022 for their limited incorporation of circular economy principles and reverse logistics. The paper compares India's statutory framework with the approaches adopted in jurisdictions such as the European Union, China and Germany, highlighting gaps in stakeholder responsibilities, the exclusion of informal sector participation and the lack of robust mechanisms for both producers and consumers. The author concludes by underscoring the need to integrate the informal sector into e-waste management systems and introduce consumer-oriented incentives such as deposit refund schemes to enhance collection efficiency.

Akshat Gogna and Neha Das, in their article titled, *Mitigating the India-Pakistan Maritime, Humanitarian, and Environmental Adversities with respect to Sir Creek*, focus on the plight of people of the fishing communities in both India and Pakistan who inadvertently cross borders and get imprisoned. Their prolonged detention and custodial deaths have given rise to a humanitarian crisis. The authors delve deep into the climate change-induced livelihood problems of fishermen in the Sir Creek region, as this often leads to marine border violations. According to the authors, the imprisonment of fishermen is in violation of the Vienna Convention 2008 and other such International Agreements. The paper presents

the case of human rights violations of Indian and Pakistani prisoners and the need to address this humanitarian crisis in the light of international conventions and agreements. The paper concludes by suggesting measures like rejuvenating marine life on the Gujarat coast, regional cooperation between the two countries, adhering to the framework provided by the Ramsar convention, technology infusion so as to assist fishermen in knowing their location and urgent interventions in terms of diplomacy and dialogue.

Use of Nanomedicine and the Ethico-Legal Challenges for the Indian Healthcare System, authored by Haripriya G. and Harigovind P.C., explores the potential of nanotechnology in therapeutics (nanomedicine) alongside its ethical and legal complexities. The authors have laid down wide ranging applications of nanomedicine from targeted drug delivery and cancer treatment to gene therapy-while simultaneously underscoring the toxicological risks and uncertainties that hinder its safe deployment. The paper highlights the definitional ambiguities, classification dilemmas of nanomedicine (whether a drug, medical device, or biologics) and the inadequacies in the existing legislative framework in addressing the complexities of nanomedicine in India through the critical evaluation of the Drugs and Cosmetics Act, 1940. The authors further provide a comparative analysis with jurisdictions such as the United States, European Union and Australia regarding the regulation of nanomedicine, thereby highlighting the importance of establishing a harmonised regulatory framework at the global level. The paper concludes by suggesting the need to implement specific regulations and rules to address the unique features of nanomedicine.

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