SCOPUS-Indexed • Open-Access Journal • Peer-Reviewed

GNLU Journal of Law & Economics

Volume VII (I) Jan-Jun 2024 ISSN 2582-2667





ADVISORY BOARD OF THE GNLU JOURNAL FOR LAW AND ECONOMICS

DR. JUSTICE D.Y. CHANDRACHUD, CHIEF JUSTICE OF INDIA, SUPREME COURT OF INDIA.

MR. JUSTICE A.K. SIKRI, FORMER JUDGE, SUPREME COURT OF INDIA.

PROF. (DR.) S. SHANTHAKUMAR, DIRECTOR, GUJARAT NATIONAL LAW UNIVERSITY.

PROF. (DR.) BIMAL N. PATEL, VICE-CHANCELLOR, RASHTRIYA RAKSHA UNIVERSITY & FORMER DIRECTOR, GNLU.

PROF. (DR.) ARIEL PORAT, ALAIN POHER PROFESSOR OF LAW AT TEL AVIV UNIVERSITY & FISCHEL-NEIL DISTINGUISHED VISITING PROFESSOR OF LAW AT UNIVERSITY OF CHICAGO.

PROF. (DR.) HANS-BERND SCHAFER, PROFESSOR EMERITUS, BUCERIUS LAW SCHOOL, UNIVERSITY OF HAMBURG.

PROF. (DR.) THOMAS ULEN, SWANLUND CHAIR PROFESSOR EMERITUS, ILLINOIS COLLEGE OF LAW.

PROF. (DR.) JAIVIR SINGH, PROFESSOR OF ECONOMICS AND DIRECTOR OF CENTRE FOR THE STUDY OF LAW & GOVERNANCE, JAWAHARLAL NEHRU UNIVERSITY.

PROF. (DR.) RAM SINGH, PROFESSOR OF ECONOMICS, DELHI SCHOOL OF ECONOMICS, UNIVERSITY OF DELHI.

PROF. (DR.) TOM GINSBURG, LEO SPITZ PROFESSOR OF INTERNATIONAL LAW, LUDWIG AND HILDE WOLF RESEARCH SCHOLAR, PROFESSOR OF POLITICAL SCIENCE AT UNIVERSITY OF CHICAGO LAW SCHOOL.

PROF. (DR.) HENRIK LANDO, PROFESSOR OF LAW & ECONOMICS, COPENHAGEN BUSINESS SCHOOL.

PROF. (DR.) AJIT MISHRA, SENIOR LECTURER, DEPARTMENT OF ECONOMICS, UNIVERSITY OF BATH.

PROF. (DR.) SAUL LEVMORE, WILLIAM B. GRAHAM DISTINGUISHED SERVICE PROFESSOR OF LAW, UNIVERSITY OF CHICAGO LAW SCHOOL.

EDITORIAL BOARD OF THE GNLU JOURNAL FOR LAW AND ECONOMICS

EDITOR-IN-CHIEF

PROF. (DR.) RANITA NAGAR

FACULTY EDITORS

DR. HITESHKUMAR THAKKAR (EXECUTIVE EDITOR)

PROF. (DR.) NUNO GAROUPA

ASSISTANT EDITOR

MS. ADITEE SHARMA

STUDENT EDITORS

KHYATI MAURYA	SARANSH SOOD	ADYA DESAI
SIYA MATHUR	DIGVIJAY SINGH	GAURAVI TALWAR
NIHARIKA AGGARWAL	SREELAYA M	AKSHITA BHANSALI
VEDIK BAIRWA	VANSH GAINT	VANSHIKA SHARMA
NEHA KATARIYA	CHINMAY TRIPATHI	ABHIMANYU AYUSH VYAS

EDITORIAL NOTE

- *Editors*

The first issue for Volume VII presents a set of 6 articles which seek to explore the intersection of law and economics, examining how economic principles can enhance legal frameworks and improve societal outcomes. From the impact of digital technologies on law and society to the challenges of child labor in the handloom industry, these papers offer valuable insights into the complex relationship between law and economics. This issue highlights the potential of economic analysis to inform judicial decision-making, improve regulatory frameworks, and address pressing societal issues.

The paper titled **"Exploring Some Nuanced Approaches in the Economic Analysis of Law"** by Justice AK Sikri, advocates for integrating economic analysis into judicial decision-making to enhance legal reforms in India. He emphasizes the need to consider economic impacts alongside traditional legal principles, human rights, and the doctrine of proportionality. Justice Sikri also highlights the benefits of the interdisciplinary approach between law and economics, and the potential of alternative dispute resolution methods to improve legal efficiency and outcomes. This approach aims to create a more balanced, informed, and effective judicial system.

The paper titled **"Interconnectedness between Economic Theories and Legal Practices"** by R Venkataramani, explores how integrating economic principles with legal frameworks enhances human well-being by aligning legal practices with economic concepts such as utility maximization and societal welfare. It highlights the interconnectedness between law and economics, illustrating how legal systems can drive better outcomes by incorporating economic insights. Additionally, it critiques traditional economic measures like GDP for their inadequacy in capturing quality of life, emphasizing the broader role of law in improving economic and social conditions.

The paper titled **"Information's 'Un'-civilization: The Imperative for a New Approach to Law and Economics?"** by Prof. (Dr.) Upendra Baxi, discusses the impact of digital technologies on law and society, particularly the rise of surveillance capitalism as described by Shoshanna Zuboff. It acknowledges the influence of the law and economics movement but argues that its focus on inequality has diminished. Three models – US (market fundamentalism), PRC (authoritarian legality), and EU (human rights focus) – are presented as potential responses to digital governance. The author expresses concern about the potential

demise of law in the face of powerful digital technologies and corporate control, calling for a renewed focus on the role of law in regulating the digital world and asking if law and economics can help address this challenge. This paper **"Study on the Application of Forensic Analytics in Early-Stage Occupational Fraud Detection",** by Dr. Himanshu Thakkar, Ms. Gopika Gopan, Ms. Anshu Singh, Dr. Siddharth Dabhade explores the issue of occupational fraud, which is prevalent globally. It discusses the impact of fraud on organizations, including financial losses and reputational damage. The study aims to evaluate preventive measures organizations have implemented to reduce occupational fraud. The paper highlights the importance of forensic analytics in detecting and preventing fraud.

The paper **titled "Analysis of Legal Provisions for Child Labour in Handloom Sector: A Case Study of West Bengal"** by Sumana Lahiri and Nausheen Nizami, examines child labour in India's handloom industry, focusing on West Bengal. It analyses existing labour laws and their applicability to child labour, finding that while laws prohibit child labour, they are often not strictly enforced. The paper highlights the economic reasons behind child labour in handloom households and the impact on children's education and development. The research calls for stricter enforcement of laws and measures to address the root causes of child labour in this sector.

This paper titled **"A Law & Economic Analysis of 'Ordinance Raj' In India: Navigating the Rule v. Standard Debate in the Legal Design as a Mechanism to Reduce Political Cartelization"** by Khyati Maurya and Saransh Sood, examines the use of ordinances in India, focusing on the issue of promulgation. It analyses the constitutional provisions and relevant court cases, highlighting the misuse of ordinance-making power by successive governments. The paper employs a law and economics approach to analyse this issue, proposing solutions to address the problem. The authors suggest framing rules to objectively test the need for ordinances and ensure they are used appropriately. Additionally, they propose a total cost curve to determine the optimal level of stringency in these rules. The goal is to strike a balance between allowing the executive to address emergencies and ensuring that parliamentary deliberations remain central to the legislative process.

TABLE OF CONTENTS

Exploring Some Nuanced Approaches in the Economic Analysis of Law *by Justice AK Sikri*

https://doi.org/10.69893/gjle.2024.000059 *Pg 01- 25*

Interconnectedness between Economic Theories and Legal Practices *by R Venkataramani*

https://doi.org/10.69893/gjle.2024.000060 *Pg 26- 34*

Information's 'Un'-civilization: The Imperative for a New Approach to Law and Economics? *by Prof. (Dr.) Upendra Baxi*

https://doi.org/10.69893/gjle.2024.000061 *Pg 35-46*

Study on the Application of Forensic Analytics in Early-Stage Occupational Fraud Detection *by Dr. Himanshu Thakkar, Ms. Gopika Gopan, Ms. Anshu Singh, Dr. Siddharth Dabhade*

https://doi.org/10.69893/gjle.2024.000062 *Pg 47-74*

Analysis of Legal Provisions for Child Labour in Handloom Sector: A Case Study of West Bengal *by Sumana Lahiri and Nausheen Nizami*

https://doi.org/10.69893/gjle.2024.000063 *Pg 75-93*

A Law & Economic Analysis of 'Ordinance Raj' In India: Navigating the Rule v. Standard Debate in the Legal Design as a Mechanism to Reduce Political Cartelization by Khyati Maurya and Saransh Sood

https://doi.org/10.69893/gjle.2024.000064 *Pg 94-120*