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NEWSLETTER VIDHI-LEKH

Newsletter of Pro Bono Club under the Faculty of Law
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Messages from the Editorial Team

Messages from the Editorial Team

Dear Readers,

I feel ecstatic to release the fifth issue of our Newsletter, “Vidhi-Lekh”, an initiative of our Pro Bono Club, Nyaya Bandhu Legal Services, under the Ministry of Law and Justice. On behalf of the Vidhi-Lekh Editorial Team, I would like to extend a very warm welcome to the readership of Vidhi-Lekh. I take this opportunity to thank our authors, editors and reviewers, all of whom have volunteered to contribute to the success of the Newsletter. The Vidhi-Lekh is a quarterly newsletter devoted to publishing articles addressing Contemporary Legal Issues. The newsletter includes Legal Current Affairs as well as the activities conducted by the Pro Bono Club under the aegis of the Ministry of Law and Justice. I hope this newsletter will enhance our readers' knowledge. I am fortunate to be supported by a highly effective team. The current group of Associate Editors worked incredibly hard, particularly in assessing and processing submitted articles. We hope to keep serving the society and community by publishing value-added articles and information related to the legal issues pertaining to National and International events.

Thank you for reading.



Mrs. Saloni Tyagi Shrivastava
Editor-in-Chief
VIDHI-LEKH



Messages from the Editorial Team

Messages from the Editorial Team

Dear Readers,

It is indeed a great honour to take the role of Managing Editor for the newsletter “Vidhi-Lekh”. The outstanding contributions of the editorial team and our contributing writers have brought immense value to our newsletter through their content. In this issue, we will recount the various activities undertaken by the Pro Bono Club of Kalinga University and articles related to contemporary legal issues. Our main goal for this newsletter in the coming years would be to raise its status via quality articles and community-serving activities. A huge thank you to all the members who contributed and supported throughout the creation of this edition.



Ms. Ekta Chandrakar

Managing Editor
VIDHI-LEKH



Greetings, everyone from the Vidhi-Lekh Team! Greetings, everyone from the Vidhi-Lekh Team!

Vidhi-Lekh magazine is an initiative under the Pro Bono club of Kalinga University. We feel honoured to have this great opportunity. Working on this newsletter with our team was a rewarding rush. With the help of this newsletter, we try to keep you in touch with gripping events ongoing in the nation, current affairs and legal paradoxes.

We hope you enjoy reading this issue as much as we enjoyed making it.



Mitali Thakur And Komal Pandey

BA LLB (5TH SEMESTER)
STUDENT EDITORS

Associate Student Editors List

Associate Student Editors List

- Honoured to be taking on the role of Vidhi-Lekh's Associate Editor. For this edition, we're proud to look back on yet another superb and outstanding contribution of our editorial team and our contributing writers. I do hope that the newsletter encourages many more, including students, to use it as a platform to express their creativity. I sincerely hope that this edition makes for an interesting read.



SWARNIM SAHU
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ASSOCIATE EDITOR

- The opportunity to work on the Vidhi-Lekh editing team has been a huge honour. The most recent legal information is given to the readers by Vidhi-Lekh. I hope that the newsletter inspires more people to use it as a venue for showcasing their artistic ability.

I sincerely hope you enjoy reading the articles.



PRERNA BORKAR
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ASSOCIATE EDITOR

- This edition of the Vidhi-Lekh is a special series of new topics our writers have thought of bringing up. I hope that this will bring a huge bloom in the barren lands of issues and injustice. As an associate editor, I believe that this is a truly beneficial and changing platform for the youth to express their thoughts.



ASHUTOSH SINGH
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ASSOCIATE EDITOR

Associate Student Editors List:

Associate Student Editors List:

- It has been a great honour to be a part of the Vidhi-Lekh editing team. Vidhi-Lekh provides the readers with the latest legal knowledge. Thanks to all the editors, associate editors and writers who completed these amazing articles. We hope you read the articles and find it interesting.



DAMINI MAHANAND
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ASSOCIATE EDITOR

India's Economic Transformation: The Road to USD 7 Trillion by 2030



Abstract

According to a Deutsche Bank report, India is on track to become the world's fourth-largest economy by 2030, with a predicted GDP of USD 7 trillion. This would imply doubling its present GDP of USD 3.5 trillion in seven years, a lofty but attainable aim. According to the paper, three primary engines will drive India's economy over the next decade: increasing financialisation, sustainable energy transformation, and digital revolution. These engines will help India overcome structural constraints like low savings and investment rates, reliance on fossil resources, and low productivity and efficiency. However, India will face a number of obstacles and hazards, including growing inflation and interest rates, geopolitical uncertainty, and environmental and social concerns. To overcome these obstacles and capitalise on possibilities, India will need to follow good macroeconomic policies, conduct structural reforms, invest in human resources and infrastructure, and promote innovation and entrepreneurship.

Keywords: Largest, Economy, Aim, Finance, Energy, Digital revolution.

Introduction

With an average annual GDP growth rate of 6.8% from 2013 through 2022, India is one of the world's fastest-rising economies. Despite the COVID-19 pandemic, which caused a 7.3% contraction in 2020-21, India has demonstrated extraordinary resilience and recovery, with a projected 9.5% growth in 2021-22. The demographic dividend, big domestic market, diverse industrial base, and vibrant services sector have all contributed to India's economic development.

However, India is also confronted with numerous problems and limits that limit its capacity for growth and development. Among these are:

Low rates of savings and investment: India's gross domestic savings rate fell from 34.6% of GDP in 2011-

12 to 30.1% in 2019-202, while its gross fixed capital formation rate fell from 34.3% to 29.3% over the same period. This reflects the low level of financial inclusion and intermediation, as well as the sluggish business environment and inefficiency in the public sector.

High reliance on fossil fuels: India is the world's third largest consumer and importer of crude oil³, and coal accounts for around 70% of its electricity output. This exposes India to variations in global oil prices and supply interruptions, as well as contributing to the country's high carbon emissions and pollution.

Low productivity and efficiency: According to the Global Competitiveness Index 2019, India ranks 116th out of 141 nations, indicating its weak performance in categories like infrastructure, innovation, institutions, skills, and market size. India also has a sizable informal sector, which accounts for around half of the country's GDP and employment but works outside of established regulatory and tax structures.

To address these issues and realise its full potential, India must undergo structural transformations that promote sustainable and inclusive economic growth and development. According to a Deutsche Bank analysis, India can achieve this change by focusing on three critical engines that will drive its economy over the next decade: fast financialisation, renewable energy transition, and digital revolution.

Financialisation

The process of growing the influence and size of the financial sector in the economy, as well as the availability and usage of financial products and services by people and businesses, is referred to as financialisation. Financialisation can improve economic growth by mobilising savings, efficiently allocating capital, diversifying risks, and promoting innovation. Because of governmental reforms, technological advancements, and demographic changes, India has made great progress in financial inclusion and deepening in recent years. According to Deutsche Bank research, India's financial assets are predicted to increase from 3.5 times GDP in 2020 to 6.5 times GDP in 2030, adding USD 2.5 trillion in economic value and producing 30% of nonfarm jobs.

Clean Energy Transition

The transition from fossil fuels to renewable energy sources such as solar, wind, hydro, and biofuels is referred to as a clean energy transition. The move to clean energy can boost economic growth by lowering greenhouse gas emissions, enhancing energy security, creating green jobs, and stimulating innovation. India has set lofty goals for clean energy development, aiming for 450 gigatonnes of renewable energy capacity by 2030, up from 89 gigatonnes in 2020. According to a McKinsey analysis, India may save up to USD 600 billion in fuel expenditures and avert 1.1 gigatonnes of CO₂ emissions per year by 2030 by implementing a clean energy transition.

Digital Revolution

The acceptance and dispersion of digital technologies such as the internet, mobile phones, cloud computing, artificial intelligence, and blockchain throughout various sectors of the economy is referred to as the digital revolution. The digital revolution has the potential to increase economic growth by increasing productivity, efficiency, convenience, accessibility, and the quality of goods and services.

Due to the rapid expansion of internet and smartphone penetration, the launch of Aadhaar (the world's largest biometric identification system), the implementation of the Goods and Services Tax (GST), and the promotion of digital payments, India has accelerated to a high level of digitization in recent years. According to Deutsche Bank research, India's digital economy will increase from USD 200 billion in 2020 to USD 1 trillion in 2030, accounting for 14% of GDP.

Financialisation, the clean energy transition, and the digital revolution are mutually reinforcing and synergistic elements. Financialisation, for example, can increase access to credit and insurance for clean energy projects and digital entrepreneurs; the clean energy transition can reduce reliance on imported oil and gas and improve the quality of power supply for digital infrastructure; and the digital revolution can promote greater transparency, accountability, and efficiency in the financial and energy sectors.

Conclusion

India has the potential to undergo a dramatic economic transition by 2030, with a GDP of USD 7 trillion and the country being one of the world's largest and most dynamic economies. This transformation will be driven by three important factors: financialisation, clean energy transition, and digital revolution, all of which will improve the Indian economy's efficiency, sustainability, and innovation. However, in order to realise this ambition, India will need to overcome a number of obstacles and adopt a comprehensive reform agenda that would enhance productivity and competitiveness across industries. India's economic transformation will have far-reaching consequences for the global economy and society, as it will contribute to global growth and demand, provide possibilities for trade and investment, and share its experience and knowledge with other emerging economies.

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Rights of Victims of Crime

Emboldening the Rape culture



In the year 2018, 10 rapes occurred in the span of 10 days in the state of Haryana, shaking the core of the societal norms and legal order. These horrendous crimes were justified because ours is a society that encourages rape culture and questions everything else apart from the rapist. Rape Culture means “A type of society, where sexual violence and abuse is normalised and played down”. Society normalises it because they consider it as a part of prevalent customs and traditions, and they choose to consider them above law and order. Rape culture is spread across the subcontinent, and it is practised in the name of various issues like honour killing, victims' fault, etc. As per a survey done by Quint, Rape is always consensual, which is an irony because why would any women consent to be raped? These questionable perspectives of people serve as the medium to administer the rape culture over the generations. Young minds are filled with seeds that hinder their ability to look far and beyond the dynamics set up by a closed-stratified society.

One major way of propagating the Rape Culture, which has been reported time and again, is Blaming the Victim. Most survivors fight their toughest battles outside the hospital with the glare of society questioning their character. Society never fails to question the character of the rape victim, and the rape culture adds the cherry on the top by acknowledging the contribution of women in the heinous crime which occurred to them. Backward societies of Haryana, Uttar Pradesh and Maharashtra provide explanations for the increased rape cases, which depicts nothing but the sick mentality of people. The Khap Society of Haryana prohibits girls from wearing jeans because that's what invites men to rape them. A country as diverse as India can question the dressing style of a community while completely ignoring the animal-like mindset of other communities. Research proves that the way women dress has nothing to do with and in no way influences the rapist's choice of victims. Hence, completely eradicating the notion that women provoke men with their dresses and, therefore, Rape occurs. Rape culture will be prevalent as long as women are considered as a weaker counterpart and the mistakes of men are kept hidden from society. Blaming women for the crime that has happened to them can be the most outrageous act, which will not only cause them physical pain but would give them lifetime trauma.

Another way of trivialising the offence is by agreeing to the toxic masculine behaviour of men in society by claiming that, “Men will be Men”. On the outside, these might not sound as complex as they are. Normalising the dominant manhood behaviour gives them a way to do anything and everything that they desire, which results in bad consequences. Men, from a very tender age, should be taught to respect women, not because they are submissive and weaker than them, but rather because they are equal counterparts. Societies in states like Haryana and Uttar Pradesh, where honour of the family lies in the genitals of females make them submissive and lead to an increased number of honour killings where they are punished for the crimes that men did.

One major contribution to encouraging the rape culture is done through ignoring many misogynistic songs and movies of Bollywood. Psychology talks about how we imitate the things we see in our surroundings and how we get heavily influenced by the movies we see. Songs which objectify women and use them for the purpose of men's entertainment contribute heavily to enhancing the predator behaviour of men. Songs in movies like Dabangg and Double Dhamaal, objectified women and regarded them only as the medium to satisfy the desires of men. Creating such an archetype of women ingrains young minds to look at them in a way which is different from the real picture, which creates a huge disparity. Movies and songs should create an environment which addresses the evil reality of society and suggests methods to overcome such situations.

Rape culture is prevalent in all big and small parts of the country, it can be felt while hearing sexist jokes, watching movies, blaming the victims or trivialising the intensity of the crime. Legislation would fail to provide full justice until the mentality of society is changed. Rape is a crime and should be treated as one, no claim can reduce the severity of this gross activity. Shaming the victim would only take society backwards and would encourage the criminals to commit such horrendous activity.

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ARTICLE 370 and SUPREME COURT'S CURRENT DELIBERATION



What is Article 370?

The Instrument of Accession or attainment, which Maharaja Hari Singh, the former ruler or sovereign of Jammu and Kashmir, signed in 1947, led to the creation of Article 370. Singh used this device to accede the State to India. However, it restricted India's ability to enact laws for the State to only address communication, defence, and external affairs. All of the requirements listed in this Instrument of Accession were included in Article 370. Its aim was to make it possible for Jammu and Kashmir to become a democratic state under the "Dominion of India" from its previous status as an independent princely state.

Jammu and Kashmir was given a unique constitutional status that differentiated it from all other Indian states by virtue of Article 370 of the Indian Constitution. The clause significantly curtailed Parliament's ability to enact laws for the State. This gave the state legislature of Jammu and Kashmir the actual authority. The clause served as a way to guarantee that the people of Jammu and Kashmir would have full control over their sovereignty and that any laws pertaining to them would only be implemented with their approval.

ABROGATION OF THE SPECIAL STATUS

Article 370 of the constitution of India was revoked by the Jammu and Kashmir Reorganization Act 2019. With this, Article 35 A, which defined the state subjects of Jammu and Kashmir, was also stripped off. The special status granted to Jammu and Kashmir under Article 370 of the Indian constitution was revoked on 6 August 2019 by the Indian government. This has been a very complex and controversial issue since then. There have been both supporters and critics of this decision. Many nationalists support this decision as, according to their perspective, this revocation promotes national integration, uniformity in law, and the resolution of historical grievances. They also believe that this would lead to economic development and better governance in the Jammu and Kashmir region. While some people celebrated

this decision, prominent political figures like former Jammu and Kashmir Chief Minister Omar Abdullah and Mehbooba Mufti filed petitions challenging the government's decision and questioning the constitutional validity of the government's move to abrogate Article 370.

Why has this matter captured the attention of the media?

Recently, this matter has been all over the news as the constitutional bench of the Supreme Court headed by Chief Justice of India D. Y. Chandrachud announced that they will conduct a day-to-day hearing on the pleas challenging the government's decision to revoke the special region status from 2nd august 2023. Very renowned and stalwart lawyers Kapil Sibbal and Gopal Sankarnarayan have been hired by the petitioner, the political party National Conference and their leader, Omar Abdullah.

What is the opinion of critics?

The critics argue that the decision of abrogation could hurt the autonomy and identity of the state of Jammu and Kashmir as Article 370 gave the state a special status within the Indian Union. The move has also raised concerns about the political stability and rights of the people or citizens of Kashmir.

Now, there are many people both against and for the revocation of Article 370. But here are some key arguments by the people who say that the abrogation of Article 370 is unconstitutional:

1. The Indian Constitution contained a permanent clause known as Article 370. It was meant to be a permanent component of the Indian legal system when it was incorporated into the constitution in 1949. Therefore, the government's decision to remove Article 370 was unconstitutional.
2. Jammu and Kashmir's distinct identity and culture were safeguarded by Article 370. Since Jammu and Kashmir has a unique history and culture, Article 370 was designed to protect these facets of the state's identity. There are worries that the state's distinctive identity may be diminished as a result of the removal of Article 370.
3. The purpose of Article 370 was to guarantee that the central government would treat the state of Jammu and Kashmir equitably. Since the central government has a long history of marginalising the state, Article 370 was meant to offer some protection against this. There are worries that the state may become even more sidelined or ignored as a result of Article 370 being abrogated.
4. There was an undemocratic approach taken in the revocation of Article 370. The people of Jammu and Kashmir were not consulted when the central government made the decision. The ideals of democracy were broken by this.
5. Many violations of human rights have occurred in Jammu and Kashmir as a result of the removal of Article 370. Reports of arbitrarily detained people, torture, as well as extrajudicial murders. Human rights legislation is broken by these abuses.
6. The goals outlined for the revocation of Article 370 have not been met. The government stated that Jammu and Kashmir would experience peace and prosperity if Article 370 were repealed. The state's security situation hasn't improved, though, and the economy has taken a hit.

Now, these arguments above are not only the perception or point of view of the critics, but on 21st August 2023, the Supreme Court also dismissed a petition seeking a declaration that the abrogation of Article 370 of the constitution was constitutionally valid. This move by the Supreme Court shows that, while the Apex court is still miles away from taking any decision, they are not simply overlooking the fact that there might have been any mistake done by the government back in 2019.

Situation in Jammu and Kashmir after abrogation of Article 370

- **Union Territory Creation:** Jammu and Kashmir was divided into two distinct Union Territories: Ladakh and Jammu and Kashmir.
- **Security Measures:** After the revocation, more security measures were applied, such as increased military presence and travel restrictions.
- **Communication Blackouts:** Information and communication access were reported to be restricted by communication blackouts, which included internet shutdowns.
- **Political Leader Detentions:** A number of the region's political figures were placed under arrest, raising questions over their right to free speech, the state of democracy and their ability to engage in politics.
- **Discussions about Autonomy:** The revocation generated discussions about the political future of the region and problems related to autonomy and integration.
- Also, there have been no elections in the state since the abrogation.

Conclusion

The Supreme Court's ongoing deliberations, which began on August 2, 2023, will ultimately decide how the government goes on with its decision, and also the decision's effects on the political, cultural, and economic climate of Jammu & Kashmir are still being looked upon closely monitored.

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A New Legal Horizon: Unveiling India's Proposed Criminal Justice System



Introduction

In a landmark move, the Indian legal landscape is set to witness a profound transformation with the introduction of three pivotal bills: The Bharatiya Nyaya Sanhita (BNS) Bill, 2023, the Bharatiya Nagarik Suraksha Sanhita (BNSS) Bill, 2023, and the Bharatiya Sakshya (BS) Bill, 2023. These bills are poised to replace the archaic Indian Penal Code (IPC), Code of Criminal Procedure (CrPC), and the Indian Evidence Act, respectively. This momentous step is aimed at modernising the legal framework, enhancing citizen security, and streamlining the judicial process for more effective and equitable outcomes. Let's delve into the key provisions and implications of these proposed reforms.

In this article, I will provide a detailed overview of the three bills, discuss the key changes that they propose, and analyse the potential impact of the bills.

The Bharatiya Nyaya Sanhita Bill, 2023

The BNS Bill proposes a number of changes to the IPC, including repealing the offence of sedition, introducing a new offence of mob lynching, and increasing the punishment for rape and other sexual offences.

The BNS Bill also proposes to simplify the language and structure of the IPC, making it easier for people to understand. This is a welcome change, as the IPC is currently a complex and outdated code that is difficult for laypeople to understand.

One of the most controversial changes proposed by the BNS Bill is the repeal of the offence of sedition. Sedition is currently defined as "any speech or writing that brings or attempts to bring hatred or

contempt, or excites disaffection towards the Government established by law in India". The BNS Bill proposes to repeal this offence, arguing that it is outdated and has been used to suppress dissent.

The BNS Bill also proposes to introduce a new offence of mob lynching. Mob lynching is the act of killing or injuring someone by a mob of people. The BNS Bill proposes to make mob lynching a non-bailable offence, with a maximum punishment of life imprisonment.

The BNS Bill also proposes to increase the punishment for rape and other sexual offences. The maximum punishment for rape would be increased from 10 to 20 years, and the death penalty would be introduced for aggravated rape cases. The maximum punishment for child sexual abuse would be increased from 10 to 30 years, and the death penalty would be introduced for aggravated child sexual abuse cases.

Key Provisions:

Revised Definitions and Terminology: The BNS Bill replaces archaic terminology with more gender-neutral and inclusive language. This change reflects the country's commitment to gender equality and social justice.

Cybercrime and Digital Offences: In recognition of the burgeoning digital landscape, the BNS Bill incorporates comprehensive provisions to address cybercrimes, data breaches, and other technology-related offences.

Enhanced Punishments: The bill revisits the sentencing structure, focusing on proportionality and deterrence. It introduces stricter penalties for heinous crimes while emphasising rehabilitation for offenders.

Safeguarding Vulnerable Sections: Special provisions are included to protect the rights of women, children, and marginalised communities. This proactive approach aligns with India's commitment to human rights and social welfare.

Implications:

The BNS Bill's impact is far-reaching. It aligns India's legal framework with contemporary realities, ensuring justice is swift, equitable, and accessible. By addressing emerging challenges like cybercrimes, the bill ensures that the law remains effective in safeguarding citizens in the digital age.

The Bharatiya Nagarik Suraksha Sanhita (BNSS) Bill, 2023

The BNSS Bill proposes changes to the CrPC, such as allowing for trial in absentia in certain cases and providing for the use of technology in criminal trials.

The BNSS Bill also proposes to increase the safeguards for the accused. For example, the bill proposes to introduce a provision for anticipatory bail in all cases except for those involving serious offences. The bill also proposes to increase the time limit for filing a bail application from 10 to 15 days.

Citizen security is paramount for any nation's progress. The Bharatiya Nagarik Suraksha Sanhita (BNSS) Bill, 2023 recognises this by proposing a comprehensive overhaul of the Code of Criminal Procedure (CrPC) to bolster public safety and strengthen the criminal justice system.

Key Provisions:

Swift Justice: The BNSS Bill emphasises the need for expedited trials to reduce the backlog of cases and ensure justice is served in a timely manner. This provision aligns with the constitutional right to a speedy trial.

Victim-Centric Approach: The bill places victims at the heart of the criminal justice process, ensuring their rights, dignity, and privacy are upheld throughout the proceedings.

Community Participation: The BNSS Bill encourages community involvement in crime prevention and resolution. This collaborative approach bridges the gap between law enforcement agencies and the public, fostering trust and cooperation.

Technology Integration: Leveraging technology for evidence collection, case management, and remote proceedings improves efficiency and transparency within the criminal justice system.

Implications:

By streamlining legal procedures, the BNSS Bill enhances public trust in the criminal justice system. Its emphasis on victim rights and community engagement contributes to a safer and more cohesive society while embracing technology fosters an environment of efficiency and transparency.

The Bharatiya Sakshya (BS) Bill, 2023

The BS Bill proposes changes to the Indian Evidence Act, such as making it easier for the prosecution to prove its case.

The BS Bill also proposes to increase the weight given to scientific evidence. For example, the bill proposes to introduce a provision for DNA evidence to be admissible in court. The bill also proposes to increase the weight given to expert opinion.

Effective evidence management is fundamental to the success of any judicial system. The Bharatiya Sakshya (BS) Bill, 2023 is a forward-looking legislation that modernises evidence collection, presentation, and preservation procedures, replacing the Indian Evidence Act.

Key Provisions:

Admissibility of Digital Evidence: The BS Bill recognises the prominence of digital communication and data, permitting the admissibility of digital evidence subject to certain safeguards. This adaptation is crucial in an era dominated by electronic transactions and communication.

Expert Testimony: The bill introduces provisions for the streamlined presentation of expert testimony. This ensures that complex technical or scientific evidence is presented comprehensively and accurately.

Alternative Dispute Resolution (ADR) Mechanisms: Encouraging the use of ADR mechanisms for evidence presentation reduces the burden on courts, expediting dispute resolution and easing the strain on the judicial system.

Preservation of Evidence: The BS Bill incorporates measures for the secure storage and preservation of evidence, whether physical or digital, to prevent tampering and maintain the integrity of the judicial process.

Implications:

The BS Bill transforms evidence management by embracing technological advancements and providing a more nuanced approach to expert testimony. This adaptation enhances the accuracy of evidence presentation and reduces the burden on courts, ultimately expediting the legal process.

Conclusion

The introduction of the Bharatiya Nyaya Sanhita (BNS) Bill, 2023, the Bharatiya Nagarik Suraksha Sanhita (BNSS) Bill, 2023, and the Bharatiya Sakshya (BS) Bill, 2023, signals a significant shift in India's legal landscape. These bills reflect a nation's commitment to adapt its legal framework to meet the demands of the 21st century. By replacing the IPC, CrPC, and the Indian Evidence Act, respectively, these bills pave the way for a more just, inclusive, and technologically-driven legal system. As India embarks on this transformative journey, it seeks not only to uphold the principles of justice but to also ensure the protection, security, and progress of its citizens.

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PROMOTING RAPE CULTURE



Introduction

Nowadays, rape cases have increased a lot, and this crime has become very common in the society. It has been found in a report that 3 rapes are committed every 2 minutes. These increasing rape cases are now becoming terrible for the society.

WHAT IS RAPE CULTURE?

Rape culture is such an environment in which the attitude of society and its thinking about rape cases make it such that rapes are increasing and becoming normal in society.

THINGS THAT PROMOTE RAPE CULTURE

1. **Blame the victim:** Society blames the victim that she herself is responsible for the rape that happened to her. This type of belief motivates criminals to commit crimes mentally.
2. **Blame on clothes and manner:** In society, women are blamed for their clothes and behaviour and sexual crimes committed against them were the fault of their clothes and behaviour and not the attitude and thinking of the criminal, which promotes the crime.
3. **Tolerate sexual harassment:** Sexual harassment happens to every girl in the world at least once, in which the culture is family members only. Sometimes, the victim does not speak anything due to the fear of the family; sometimes, the family members make her silent.

Girls are always taught how to stay away from rape, but boys are never taught that don't rape; it is not your job.
4. **Lack of law:** In India, there is no serious punishment for rape, that's why crimes like Nirbhaya were committed here, even after which the rate of rape cases has increased instead of decreasing.

WAY TO REDUCE RAPE CULTURE

1. Raise your voice on the root cause. Women should come forward and speak for their safety and fight for their rights.
2. Society should change its attitude and accept that it is not always the fault of the victim.
3. Laws should be made strict so that criminals are afraid of committing crimes.
4. Stop blaming the victims and not defending the criminal.
5. The coming generation should be educated in advance.

Conclusion

Rape culture gets promoted because of the wrong attitude of society. This awareness should be brought into society that every mistake is not of the victim. They should be supported emotionally, and the whole society should stand with them. Boys should also be made aware that they should protect women.

Minakshi Sahu

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WOMEN'S RESERVATION BILL

WOMEN'S RESERVATION BILL, 2023

In 2022, in comparison to 48.4% of the women's population in India, Lok Sabha has only 15% of women members, and in the case of state legislatures, it is 9%. In comparison to countries like Rwanda and Cuba, where more than 50% of parliament is comprised of women, it was extremely necessary for India to have some remedial measures that would help in increasing women's representation in legislative bodies. The topic of reservations for women in the administration system was also debated in the constituent assembly in 1946, which was at that time headed by B.R Ambedkar and included 15 women representatives who opposed this concept and rather asked for social equality and justice, which should be given to all the women. However, due to the patriarchal nature of our Indian society and people's view that women are supposed to be homemakers, the conditions of representations of women in society and its institutions decreased, with other reservations already given to women in the field of education and jobs, it became essential for women to also get proper represented in parliament. In 1971, the United Nations requested all of the world countries' governments to make a report on women's status; India Union Ministry of Education and Social Welfare established a committee which made a report titled 'Towards Equality', which explained how gender ratio is decreasing in India and women's are facing problems in education, literacy and livelihood. This report also stated the proportion of women in the Indian parliament to be roughly around 4% since 1952. The suggestions of this committee were not supported by any of the political parties. However, after this report, state governments like Karnataka in 1983 brought the Nyaya Panchayats Act, which gave 25% reservation for women in local bodies; in 1987 Andhra Pradesh implemented 9% reservation for women in gram panchayats followed by Odisha in 1991, where 33% of reservations were given. Now, on a central level, several attempts have been already made by many leaders to successfully implement this policy, which was first introduced by former prime minister Rajiv Gandhi in 1989 through a constitutional bill in which 1/3rd reservations were being given to women in all rural and urban bodies of India this bill was passed by Lok Sabha but not in Rajya Sabha. In 1992 and 1993, then Prime Minister P. V. Narsimha Rao made another attempt with the 73rd amendment 74th constitutional amendment to introduce 33% reservations in panchayats and municipalities, which was successfully passed by both the houses of parliament, which, after implementation along with Karnataka, Odisha and Andhra Pradesh provided all the states with women's reservations in local government.

To make similar changes in the parliament and state legislation in 1996 and 1997, attempts were made by Prime Ministers H. D. Deve Gowda and Inder Kumar Gujral to pass this amendment related to women's reservation in parliament and state legislatures but this bill was not passed as there were no provisions for reservation of OBC (other backward class) women. After some more failed attempts by Atal Bihari Vajpayee in 1998, 1999 and 2004. In 2010, this bill was introduced by then Prime Minister Manmohan Singh and was passed in Rajya Sabha but couldn't pass in Lok Sabha due to the non-inclusion of Muslim women and OBC women in the bill. Finally, in 2023, under Prime Minister Narendra Modi, the 128th amendment bill was passed by a full majority in Rajya Sabha and by a 454-2 majority in Lok Sabha. However, its implementation is halted as it will not be applicable in the 2024 elections and will be applied only after the delimitation exercise, that is, re-arrangement of constituencies after the latest census according to the population. Also, the issue of non-inclusion of OBC women still persists because it is a functional problem as there are no provisions in the constitution of India for OBC reservation as we don't have any list of OBC category at the central level due to the last caste census being done in 1931, which can only be solved by an amendment to the constitution to include OBC list in central level. Also, there were demands by the two members of Lok Sabha who opposed this bill for separate reservations for Muslim women. This type of religious-based reservation has also been discouraged in the past for being anti-constitutional and for being violative of the principle of secularity practised in India. Thus, passing this bill is a means but not an end to the upliftment and betterment of all Indian women. There is still a lot of work to be done to properly uphold the principle of equality.

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MARITAL RAPE



The first words that perhaps come to one's mind when hearing about the word 'rape' is consent, or the lack of it thereof. And when hearing about 'marital rape', one perhaps thinks how that is not valid enough because how can a married man or woman commit marital rape.

If we talk about India, rape is illegal; marital rape is not, which does not really hold up the 'women's rights' agenda and goal. If we were to describe 'marital rape', it would be something akin to 'the forceful performance of sexual intercourse by a man with his wife', which attributes to the fact that having sexual intercourse without consent is rape, simply put. Then how come sex without consent between married couples is not a crime? How come it is not illegal in India?

Marriage is seen as a very important, basic even social institution. The function of social institutions is to control social behaviour, punish deviant behaviour and reward acceptable ones. But what of it when there is deviant behaviour in the institution itself? Rape, as it is, is already considered a taboo to even talk about in India. Talking about it is not acceptable, but somehow, committing it is? This brings to my mind a little interaction that took place between some of my peers and me and one of our faculty members in school.

A classmate came to us to ask about rape and how did we know that marital rape was not illegal in India. This led to a little discussion about how morally wrong it is that rape is illegal but marital rape is not. At that moment, a male faculty member came into our class, and he heard us talk on the topic. And his comment was one we could not have expected. He said, "ye sab kya apavitr baat kar rahe ho tum bacche, aur woh bhi teacher's table par," which loosely translated means, "What kind of unholy things were we talking about and that too around the teacher's table".

We had no idea where the teacher's table even came into the conversation, but we were surely shocked when we heard a teacher say that talking about rape, something that happens to almost every woman in her lifetime at least once. We were rightfully outraged, and then we told our sociology teacher, and she simply commented that everyone is entitled to their own opinions.

When I started writing this, I simply could not help but connect this topic with that little interaction. It led me to think that if people, especially the ones who are supposed to guide and teach us, hold views like that, what could we expect from the children who are simply imitating their elders' behaviour? When we hesitate to talk about rape even, then how far away are we from making marital rape illegal?

Just because two people are tied in marital bonds does not give either of them the right to their spouse's body and does not give them the right to use their body whenever they like. No simply means no; it does not change its meaning based on the marital status of people.

In this particular article, I would like to talk about marital sex with specific reference to women. But I am in no way refuting the fact that there possibly are husbands out there who are raped by their wives and who cannot speak up because of two very prominent and obvious reasons: one, that marital rape is legal in India, and two, that men are subjected to standards of society that ruin their character. In elaborating on the second point, I mean to say that men are seen as sexual creatures, and they are often told to just 'suck it up and be a man' when a woman comes onto them. It is absolutely detrimental to not ignore the societal pressure that a man has on him, which inevitably forces him to keep shut if he has been raped, it is a far cry for his pleas to be even heard if he even outright says he was raped by his wife.

There is a lot that needs to be changed in Indian society. But for now, coming back to my previous statement about how I will be focusing on women, just as men are seen as sexual creatures, women are seen as sexual objects. Married men think that just by marrying a woman, all her rights are for his to violate. They think that by taking up her husband's name, the woman is giving up her rights and her body. But it is high time our society changes. And people seem to agree with it, too. But that's all they do; I only agree. And the other thing they do is change, but for the worse. It is simply not enough to create awareness if that awareness does not result in actual change.

I am sure people wonder why marital rape is still legal in India, especially when women are put on a pedestal and given numerous rights and laws that prefer them to protect them. I had a conversation once about this topic with my law teacher, and what he said was extremely true. It made so much sense that it, in turn, made me hate and condemn Indian society even more. His words, I believe, were, "If marital rape is made illegal, sure, it would help the women who actually need protection, but it would also shake marriage as a social institution to its core. Women who just want revenge, for any reason really, would file a case, and there would be absolutely nothing to protect the innocent men."

I completely, one hundred percent, agree with him, but that does not mean that I agree with the reason

why marital rape has not been made illegal in India. A quote which I am quoting directly that is just basic common sense but apparently is not common sense knowledge enough for the law-makers goes, "When a woman is raped by a stranger, she has to live with a frightening memory. When she is raped by her husband, she has to live with the rapist." - David Finkelhor and Kersti Yllo.

If we were to talk in terms of statistics, it has been found by the National Family Health Survey that nearly one in three women aged between 18 and 49 suffered some form of spousal violence and around 6 percent of sexual violence. 83 percent of married women have reported experiencing sexual abuse from their current husbands and 13 percent from their former husbands*. The numbers speak for themselves. The law speaks for itself. So why is it the case that when women speak for themselves, their voices go unheard, quashed by the misogyny and patriarchy that runs deep in the blood of men? A very simple answer to that is that the inconvenience and abuse of women benefits men. Maybe at a very low level, maybe intermediate or on a very large scale, but dominating and controlling women has always, times immemorial, benefitted men. So then, why would these men want a change in the law, in the system when they are the beneficiaries?

No one, not even I, can refute the fact that there are numerous laws in place that protect women, but no one can also not agree with another fact that it takes a long time for these laws to work in the interests of women, it is a tedious process, taking legal action against someone who violates the basic fundamental rights of women. In most cases, these women give up before even seeking legal aid because the system in our country is not proficient enough to provide them with the asylum they seek immediately. What use will the government-provided legal aid be to a woman who has been beaten to death by her husband when he finds out she even dared to file a complaint against him? I think everyone knows the answer to be 'no use'.

There are so many forces at play, which need to do better to protect women. The responsibility of protecting women falls to men, but would women even need protecting if it was not for these same men? There is a long way the citizens, the society, and the government have to go before we, as Indian citizens can proudly say that women are safe in our country, that women are equal in our country, and that women are respected in our country. My only hope is that we cover those long distances together as a community and grow and develop into a nation that truly, at every level, protects and respects its women.

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Rape done by (LGBT) Community and their Challenges

In the past, the third gender has had to struggle for a long time to get their basic rights in India. The structure of our society was such that we always looked at him with inferiority. The result of this was that it was a distant thing to talk about one's rights. He also started hiding his identity. The result of which is that even today there has been no significant change in this situation. It is believed that the third gender constitutes 7% to 8% of the total human population, but most of these people have hidden their identity due to the pressures of society. Many problems arise due to these people hiding their identity, such as not providing them with their basic rights because they become a minority and are not able to raise their voice, but at the same time, it also creates problems which impact the common man. The biggest problem among them is that they rape common people by hiding his/her identity. This rape is completely different from that rape which is the general definition of rape because, in this rape, the person who is raped does not even know that he has been raped, or else he finds out much later. It would be easier to explain this with an example. For example, A and B are friends, of which B is gay and he has not made his identity public. Let us assume that both of them are studying something together due to both of them living together in the same room in the same city. A has no idea that B is gay. Due to this, A behaves in front of B in the same way as he behaves in front of any other friend. A very easily poses half-naked in front of B. Now, due to this, firstly the privacy of A is violated because he wants to appear in front of a boy in that form and not in front of a girl in a boy's body. And secondly, B develops an attraction towards A. Both of them have taken smaller rooms because they had to pay less money for rent, and they have also kept the same bed, and both sleep together on the same bed. Because B is attracted towards A, he sleeps close to A and touches his body, but A considers it a joke and ignores it. This sequence continues every day. Here, B is harassing A every day, and A is completely unaware of this because he thinks that B is our friend and he is just joking with me. After a few days, B loses his temper in attraction and tries to have physical relations with A while A is sleeping. Then, after A wakes up, A comes to know that B is gay and he was trying to forcefully have sex with him. Then A realises that what he thought was a joke for so long was not a joke, but harassment done to him.

If we look into society, exactly this type of incident is happening all the time, and no one is even talking about it. This is a matter of boys, but this can and is happening with girls too, in which rapists can be lesbians and bisexuals.

Therefore, I believe that for the LGBTQ community, our justice system should make a law in which this obligation is imposed on them not to hide their identity. They will also benefit by doing this. Then people of their society will come forward in greater numbers and will also talk about their rights, and this will also eliminate the problem that they can rape someone by hiding their identity. Yes, it is absolutely possible that they may have to face a social boycott in the initial phase. But after some time, this will also become a normal thing, and then people will happily accept it.

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INDIAN TELECOMMUNICATION BILL, 2022: ISSUES INVOLVED AND ANALYSIS FROM THE PRISM OF CONSTITUTIONAL LAW AND JUDICIAL PRECEDENT.



Introduction

In the year 2022, the Ministry of Communications, under the headship of the Government of India, came up with a 40-page long draft by the name of "Indian Telecommunication Bill, 2022". This bill has 12 chapters and 5 schedules. There is no doubt that today is the era of technology, where every day some development is taking place. For instance, earlier, it was 2G, which was replaced by 3G, and subsequently, 4G came into the picture. Currently, we are using 5G. In such a scenario where technology is being updated from time to time, the legislature also needs to fulfil the present-time requirement. In light of the same, the Ministry came up with a new draft on telecommunication. There is no doubt that such new changes were required, but what are the key issues involved with this draft and whether the draft aligns with the constitutional principle or not is a premise that the author will analyse from the Lens of constitutional law and judicial precedents.

In India, the telecom sector is regulated by three main laws. Firstly, "The Indian Telegraph Act" deals with the licensing of telegraphs and communication. Secondly, "The Indian Wireless Telegraphy Act", which governs the control of "wireless telegraph apparatus". Thirdly, the "Telegraph Cables (Unlawful Possession) Act" governs the possession of telegraph wires. In addition to the same, "The Telecom Regulatory Authority of India (TRAI) has also been set up under the TRAI Act, 1997".

Issues Involved And Analysis

Interception Of Communication

Clause 24 of the 'Indian Telecommunication Bill, 2022' (hereinafter referred to as draft) deals with 'Provisions for Public Emergency or Public Safety'. By virtue of its clauses 24(2), 24(3), and 24(4) the central government is authorised to “intercept”, “monitor”, or “block messages or a class of messages” between two or more persons on the ground of public safety or public emergency. It is notable that there must be some interest in “National security”, “friendly relations with other countries”, “public order”, or “prevention of incitement of offences”. Further, on these grounds telecom services like internet may be suspended. The main concern with this provision is that there is a high chance of arbitrariness. The safeguards which have been issued by the judicial precedent have not been incorporated into this bill. Currently, Rule 419A, “The Indian Telegraph Rules, 1951”, issued under the “Indian Telegraph Act, 1885”, “Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017”, provides safeguards. The main problem with the legislation is that it does not specify any of these safeguards or give any specific rule-making authorities. It simply indicates that the Rules set by the 1885 Act would remain in effect.

Violation of the Supreme Court Guidelines

In the historical judgment of “PUCL vs Union of India”, a division bench composed of Justice Kuldip Singh and S. Saghir Ahmad JJ., the Supreme Court ruled that without a “just and fair procedure” to regulate communication interception powers, it is impossible to protect citizens' rights under “Articles 19(1)(a)” and “Article 21”. It required several procedural precautions in the event of telecommunications “interception, monitoring, or blocking”. These include: “Establishing Necessity”, “Purpose limitation”, “Time Limit” and “Issuance of orders by high-ranking officials”.

In another historical judgment of “Anuradha Bhasin v. Union of India,” the divisional bench of the Supreme Court composed of Justice N.V. Ramana and V. Ramasubramanian JJ. Speaking for the bench, Justice N.V. Ramana observed, “freedom of speech and expression”, as well as “freedom of trade and business” through the internet, are protected under “Articles 19(1)(a)” and “Article 19(1)(g)”. The restriction on this right must pass the “Proportionality test”. It ruled that suspension orders should be transitory and subject to frequent review. It required that all orders be disclosed so that those impacted might contest them. To allow for judicial review, orders should state relevant facts.

Orders' validity: The Bill states that an order issued under the preceding sections is valid for as long as there is a “public emergency” or an “impediment to public safety.” This may contravene the Supreme Court's requirement that orders have a short time limit to ensure periodic review.

The provisions of the Bill in their current form may violate some of these safeguards, as explained above.

Violation of Right to Privacy

The current Bill states, “any message or class of message to or from any person or class of person, or referring to any specific subject, may be intercepted, monitored, or blocked”. Using these reasons, an order may be issued to “intercept or monitor” every communication containing a certain term or group of words. Such an order would necessitate the monitoring of all user communications. Such an order creates a great concern regarding Privacy.

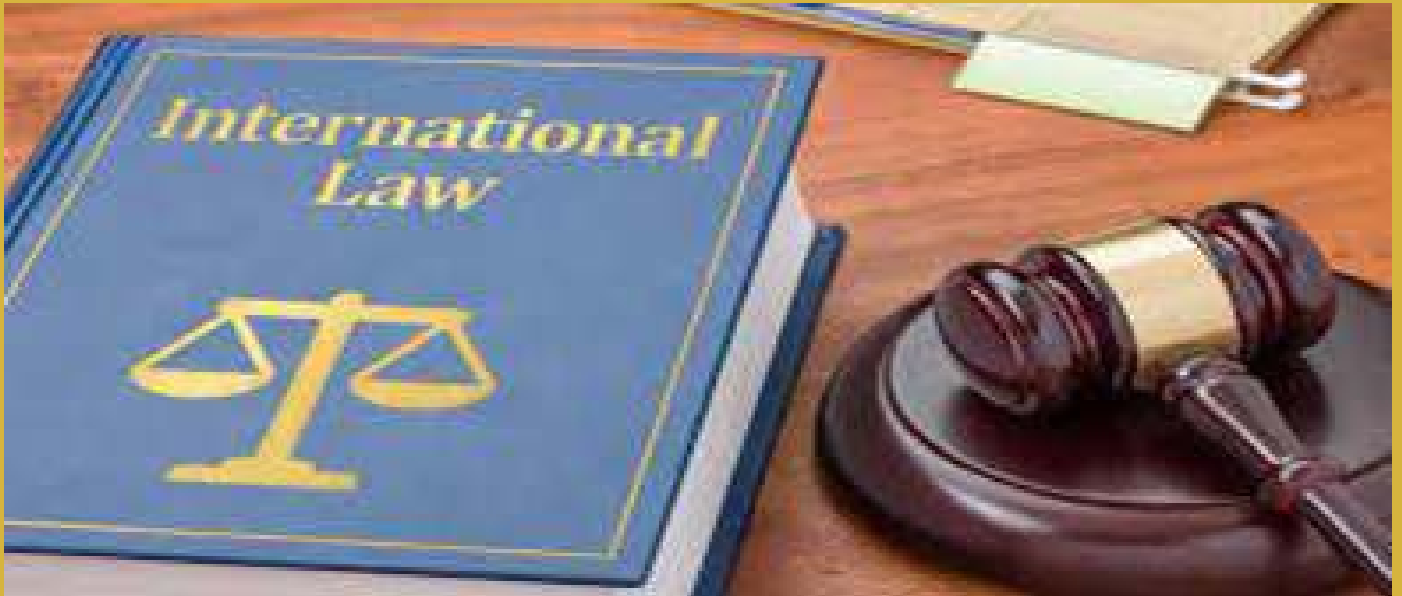
The Supreme Court in “Justice K.S. Puttaswamy Retd. vs Union of India”, a Nine-Judge bench ruled that “Privacy is a fundamental right”. It was ruled that any violation of the “right to privacy” must be proportionate to the need for such intervention. Such monitoring may be necessary to avoid crime incitement. To track a few messages that may be necessary for investigative purposes, the level of communication privacy of all telecom network users must be reduced. As a result, the question is whether such acts are appropriate to the objective.

Bill Lacks an Independent oversight mechanism for Interception

The current Bill lacks the oversight mechanism for interception orders, which is in contrast to the judgment of “PUCL v. Union of India”. A division judge bench composed of Kuldeep Singh, S. Saghir Ahmad JJ. mandates “oversight through a committee of government officials”, questioning whether this safeguards the Executive's actions. If individuals are aware of violations of their fundamental rights like life and liberty, freedom of speech, and internet suspension, they can challenge such infringements before the Court. However, due to such orders, those affected may never be aware of any interception or monitoring of communication. As a result, he is unable to argue against such instructions for potential illegality. As a result, it may be claimed that in such circumstances, procedural safeguards should be significantly stronger. The PUCL The decision addressed the question of whether judicial oversight is required for interception. It was argued that prior judicial review alone could remove concerns about the “arbitrariness or unreasonableness” of the action. The Court stated that judicial scrutiny would be required by statute. The current Draft bill currently lacks such compliances.

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The Conspicuous Existence of International Law in the Books of Indian Law

INTRODUCTION

With the emerging global trends and overlapping of vast global issues, international law has been hugely covered under the headlines of Indian cases and domestic laws. It has been an integral part, not only through dictum and precedents but also its applicability via ratification. The implementation of international law into domestic law has a relaxed path; it needs to be done if the situation of an issue or a case demands it. The need to broaden the scope of legal philosophy has arisen, and this stipulates the approach of adopting nuances of international law.

India has been a large part in contributing in the areas of international topics, issues relating to Human Rights law, Intellectual Property Rights law, Trade Law, Environmental Law, Laws related to Women and Children, Labour Laws, Arbitration laws, and Migration Laws. The domain of International Law encircles a wider range of global issues which induces Indian Lawmakers, framers, jurists, and scholars to incorporate provisions of such laws in domestic laws.

The presence of International Public Law has been persistent at the doors of Indian Courtrooms and even in the Indian Constitution, which we will further discuss.

To become clear from the start, International Law is a canvas where the responsibilities of different states are drawn. The responsibilities may be diverse in nature, such as economic, political, sociological, ecological, territorial, etc. The diversifying nature broadens its boundaries, thus dividing it into two categories. Firstly, Private International law deals with foreign elements of a particular nation. Secondly, Public International Law deals with a certain set of rules and regulations affirming its presence, in general, in other nations as well. This category of international law encompasses more issues than Private International Law.

On the other hand, domestic Laws depict internal governance or state laws. A nation is governed by a box of norms and rules that is aligned legally and has to be abided by the citizens. It is further delegated among the states of such nations. International law does not recognise such divisions and treats all the laws as domestic laws.

I. Theories Determining the Relationship between International Law and Domestic Law

A. Monism Theory

Under this theory, legal jurists believe that the stems of international law and domestic law come from the same roots. They believe that to incorporate international law into domestic law, the State merely needs to adopt it. Kelsen apprehends that the theory of monism under International Law unifies the law as one. In his words, "One can conceive of international law together with the state legal systems as a unified system of norms in the same way as one is accustomed to regarding the state legal system as a unity." Therefore, under this systematically-approached theory, international law gets incorporated automatically into domestic law through ratification.

B. Dualism Theory

This theory adopts a notion for International Law and Domestic Law to be separate entities. According to this theory, both International and Domestic law are distinctive in nature and character and have different spheres of applicability. This theory believes that to incorporate international law into domestic law, it has to go through a State Legislature.

As also stated and held in *State of West Bengal v. Kesoram Ind. Ltd. (2004)*, a treaty entered by India does not become the law of the land unless it is passed as a legislative act by the legislature. According to Gerald Fitzmaurice, International Law and Domestic Law are both autonomous and no legal system is inferior or superior to each other.

III. Doctrines or methods followed to incorporate international law

A. Transformation Doctrine

This doctrine is a method that believes in the dualistic approach, assuming that the entities of International law and Domestic law are separate and independent. This approach is taken with a view that law must not be adopted without transforming it. For an international law to become a municipal or domestic law, it has to transform itself into a State law first.

The underlying motive of this doctrine is to analyse the differences, their respective origins, and their independent nature to incorporate into domestic law. Until an international law goes through a transformation of legislating an act out of it, it remains excluded from the purview of domestic law and is automatically stated separately from domestic law. However, recently, the Indian Judiciary has taken a fresh approach in slowly mending the Incorporation Doctrine, which we are going to discuss next.

B. Incorporation Doctrine

Mirroring the monistic approach, this doctrine treats international law as an inevitable part of domestic/municipal law. In an Indian case of *Gramophone co. Of India v. Birendra Bahadur Pandey*, AIR 1984 S.C 667, the court held that the Incorporation Doctrine recognises the approach where provisions

and rules of international law are incorporated into national law unless they conflict with an Act of Parliament. The courts took a step ahead in 1997, in a soul-wrenching case cited as *Vishaka v. State of Rajasthan* AIR 1997 SC 3011, adhering to the Incorporation Doctrine and stating that an international convention or provision which is in harmony with the spirit of the constitution, must be read in the Indian courtrooms to enlarge the interpretation and scope thereof. It might eventually accelerate constitutional growth.

IV. Indian Constitution Reflecting the Need of The International Law

The periphery of International Law is widespread in the provisions of the Indian Constitution, particularly Articles 73, 253, and 246. These articles of the Constitution deal with International Law Obligations. Article 73 (b) speaks of the executive power of forming a treaty or agreement, where under Article 246 the Constitution has given legislative power to give effect to international agreements or conventions. Article 246 is given the privilege to draw down a list confining the Union and the State a list for making laws only for those particulars. The List-I (Union List) of the Seventh Schedule contains such items which are only authorised by the state. Items no. 14, 15, 16, and 18 particularly deal with international law.

V. Conclusion

Indian courts, lately, have been turning their heads towards international law frequently. It builds up the belief in the provisions of International law and strengthens its application in domestic law. Indian courts have usually used international legal norms to meet the ends of justice, resolve a conflict, or even form substantial legal formulas. With the transition towards Incorporation Doctrine, Indian Courts have formulated the same via strong legal precedents; cases like *Maganbhai Ishwarbhai Patel v. Union of India* (1969), *Vishaka v. State of Rajasthan* (1997), *Intellectual Forum Case*, *Novartis Case* (2013), the *Republic of Italy v. Union of India* (2013), the Courts strongly held and recognised International law and the significance of importing conventions regarding Human Rights, Trade Related Conventions, Vienna Convention, TRIPS, etcetera.

The courts have also taken a flexible approach while dealing with *Vodafone Int'l Holdings B.V v. Union of India* (2012), *Novartis A.G v. Union of India* AIR 2013, and have applied and examined complex areas regarding the international field of law.

With the growing developments in the world of technology and the growing economy, the National Courts have to adhere to the principles of International Law and it would help in broadening the scope of interpretation and would also positively respond to evolution.

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Gender Inequality in North East India's Political Landscape: Historical Barriers and Contemporary Challenges



Introduction

In the vibrant and diverse landscape of North East India, gender inequality in politics remains a pressing issue that needs to be confronted head-on. Despite the region's rich cultural heritage and progressive mindset, women continue to face significant barriers when it comes to political representation. This article delves into the challenges and complexities of gender inequality in politics in North East India, shedding light on the need for transformative change.

From Assam to Meghalaya, Nagaland to Tripura, women are significantly underrepresented in political leadership positions. The consequences of this imbalance are far-reaching, as it hampers the development and implementation of gender-sensitive policies and perpetuates systemic discrimination. By exploring the historical context, cultural barriers, and societal expectations that contribute to this gender disparity, we can begin to understand the complex web that perpetuates political inequality.

Contribution of Northeastern Women

The political status of women in a country is reflected by the level of autonomy granted to them in their involvement in political activities. The historical record attests to the valorous struggle of early female freedom fighters against British oppression, which played a crucial role in India's quest for independence. Kanaklata Baruah, for instance, despite being considered the youngest freedom fighter from Assam, was unable to officially join the Azad Hind Fauz due to her minor status. Nevertheless, this did not deter her from actively participating in the Indian freedom movement. Another notable figure was Gaidinliu Pamei, known as Rani Gaidinliu, a spiritual and political leader of the Naga community who vehemently

opposed British rule in India. At the tender age of 16, she was sentenced to imprisonment for her activism. Following her release, she dedicated herself to empowering women from Northeast India, fearlessly battling every obstacle in the quest for India's freedom. The struggle for Indian independence was shaped by the sacrifices of numerous other courageous women who laid down their lives for their communities. In contemporary times, the indomitable contributions of Northeast Indian women have left an indelible mark, particularly in the realm of sports, where they have showcased their resilience on both national and international platforms.

Women's Representation in Parliaments of India

Before discussing the situation of the participation of women in politics, we first have to pay heed to the rest of the Indian states. When it comes to the global position of India in terms of women representatives in parliament, India was placed at 111th position out of 189 countries in the list prepared by The Inter-Parliamentary Union (IPU). This report says that there are 62 women parliamentarians in Lok Sabha which is only 14.4 % of the total 545 MPs. 11.4% of women are in Upper house. When it comes to political engagement, Indian women are less respected and less powerful than males. It is well known that government systems that do not allow for the proper involvement of women frequently suffer from interventions from the state that are neither democratic nor inclusive.

Why is there such a Low Level of Political Participation among Women in North-East India?

When it comes to achieving gender equality, the northeastern states of India have shown greater progress compared to other states. However, there remains a significant lack of political participation by women in these regions. This can be attributed to the patrilineal and patrilocal nature of the tribal communities residing in these areas. In such communities, decision-making power lies predominantly with male members, while women are excluded from participating in any such activities. Socio-cultural traditions and customs further compound the challenges faced by women in tribal communities when it comes to engaging in political activism or other social endeavours.

The tribal communities primarily adhere to customary laws that they consider integral to their identity and culture. Customary laws are shaped by long-standing customs and traditions, serving as a binding force for both men and women, regulating their conduct and behaviour. These laws play a significant role in shaping the social dynamics within these communities.

Here are a Few Explanations for Low Levels of Participation:

Majorly northeast, composed of tribal people, comprises more than 90% of the total area of the state, where these tribes follow unique cultural practices and norms, with their own political institutions governing their society; however, a notable observation is that the leadership or head position has traditionally been held by male members of the tribal community and Women had long been denied the opportunity to hold these important constitutional positions, as the political arena was dominated by male chauvinism. For instance, political parties in Nagaland often neglect women candidates, giving them low priorities. This lack of support marginalises women's efforts to enter politics and undermines their viability as candidates.

Conclusion and Solutions

In India, despite women's underrepresentation in public life, recent elections have seen more women entering politics and bringing about progressive change in their states. Two women MLAs, Hekani Jakhlu and Salhoutuonuo Kruse, have shattered the glass ceiling in Nagaland's political landscape after 60 years. Their election marks a historic milestone towards gender equality and representation in politics, inspiring more women to hold constitutional positions in the future. To address this significant issue, political parties must prioritise the inclusion of women and ensure their equal participation in the candidate

selection process for elections. By doing so, parties can guarantee that women have fair opportunities to engage in the political sphere. Moreover, social and cultural obstacles such as patriarchy and gender norms can act as barriers, hindering the effective representation of women in politics. These challenges prevent women from fully participating and having their voices heard in decision-making processes. The dominance of male power structures and societal expectations often limit women's chances to hold leadership roles and influence policy-making. Overcoming these hurdles is essential to achieving gender equality and promoting equal representation of women in political institutions.

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Decoding The Forest (Conservation) Amendment Act, 2023

The Forest Conservation Amendment Act, 2023 @Van (Sanrakshan Evam Samvardhan) Adhiniyam", 2023 amended the Forest (Conservation) Act, 1980. This amendment has provisions to provide a new definition of Forest, carry out economic activities in ecological regions, allow private plantations, survey natural gas and oil resources by drilling holes, lease forest land to private entities and exempt certain land at the International Border for security purposes.

The need for this amendment was to fulfil the requirements of industry, extraction of natural resources, agriculture, carrying out economic activities, and developing infrastructure for national security and to meet the expectations of various communities. However, this Act has been controversial due to several reasons. We will look into and analyse the same.

Key Features of this Amendment

Application of the Act

It will be implemented on lands that are notified in the Indian Forest Act, 1927 and the Forest (Conservation) Act, 1980, but the Act will not apply to land that was transferred to non-forest use before December 12, 1996.

Exemptions:

- The land within 100 km (aerial distance) of the "international borders" with a limit of 10 hectares and up to 5 hectares in "left-wing extremism" affected areas for each proposed Security Establishment are exempted from this proposed Bill.

- The land that was transferred for non-forest use before December 12, 1996.
- Such Forest area up to a maximum size of 0.10 hectares next to a government-maintained public road or rail line that offers access to a dwelling or a rail and roadside facility.

However, the exemption provided will be subject to such limitations and conditions, including the requirements of planting trees to make up for trees cut down on the lands, as may be prescribed by guidelines issued by the Central Government.

Permitted Activities

Security establishment at International borders and left-wing extremism affected areas for National security, building infrastructure (such as building roads and bridges for basic necessity), extraction of oil and natural gases by extended reach drilling technology, wireless communication technology, check post for Front Line Staff, silviculture, eco-tourism (for economics goals for which zoo, jungle safaris may be established), small establishment, habitation and any other similar activities which may be specified by the Central Government.

Grant of Forest Land

In furtherance, the State will need to obtain prior permission from the Union Government before granting land to anyone, be it private or government entities. Earlier in this proposed bill, only for granting land to private entities, prior permission from the Union Government was required.

Power to Issue Directions / Guidelines

According to this Amendment, the authority to issue directions/guidelines will be vested with the Union Government, which is hereby empowered to designate, through an official order, the specific guidelines governing surveys, including reconnaissance, prospecting, inquiry, or exploration, and even seismic surveys, such that they shall not be considered as serving any non-forest purpose.

Analysis

Firstly, if we look into the applicability of the Act, it will only be applicable to forest land which is notified by any authority under the Indian Forest Act, 1927, and the Forest (Conservation) Act, 1980. Further, this will not be applicable to land that was transferred to non-forest use before December 12, 1996.

It is further noteworthy that this particular provision is contrary to the Honourable Supreme Court's decision in the *Godavarman Thirumulkpad v. Union of India*, wherein the Apex Court adopted a broader definition of forests, encompassing any area of land that resembles the conventional dictionary definition of a forest. Nonetheless, this judgment had imposed resistance in the development of forest areas. Even the private forest and lands fit for vegetation, and habitation also remained vacant and unused.

However, the Union Government could have pursued the principle of harmonious construction as activism without such a balanced perspective could potentially tarnish the reputation of both institutions. It is pertinent to highlight that the exemption granted to land converted for non-forest use before December 12, 1996, essentially entails a permanent conversion of forest land to non-forest status. Thus, it can be deemed as colourable legislation.

Secondly, exemptions given in the Amendment are necessary for the establishment of habitat, national security purposes, and even for the Protection of Wildlife, for instance, community participation. However, exemptions given in the bill are premised on the grounds of compensation and tree plantation. It is imperative that these provisions be rigorously adhered to and enforced in practice to fulfil the objective of the Amendment.

Thirdly, talking about certain activities permitted, this amendment has the potential to facilitate development and economic growth within forest areas where the poverty rate remains significantly high and communities face numerous challenges in accessing basic necessities such as communication, electricity, and law enforcement.

However, it is crucial to underscore the necessity for stringent laws and regulations to be in place, as the establishment of economic zones, particularly safari parks akin to the envisioned one in the Aravallis, can pose a threat to the preservation of natural vegetation and wildlife habitats. As such, a careful and balanced approach is indispensable to ensure both development opportunities and the conservation of precious ecological resources are effectively addressed. The Jim Corbett National Park and Nilgiri Biosphere Reserve are a few of the time-standing instances of how tourism infrastructure has crept into and fragmented natural ecosystems and corridors.

Furthermore, it is worth noting that the revenue collected from these sources holds the potential for financing both development and forest conservation efforts. However, the said amendment lacks clarity regarding the specific allocation and utilisation of the income generated by forest resources. The Union Government should provide explicit clarification on how the revenue generated from these sources will be earmarked and utilised for the purposes of forest development and conservation.

Fourthly, concerning the grant of land in this amendment, both the Private as well as Government Entities are at the same stake. However, past instances have shown that private players tend to dominate the bidding and project acquisition processes, so the rules and regulations should be framed to impose limits on exploitation.

Additionally, with regard to the grant of Environmental Clearance, it is important to note that there are no alterations or amendments, and the process remains unchanged from its previous form. Upon close observation, it is evident that the authorities had been granting environmental clearance expeditiously. According to statistics, 3,857 Environmental Clearances were granted out of 3957 applications in the

year 2023 as of now. While 12,496 applications were granted Environmental Clearance in the year 2022, the highest ever. Therefore, this Amendment can be disguised to facilitate a smoother and seemingly legitimate pathway for capitalists to gain entry into forest areas for the exploitation of abundant resources available there.

Fifthly, the power to issue guidelines has been completely shifted to the Central Government, and this Amendment is silent about the roles, powers, and privileges given to village committees and SC/ST areas. Earlier, the rights to use and access of forest in protected areas were only given to Forest Dwellers under the Forest Rights Act, 2006 and The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. Now, this amendment opens the door for everyone. This amendment poses a potential risk of weakening the FRA 2006, Panchayats Extension to Scheduled Areas Act, 1996 laws, the role of village committees and protection given to SC/ST in the forest areas as the role of consensus remains undiscussed, which these laws and committees were designed to uphold.

Therefore, in essence, the doubt has been shaped in the mind of common people that the Amendment is a colourable legislation and the Union Government simply wants to pave a simple pathway for developmental activities without many hurdles.

Insights

The amendments are necessary for the establishment of habitats, development, national security purposes, and conservation of forests. However, it is important to ensure that the exemptions are strictly followed.

Lastly, it is crucial to balance the needs of development and economic growth with environmental conservation efforts. The government could have followed a more harmonious approach to address the concerns and could have taken stakeholders in confidence.

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The Legality of Abortion

“The reproductive rights of women lie within the core of constitutional rights”, as has been held in the landmark case of *Suchita Srivastava v Chandigarh Administration*.

The legality of abortions or the right to abort has been a matter of great discussion since the past times. The very reason behind the same rests in the basic foundation of the “Hindu patriarchal” society, which gives preference to male children over female ones, which gives rise to cases of sex-selective abortions. Due to this increasing problem of female infanticide, abortion's use started to be associated with a negative notion and came to be seen as a stigma and challenged the very ethics and morals of Indian women. There are many situations carrying a reasonable justification for an abortion to be conducted, for instance, when there is a threat to the life of the pregnant woman, when there is low or no chance of the foetus's survival, change in the marital status of the women, social stigma and many other.

Before 1971, abortions were criminalised by the Indian Penal Code, Section 312, “Offences related to newborn or unborn children.” which punished both those who provided the services of abortion and those who availed such services. Due to the worldwide rising recognition of abortion laws, the Indian Union Government formulated a committee to check up on the status of abortion and reproductive laws in India; this committee is famously called the “Shantilal Shah Committee”. It came out with its report for the first time in December 1966 and recommended a pressing need to regulate the reproductive, especially abortion, laws in the country.

It was after this committee's very suggestions that the Medical Termination of Pregnancy Act (1971) was enacted by the Union Legislature, which legalised abortions under certain circumstances, including only those of married women and rape victims. As mentioned in the preamble of the act, the very objective of this act was to optimise and regulate the health of Indian women and to reduce their deaths due to unsafe and illegal abortions.

It was soon realised to have many shortcomings, for instance, its condition of allowing abortions only till 20 weeks of pregnancy; as a result of this, it was amended in 2001 and thereafter in 2021 with aims to improve women's right to privacy, gestational age and other pertinent issues.

Despite the introduction of several amendments, the act currently allows only termination of pregnancy up to 20 weeks of pregnancy under the specified conditions as listed under Section 3 of the act. There have been several judicial interventions which have allowed termination of pregnancy beyond 20 weeks due to the gravity of the situation.

Another pertinent issue with the current legislation is its ambit covering only “married” women. In modern Indian society, relations “resembling” those like a marriage, like live-in relationships or other consensual relations wherein partners may not end up together in a marriage, are common in sight. Since pregnancies arising out of such relations are not covered in the Medical Termination of Pregnancy Act of 1971, it tends to be biased against females who are deprived of the right to get an abortion. A very recent case with such a similar scenario is that of *X v. The Principal Secretary, Health and Family Welfare Department, Govt. of NCT of Delhi & Anr.* Wherein the Delhi High Court rejected an appeal by a 25-year-old unmarried woman who was 24 weeks pregnant at the time of the court hearing. She was in a consensual relationship and got pregnant out of it, but her partner refused to marry at the last minute. She contended several reasons behind her decision to go for abortion; she belonged to a poor agriculturalist family and had younger siblings to take care of. In the absence of a constant source of income and livelihood, she could not take up the responsibilities of raising a child. Last but not most importantly, coming from a poor family with a backward social background, she was scared of the social stigma of raising a child as a single, unwedded mother. All these pointed out her mental and physical unpreparedness to become a young mother. Since the conditions prevalent in the present case did not fit into the conditions enlisted under Section 3 of the MPTP Act, she was denied her right to abortion by the Delhi High Court. This order was challenged and reversed by the Hon'ble Supreme Court.

With the current legislative provisions, the right to get an abortion done beyond the period of 20 weeks does not give autonomy to the women to get an abortion done. Rather, the choice is dependent upon the decision of the medical practitioner. With the aforementioned problems, the state is curbing the rights of women to determine the immediate and long-term path their lives would take. Depriving women of their autonomy and freedom to make reproductive choices is a direct infringement of their right to dignity and right to make reproductive choices, forming part of Article 21 of the constitution.

The absence of detailed, clear provisions covering the time period beyond 20 weeks and its inability to include unmarried women especially forces the parties to knock on the doors of the judiciary. In several cases, it has been noted that delayed orders of the High courts had worsened the situation of the women, leaving her affected mentally as well as physically with an uncertain future for her and her child in case abortion is not allowed.

There is an urgent need to amend the Medical Termination of Pregnancy Act 1971, to cope with its current fallouts.

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**MEN
CAN BE VICTIMS
TOO**

GENDER BIAS OR MORE WOMEN-CENTRIC INDIAN LAWS

INTRODUCTION

Gender Bias laws refer to an individual who suffers injustice or discrimination in the court of justice based on an individual's actual or perceived gender and identity. There are many laws that are women-centric, which only satisfy women's wants. There are times when women misuse law and order for their own advantage. There are many reported times when police recorded false allegations by women where women threatened or blackmailed men to fulfil their demands.

India is a patriarchal society where males always seem to be the strongest people, and women are characterised as the weak and sensitive people of the society, and that is what nowadays women are taking advantage of. But what society needs to understand is that just because he is a male doesn't always mean that he is the culprit or sinner, and just because she is a female doesn't always mean she is the victim. The Court of Justice must not and should not distinguish between criminals, and whoever has committed an offence should be and must be liable for punishment.

1. LAWS THAT FAVOUR WOMEN

Under Indian Penal Code, 1860

RAPE:

Rape has been defined under section 375, which clearly states that only a man can rape women or only a man can commit a crime like rape, molestation or sexual assault, etc. It's true rape is one of the most serious and common crimes that has been faced by many women in India. But does that mean that only women can be raped and men in society are not? Psychologist Sarah Crome says that 1 in 10 men do experience crimes like rape. In past, the condition of women was very bad, and the incidence of rape, abuse, and acid attack-like cases was reportedly increasing day by day, but in the present scenario, women are taking advantage of these laws and trapping men in false allegations. Adding more under

Section 375, according to the 6th condition, if a male under the age of 18 years gets indulged in consensual sex with a girl of his same age, then this act of his will be considered as rape. Hence, this law or section clearly shows the ingredients of women-centric law.

VOYEURISM:

Voyeurism is a term which you might have never heard of. But voyeurism is an offence under IPC 354C in which if any man, without the consent of a woman, watches, captures or records any woman doing an intimate act or any private act, he would be liable for punishment under section 354C. But what if the same act is done through a woman where she captures or records a man doing any private act? Would she be liable for the punishment under this Section?

STALKING:

In the social media era (like Facebook, Instagram, X, and WhatsApp) where we all have heard the word 'Stalking', and most of us even had stalked another person on social media too. But do you know stalking is an offence under section 354D of IPC in which if a man monitors, follows, or attempts to contact repeatedly, even after disinterest shown by a woman will be punishable? Again, the question that arises here is why women can't stalk any man.

MATRIMONIAL CRUELTY:

Under section 498A in IPC, If a man or even his family attempts to do cruelty to the man's wife, he will be convicted for cruelty and shall be liable for 3 years of imprisonment, but the sad thing about this section is that there is nothing in this section that also speak about men's safety from cruelty by their own wife and her relatives. It's not that only women suffer from physical as well as mental torture, but even men do suffer from such cruelty. However this section does provide grounds for divorce for both men and women, but this section fails to do justice to both genders.

2. GOVERNMENT ENACTMENT FOR WOMEN'S

THE DOWRY PROHIBITION ACT, 1961

The dowry is something that we have heard about all over in our house or outside our house. In our society, many people still demand dowry in the form of cash, land gold jewellery and other durable goods that are given to the groom's family as a condition for marriage. Seeking or demanding dowry is still a very common practice and a leading crime against women in India, which also results in crimes like domestic violence in the house of women, abetment for suicide and injury that eventually leads to the death of women. But on 20th May, the Indian government passed a bill called "The Dowry Protection Act, 1961 to help these miserable women. But besides this, the problem with this enactment is that there is no penalising for women who file false dowry allegations on their husbands.

In today's time, many women put these laws to wrong use, which consequently makes men and their families suffer and bear mental and physical pain. According to one of the types of information reported

by “The Times of India”, every year, more than 10,000 filed complaints of dowry are found to be false and fake. One of the awful things about this act is that once a dowry harassment case is lodged by a woman, the husband and his whole family would get arrested in a snap of the finger. There would be hardly any investigation done, and no questions would be asked of the women.

HINDU ADOPTION AND MAINTENANCE ACT (HAMA), 1956: MAINTENANCE (Chapter-2)

A person's wife, children, and parents have all the right to get maintenance if they are unable to maintain their basic lifestyle. But under HAMA, 1956 Section 20 gives a major advantage to unmarried girls. Section 20 talks about providing maintenance to both boys' and girls' children, whether legitimate or illegitimate. Both a girl and a boy have the right to get maintenance until they attain the age of majority, but then there is an exception for unmarried daughters. Under the same section 20, clause 3 states that the unmarried daughter has all the rights to seek maintenance until she gets married.

HINDU ADOPTION AND MAINTENANCE ACT (HAMA), 1956: ADOPTION (Chapter 1) AND CENTRAL ADOPTION RESOURCE AUTHORITY (CARA)

Adoption is both a social and a legal process in which children who are orphaned or deprived of their parent's death or desertion children under the age of 18 can get legal parents. Adoption is given under HAMA, 1956 of chapter 1, where any person, whether male or female above the age of 21, desires to become a parent through adoption and can get legal custody of any child, no matter if he is a boy or a girl child.

However, CARA is a statutory body of the Ministry of Women and Child Development, which works under the Indian government. It regulates and monitors in-country and inter-country adoption. Under the CARA guidelines, there is a specific condition which does not allow a single man to adopt a girl child, whereas a single woman has all the rights and eligibility to adopt a same-sex child, single boy or single girl, or both. Denying the adoption of a child to a single male just because he is unmarried and he is not a woman is not justified to men.

3. CONCLUSION AND SUGGESTION:

Indian society is not ready to understand or accept that even a man can be prey to serious crimes like rape, subjected to cruelty by his own wife or suffer domestic violence. India is still a stereotypical society where most people believe that only strong, bold and aggressive people can commit a crime. But what

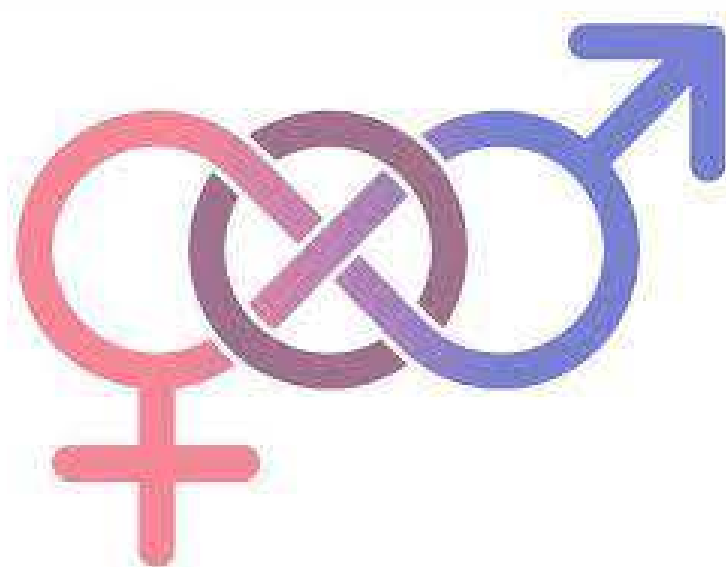
society needs to understand in today's era is that both men and women are capable of committing crimes or any serious offence given under IPC. Many innocent men and their families' lives were devastated due to false allegations or false complaints by women where their social and financial lives were ruined; some men suffered emotional trauma and even suicide. There is a high need for Neutral laws in India which provide justice to both genders and strict punishments for people who make false accusations and increase awareness about such cases where men were found innocent.

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GENDER NEUTRALITY OF SEXUAL OFFENSES UNDER IPC: A DESIDERATUM



ABSTRACT

In the Indian Penal Code (IPC), gender-neutral sexual offence rules should be implemented, according to this study. The IPC currently primarily defines sexual offences in terms of a binary view of gender, barring males and non-binary people from its protection. This essay argues that gender neutrality must be adopted in order to have a legal system that is both inclusive and egalitarian. All people, regardless of gender identification, will get equal legal protection by gender-neutralising sexual offence laws. This action aims to combat systemic prejudices that frequently omit men and non-binary people from victim and perpetrator stereotypes. Additionally, gender-neutral legislation clarifies the law when crimes are committed outside of the traditional gender binary, benefiting both victims and law enforcement. This article emphasises the growing adoption of gender-neutral sexual offence laws in other nations, which is in line with international human rights norms, by drawing on global trends. This paper emphasises the necessity and advantages of revising the IPC to reflect a more inclusive and just society by looking at case studies and legislation modifications.

Keywords: Sexual Offenses, Gender Neutrality, Discrimination

INTRODUCTION

The Indian Penal Code (IPC) must be gender-neutral for sexual offences, according to current legal discourse. The antiquated and gender-biased Indian Penal Code (IPC) runs counter to the changing views of society. In the past, it ignored the diversity of gender identities and presented sexual offences as crimes against women. In order to address this, it is necessary to update sexual offence laws in a way that takes gender identity and expression into account. This analysis emphasises justice, equality, and inclusivity, which is consistent with modern gender and human rights theories. It places the demand for gender-neutral sexual offence laws in the IPC within the framework of changing global legal standards.

In order to create a legal system that guarantees equal protection for everyone, regardless of gender identification, gender neutrality in the IPC is not only a desirable but also a necessary requirement. By challenging the conventional wisdom that sexual offences primarily impact women, this change advances justice, equality, and inclusivity while bringing the legal system into line with changing social norms.

The judiciary in India continues to disregard gender equality and "gender neutrality" when it comes to crimes involving sexual offences, despite the country's assertions that it is striving towards these goals in the twenty-first century. In addition to recognising the two genders of male and female officially, India has made the ground-breaking decision in *NALSA v. Union of India* to recognise transgender individuals as the "third gender" and provide them with the same fundamental liberties and constitutional rights as the other two genders. Ironically, despite being progressive enough to recognise the existence of a third gender, this country still lacks gender-neutral laws regarding sexual assault. Due to the fact that these criminal statutes do not even include the masculine gender, the establishment of the third gender is a pipe dream. Due to current classifications that violate Article 15 of the Constitution, India does not have any laws that are gender-neutral. Modifying the IPC is essential to bringing equity standards into the twenty-first century.

CRITICAL ANALYSIS

While pursuing gender neutrality in sexual offences covered by the Indian Penal Code (IPC) is an important and admirable goal, it also calls for a critical analysis of the ramifications, difficulties, and effects it might have.

Progressive and Inclusive: Gender neutrality is intrinsically progressive, consistent with inclusivity and equity ideals. It eliminates prejudices embedded in the judicial system by acknowledging that anyone can be the victim or the perpetrator of sexual offences. It advances a more equitable viewpoint by dispelling past preconceptions and removing barriers to justice for victims who identify as masculine or non-binary.

Legal Clarity and Ambiguities: The ability to resolve legal ambiguities is a significant benefit of gender-neutral legislation. Due to unclear legislative requirements regarding non-binary and transgender people, judicial proceedings can get complicated. Gender neutrality offers the context for clarity that is sorely lacking.

Implementation issues and challenges: Gender-neutral laws present implementation issues. It will take a lot of work to make law enforcement, the legal community, and society aware of this transition. Additionally, there is a chance of weakening some safeguards that were created with women in mind.

Global Trends and Human Rights: India's adherence to international standards is seen in its gender neutrality in sexual offences, which is in line with global trends in gender rights and human rights. It can also draw attention to India's compliance with its duties.

Social acceptability: The acceptability of gender-neutral laws throughout society is crucial to their success. The full acceptance and effective enforcement of such legislation might be hampered by India's conventional and conservative traditions.

Protection and Support: Although gender-neutral laws seek to safeguard all victims, there is still a need for extensive support networks that are specifically designed to meet the various requirements of victims from all genders.

The pursuit of gender neutrality in sexual offences under the IPC is an admirable goal that overcomes past biases, promotes diversity, and is consistent with universal human rights values. But for it to be implemented effectively, there must be a significant change in society's views, educational standards, and legal procedures. Maintaining a delicate balance between the requirement for gender neutrality and the protection of vulnerable populations is a difficult task. However, this initiative represents a significant step towards an Indian judicial system that is more just and equal.

CONCLUSION

The Indian Penal Code's campaign for gender neutrality in sexual offences is essential for bringing legal concepts into line with changing social norms and human rights. This creative method dispels stereotypes from the past by acknowledging that anyone can be a victim or a perpetrator, regardless of gender identification. Laws that are gender-neutral challenge deeply ingrained preconceptions, but putting them into practice requires extensive education and a careful balancing act between neutrality and protecting marginalised communities. Achieving gender neutrality will bring India into compliance with international human rights standards, enabling a more just and equitable legal system that respects the wide range of human experiences and identities, notwithstanding potential obstacles stemming from cultural traditions.

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ONE NATION ONE ELECTION

ONE NATION AND ONE ELECTION POLICY IN INDIA

INTRODUCTION

India, the world's largest democracy, has been conducting elections at the national and state levels for decades. This frequent cycle of elections has led to numerous debates and discussions, particularly around the concept of 'One Nation, One Election' (ONOE). This policy proposes to synchronise the timing of Lok Sabha (national parliament) and state assembly elections across all Indian states, thereby reducing the frequency of polls and potentially minimising their impact on governance and administrative processes. The "One Nation, One Election" (ONOE) policy has emerged as a contentious proposal in India, with proponents arguing that it will improve governance and reduce election expenditure, while critics express concerns about its potential impact on federalism and the political system. This policy aims to synchronise elections for the Lok Sabha and state assemblies, ushering in a new era of electoral efficiency in India. However, the debate surrounding ONOE raises critical questions about its implications for Indian polity and the functioning of the democratic system.

The idea of ONOE is not entirely new. India followed this practice during the early years of its independence, with simultaneous elections held in 1952, 1957, 1962, and 1967. However, this cycle was disrupted due to various factors, including political instability, defections within parties, and the dissolution of state governments.

In recent years, the ONOE concept has gained renewed attention, with proponents emphasising its potential benefits. These include reduced administrative costs, a more stable political environment conducive to long-term policy planning, and increased voter turnout as voters are not burdened with multiple elections in a short period.

Proponents of the "One Nation, One Election" policy argue that synchronised elections will help governments focus more on governance and less on being in "election mode," thereby reducing

disruptions to public life. The policy is seen as a means to save a significant amount of money by avoiding the high costs associated with conducting separate elections for the Lok Sabha and state assemblies. It is believed that the reduction in election-related costs would allow for redirected funds to address pressing socio-economic needs, potentially enhancing policy implementation and socio-economic development.

Furthermore, proponents argue that ONOE promises to bring consistency and continuity to Union and state government policies. Currently, the enforcement of the model code of conduct during Lok Sabha polls prohibits states from launching new projects or schemes until the elections conclude. By harmonising the timing of elections, the policy seeks to enable governments to focus on governance rather than being in a perpetual election mode, potentially enhancing policy implementation and governance.

However, critics of the "One Nation, One Election" policy raise several concerns about its potential impact on the Indian polity. One of the primary concerns is that the implementation of ONOE may lead to the erasure of the division between state and national issues in the voter's objective function. This could result in voters being less informed about the main election issues, potentially undermining the democratic process.

Moreover, critics argue that the policy risks causing structural damage to federalism, as it may lead to an excessively centralised government in a country as vast and diverse as India. The move towards greater centralisation through synchronised elections could violate the principle of collective responsibility and potentially crush the federal structure of the government. The potential implications of such a drastic change in the parliamentary and federal form of government require serious consideration and deliberation.

Additionally, concerns have been raised about the impact of ONOE on the regulation of political financing and electoral campaigning. Critics argue that the policy may exacerbate the existing deficit in regulating political financing and electoral campaigning, potentially leading to further challenges in ensuring fair and transparent electoral processes.

Current Status and Future Prospects-

The ONOE concept has been debated extensively in India, with proponents and opponents presenting strong arguments. The Law Commission of India, in its 2018 report, recommended the adoption of ONOE, suggesting a roadmap for its implementation. However, the proposal has not yet been formally adopted, and there is no clear consensus among political parties and state governments.

The future of ONOE remains uncertain. While there is a growing recognition of the potential benefits of this electoral reform, there are also legitimate concerns about its potential impact on India's federal structure and regional representation. Ultimately, the decision to adopt ONOE will depend on a careful weighing of its advantages and disadvantages and a broad consensus among stakeholders.

Conclusion-

ONOE represents a significant proposed change to India's electoral system. While there are strong arguments in favour of its potential benefits, there are also valid concerns about its potential drawbacks. A thorough examination of these arguments, along with careful consideration of the impact on India's federal structure and regional representation, is crucial before making a decision on the adoption of ONOE.

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- 5) The Telecom Disputes Settlement and Appellate Tribunal (TDSAT) in India has issued an interim ruling stating that over-the-top (OTT) platforms, such as Hotstar, do not fall under the jurisdiction of the Telecom Regulatory Authority of India (TRAI).
- 6) The Supreme Court has scheduled a hearing for October 31 to address petitions challenging India's electoral bonds scheme. This scheme, introduced in the 2018 Union Budget, provides a method for anonymous donations to political parties.
- 7) On October 17, 2023, a five-judge Constitution Bench, led by Chief Justice of India D Y Chandrachud, issued a unanimous verdict declining to recognise same-sex marriages and civil unions for non-heterosexual couples.
- 8) The Delhi High Court recently ruled on a case involving “large-scale infringement” of copyrighted works published by the Bhakti Vedanta Book Trust, known for its books and commentaries on Indian religious philosophy and spiritualism, especially classic Vaishnava texts.
- 9) In a significant move, the Supreme Court of India has taken a strong stance on the issue of sewer deaths in the country. The court has ruled that government authorities must pay compensation to the families of those who lose their lives while cleaning sewers.
- 10) The Supreme Court's recent decision to dismiss a petition by the Bharat Rashtra Samiti (BRS) party in Telangana, challenging the allotment of election symbols to other parties, has raised questions about the process of symbol allocation in Indian politics.
- 11) The Punjab and Haryana High Court, on November 17, declared the Haryana State Employment of Local Candidates Act, 2020, unconstitutional. The law, which mandated 75% reservation in private jobs for Haryana residents, was deemed discriminatory by the court.
- 12) The recent decision by the Himachal Pradesh High Court regarding the bailability of offences under the Protection of Children from Sexual Offences (POCSO) Act has raised legal questions.
- 13) The Central government has recently included the Computer Emergency Response Team (CERT-In) in the list of organisations exempted from the Right to Information Act (RTI), 2005.

- 14) The Union Cabinet, under the leadership of Prime Minister Shri Narendra Modi, has approved the extension of the Fast Track Special Courts (FTSCs) as a Centrally Sponsored Scheme (CSS) from April 1, 2023, to March 31, 2026.
- 15) The Rajya Sabha has passed the Post Office Bill, 2023, a significant legislative move aimed at revamping and modernising the country's postal services. .

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