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NEWSLETTER VIDHI-LEKH

Newsletter of Pro Bono Club under the Faculty of Law

Issue No. 4 | August, 2023





Messages from the Editorial Team

Messages from the Editorial Team

Dear Readers,

I feel ecstatic to release the fourth 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 published 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 the knowledge of our readers. 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



Greetings, everyone from the Team of Vidhi-Lekh!

Greetings, everyone from the Team of Vidhi-Lekh!

“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 (4TH 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
BA LLB (4TH SEMESTER)
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
BA LLB (4TH SEMESTER)
ASSOCIATE EDITOR

- “This edition of the Vidhi-Lekh is a special series of new topics our writers have thought to bring 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
BA LLB (2ND SEMESTER)
ASSOCIATE EDITOR

Associate Student Editors List:

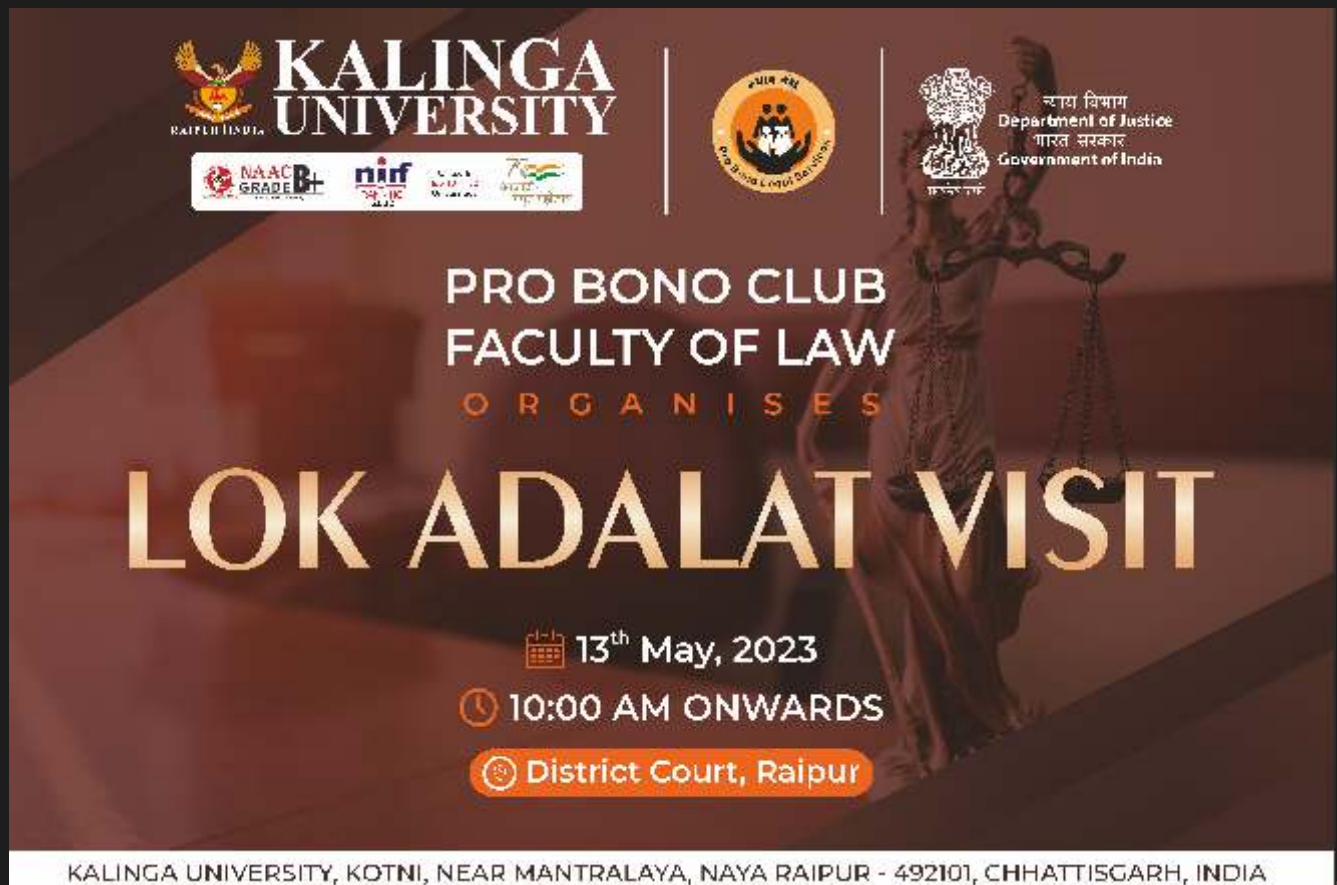
Associate Student Editors List:

- “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
BA LLB (2ND SEMESTER)
ASSOCIATE EDITOR

Activities Conducted Under Pro Bono Club, Kalinga University



KALINGA UNIVERSITY

RAIPUR

NAAC GRADE B+

NIRF

75th Anniversary

PRO BONO CLUB
FACULTY OF LAW
ORGANISES

LOK ADALAT VISIT

13th May, 2023

10:00 AM ONWARDS

District Court, Raipur

KALINGA UNIVERSITY, KOTNI, NEAR MANTRALAYA, NAYA RAIPUR - 492101, CHHATTISGARH, INDIA

Pro Bono Club, Faculty of Law organised a visit to Lok Adalat at District Court, Raipur

The purpose of the visit was to understand the working of the court and the nature of the duties of the judicial officer in the matter of Lok Adalat. Such initiatives help the students to understand the actual functioning of Lok Adalat and how it is beneficial to the people considering the advantages that came along and also the disadvantages the parties had to face due to certain errors on the part of the court.



UNIFORM CIVIL CODE: DESIRABLE?



The Uniform Civil Code (UCC) is nothing but a common laws governing personal matters such as marriages, divorce, inheritance, succession, guardianship rights, minority rights, etc. The constitution of India provides for **Uniform Civil Code in Article 44 as a Directive Principle of State Policy** which states that **“The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India.**

It should be noted that UCC comes with various benefits and is thus considered the unachieved dream of the framers of the constitution of India. Some of the major advantages of UCC are -

- **Foster national and social integrities Foster** - It is true that there exists a divide, and some communities may believe that other communities have personal laws in place that benefit them, which could act as an impediment to social integration.
- **Ensure equal rights for the marginalised** - Some of the social customs and laws were made in time which were deeply divisive and deeply patriarchal; therefore it goes without saying that UCC will help in securing rights for the marginalized.
- **Secures gender equality** - We do have equal space for women in the political arena, but do we have the same in the family sphere? No, the reason is various social customs and practices. UCC will incorporate this.
- **Prevents sub-national identities** - If you have various groups following different customs and practices it tends to create an image of sub national identities and create an acute sense of group consciousness which may threaten national integrity.
- **Easing the task of the judiciary** - So many laws in place increase the workload on the judiciary; therefore, having a unified code will ease up this burden.

We already have a uniform criminal code; therefore, seeking a uniform civil code would not seem to be much of an issue, but it brings forth various challenges. The first is that criminal matters are beyond religion, while personal matters are deeply enmeshed with religion and therefore, difficult to equate and compare. UCC also bring forth various other challenges as -

- **Overshadows the beauty of diversity** - India is a richly diverse country, and despite this diversity, we have been able to survive for decades. And how do you address diversity? It can only be addressed and accommodated if we have various groups being allowed to practice their customs.
- **Hinders guarantees secured under Articles 25 and 26 of the constitution of India** - Article 25 gives every person the right to freedom of conscience and the right to freely profess, practice, and propagate religion subject to public order, morality, and health. Article 26 also gives all denominations the right to manage their own affairs in matters of religion.
- **Framing a UCC** - The main point of contention is that the government hasn't come up with any draft UCC. Along with this, drafting a UCC is not an easy task, given the plethora of customs and laws of various communities. Eminent journalist UPENDRA BHARTI has already pointed out – “do we know enough about the tribal personal laws and customs for which the UCC may be decided, or do we know enough about the religious rules and personal laws of various other communities”.
- **May alienate minority communities** - There is no point in denying that coming up with UCC will create some sense of insecurity among the minority communities.

The Law Commission of India in 2018 has observed that UCC is neither necessary nor desirable. We also need to remember that UCC is not a magic bullet- uniformity does not always bring any value to the law, and sometimes uniformity is not desirable, and that is the beauty of diversity. So, what could be the way forward?

- **Weed out practices violating the dignity of individuals** - all those practices that hinder individual freedom and dignity must be legally weeded out. Any form of discrimination towards women or any class of people must be removed from all forms of personal laws and customs.
- **Raise awareness** - among the masses
- **Promote special marriage act** - by promoting the benefits of the same.
- **Strive for an optional UCC** - another suitable solution is to come up with an optional UCC and encourage the masses to go for the same. If more and more people, especially the younger generation, register themselves under the optional UCC, there would not be any need to force anyone to follow the same and, slowly and steadily the society itself would weed out the customs and practices.

India, being a diverse country makes it impossible to please each and every section of the society, so part of these sections must be dealt with an iron hand. Along with this, any debate on UCC would be reasonable if we have before us the draft UCC. Until then, those debates may not bear much fruit. We also need to keep in mind that any debate on UCC should not be confined within the narrow prism of the Hindu-Muslim relationship, as there are a plethora of other communities and their respective customs and laws. And ultimately, it is unity and not uniformity that should be our game.

SURROGACY IN INDIA: ETHICAL ISSUES



Introduction

Worldwide, Surrogacy has been a blessing for couples struggling with infertility, but it has also generated criticism owing to ethical, legal, and medical problems.

The process of surrogacy can be defined as an agreement among three different classes of individuals: the surrogate mother, the individual who commissions or the intending parents (either father or mother), and the biological or donor mother or father, in which a surrogate mother bears the child of another person, either a married couple or a single parent (woman).

When a surrogate volunteers to carry the child of the commissioning couple in her womb out of pure love and compassion for them, the act of surrogacy is regarded as altruistic. However, on the other hand, when payment is made to the surrogate mother for bearing the child in her womb, this humane act then converts into the act of commercialisation.

Kinds of Surrogacy:

- Traditional Surrogacy, in which the surrogate mother becomes the biological mother of the child she gives birth to as the sperm of the intended father is artificially implanted to fertilise the eggs of the surrogate mother. This is hence known as Traditional Surrogacy.
- Gestational surrogacy, where the fertility specialists may either use the In-Vitro Fertilization (IVF) technology to fertilise the intended mother's eggs with the intended father's sperm or donors may provide the sperm and eggs needed for fertilisation. In this case, the surrogate is not biologically related to the surrogate child as she is just used as a carrier.

Surrogacy Regulations in India

The Indian landscape of surrogacy legislation is currently shaped by the Surrogacy (Regulation) Act, 2021, along with the Surrogacy (Regulation) Rules, 2022. This legal framework was a response to India's

notoriety for exploitative surrogacy practices, surrogacy commercialisation, and the lack of comprehensive regulations in the absence of a specific ban on commercial surrogacy.

The central objective of this Act is to curb and penalise commercial surrogacy, bringing forth a range of stipulations concerning the eligibility criteria for intending couples, intending women, and surrogate mothers. These criteria encompass diverse aspects such as age, marital status, and medical requisites. The Surrogacy Rules complement the Act by detailing mandatory documents, medical personnel certificates, affidavits, and consent formats. The result is a regulated surrogacy process, although critics argue that the regulations could be overly restrictive.

Two consequential amendments have been introduced to the Rules since their inception. The first, enacted in October 2022, introduced a flexible dimension by allowing intending couples to submit affidavits to either Executive Magistrates or Notary Publics, streamlining the application process and reducing unnecessary delays.

The second, more substantial amendment took effect in March 2023 and had a pivotal impact on the actual practice of surrogacy. This amendment pivots on the prohibition of intending couples from engaging in surrogacy arrangements involving donor gametes. The heart of the change lies in the substitution of Para 1(d) of Form 2 under Rule 7, which explicitly restricts the use of donor gametes by intending couples. Moreover, this alteration clarifies that single women (widows/divorcees) opting for surrogacy must utilise their own eggs in combination with donor sperm.

Ethical Concerns Around Surrogacy:

Though there are laws regulating surrogacy there are many ethical questions around surrogacy in India that are raised, especially when it involves commercial surrogacy. Some of the principal ethical quandaries can be studied under the following:

- **Commercialization of a woman's body and her reproductive capability:** In commercial surrogacy, a woman's ability to procreate is treated as a commercial asset and traded in exchange for money. "If we look into the difficulties faced by a surrogate, the conditions are worse and unethical. The illiterate poor women of rural background are often induced into such deals by their partners or middlemen to earn easy money. These women have no right to decide on their own body and life."
- **Hazards, including Health and Safety:** Throughout the pregnancy and delivery process, surrogate mothers may experience psychological as well as physical challenges, which might also result from inadequate medical treatment and surveillance during the pregnancy.
- **Impact on Emotional and Mental Wellness:** Surrogacy can have a significant impact on surrogate mothers' emotions and mental health, particularly if they get attached to the child they carry but have to give up after delivery. These difficulties may be made worse by a lack of adequate emotional support both during and after the surrogacy process.
- **Child's welfare and rights:** The rights and welfare of the children born as a result of such arrangements are a cause for concern. There is a possibility that the commissioning parents refuse to take parental responsibility for the child, which can raise concerns about the child's identity, right to know their genetic heritage and risk of exploitation or desertion.

Way Forward:

The ethical issues surrounding surrogacy in India demand an all-encompassing approach. The following are some recommendations for solving the same:

- **Effective Legislation:** Enact legislation that reflects fundamental rights and feminist ideals, taking into account the specific circumstances of surrogates before outlawing them while promoting equality and the empowerment of women.
- **Mandatory Counselling and assistance:** Throughout the surrogacy procedure, mandated surrogate mothers receive mandatory counselling and emotional assistance to ensure their physical and mental well-being.
- **Fair Compensation and Empowerment:** Making sure that surrogate mothers receive adequate and transparent compensation, giving them financial independence and safeguarding them against potential exploitation.
- **Biological Identity and Informed Consent:** Ensure that all parties involved give their informed consent and that children born via surrogacy have the right to know their genetic backgrounds.
- **Child Adoption as an Alternative:** Encourage parents to think about adopting a child as an alternative to surrogacy in order to give needy children loving homes.

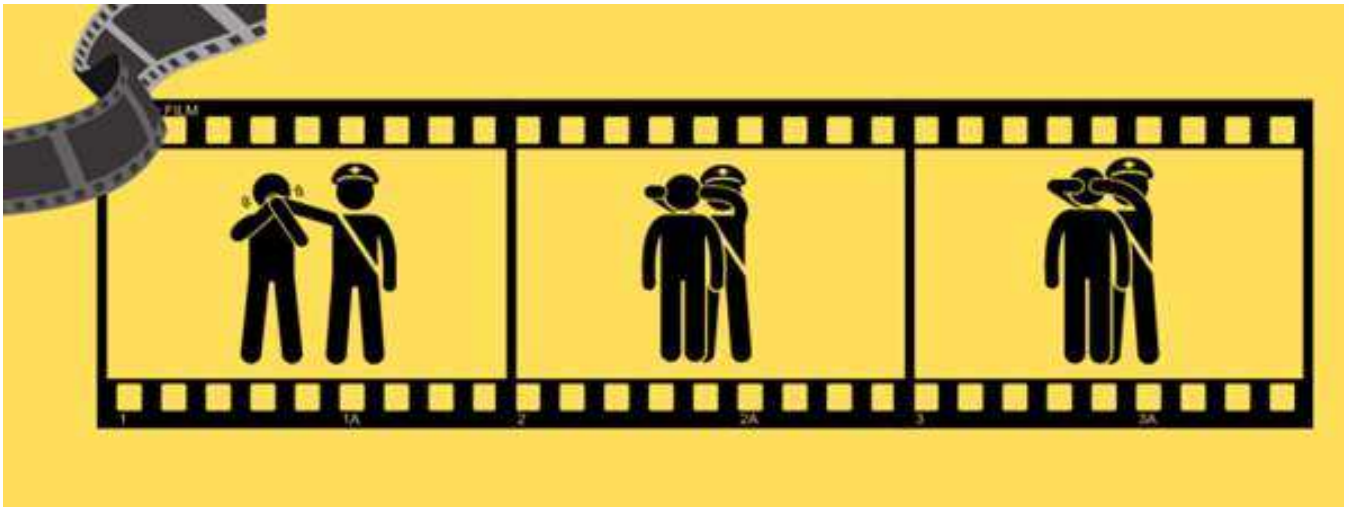
In essence, surrogacy offers global advantages alongside concerns. India's Surrogacy Act targets commercial aspects, but ethical challenges remain, affecting women's emotions and children's rights.

Sweta Singh

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CINEMATOGRAPH (AMENDMENT) BILL 2023: ENHANCING CINEMA REGULATION



OVERVIEW

In the latest development, the Parliament has successfully passed the **Cinematograph (Amendment) Bill, 2023**. The core aim of this proposed legislation is to update the existing **Cinematograph Act 1952**, which established the Board of Film Certification responsible for evaluating and certifying films intended for public exhibition.

EVOLUTION

Enacted in 1920, the Indian Cinematograph Act established censorship boards overseen by local police chiefs, replaced after independence by the Bombay Board of Film Censors, renamed the Central Board of Film Censors in 1952, and later the Central Board of Film Certification (CBFC) in 1983.

The 1952 Cinematograph Act governs film certification, ensuring content respects public order, morality, and legal sensitivities. The CBFC classifies films as **U (Unrestricted)**, **UA (Unrestricted with parental guidance)**, **A (Restricted to 18+)**, and **S (Restricted to specific professions)**, with certificates valid for 10 years. The Central government can revoke certificates for deviations from certified content. The Film Certification Appellate Tribunal (FCAT) handles CBFC decision appeals.

Amid evolving film industry dynamics, a 2010 draft bill proposed transitioning from certification to a classification system. The Mukul Mudgal Committee (2013) and Shyam Benegal Committee (2016) explored advisory panels, certification guidelines, portrayal of women, and explicit content. Recommendations included criminalising unauthorised copying, representing women, and introducing explicit content ratings. The 2018 and 2019 Cinematograph (Amendment) Bills aimed to modernise regulations.

The 2019 bill addressed piracy with penalties of up to three years imprisonment or a fine of Rs 10 lakh. The Standing Committee proposed clarifying punishment, raising fines to 5-10% of production costs, introducing fair use for non-commercial purposes, and updating the outdated 1952 Act.

Based on recommendations, the 2021 Cinematograph (Amendment) Bill proposed age-based certifications, removing certificate validity limits, provisions for re-examining violating films, and prohibiting unauthorised recording. Controversially, it grants revisionary powers to the central government, raising concerns about autonomy, censorship, and freedom of speech.

Critics within the film industry fear this could curtail filmmakers' autonomy and creative freedom, potentially leading to increased censorship and harassment. The bill's provisions conflict with a Supreme Court ruling (*Union of India v. K.M. Shankarappa*) limiting the Union government's powers post-CBFC certification.

While the 2021 bill addresses piracy, its central government revisionary powers have sparked concerns. The impact on CBFC's role and the industry's creative freedom is vital. The bill was open for public comments in June 2021, with 2022 consultations leading to a well-informed draft. In 2023, the Ministry officially introduced the bill. Careful consideration of its potential consequences is necessary.

CINEMATOGRAPH (AMENDMENT) BILL OF 2023

The Cinematography (Amendment) Bill, of 2023, which came into the picture in July, has introduced noteworthy changes to the Cinematography Act, 1952. The key features of the Bill are as follows:

1) Additional Certification Categories:

According to the Act, movies can receive only 'U', 'UA', 'A' and 'S' certifications for exhibition but the bill establishes separate certification divisions based on age. This is achieved by subdividing the existing 'UA' category into three segments: (i) **UA 7+** (for individuals aged seven and above), (ii) **UA 13+** (for individuals aged thirteen and above), and (iii) **UA 16+** (for those aged sixteen and above). The age endorsement by the Board within the UA category aims to offer guidance to parents or guardians. However, it doesn't hold authority beyond parents or guardians, meaning only they can enforce it and not any other individuals or groups.

2) Separate Certification for TV And Other Mediums:

The Bill proposed that movies that hold an 'A' or 'S' certificate must obtain an additional certification before being shown on television or any other platform designated by the central government. The Central Board of Film Certification (CBFC) has the authority to instruct the applicant to make necessary edits or adjustments in order to acquire this separate certification.

3) Unauthorized Recording/Piracy:

The proposed Bill introduces prohibitions against participating in or abetting (i) unauthorised recording and (ii) the public exhibition of films without proper authorisation. Engaging in unauthorised recording actions is classified as a criminal offence.

The aforementioned offence will be punishable with imprisonment between three months to three years, coupled with a fine between three lakh rupees to 5% of the audited gross production cost.

4) Validity of Certification:

As outlined under the act, the Board is empowered to grant a certificate that possesses nationwide recognition for a period of ten years. However, the proposed Bill aims to amend this provision by conferring perpetual validity upon the certification issued by the Central Board of Film Certification (CBFC).

5) Exclusion of Central Government's Authority for Revision:

The Act grants the central government the authority to review and issue directives concerning films that have already received certification or are pending certification. The central government's decisions must be followed by the Board, aligning the Board's actions with these directives. However, in light of the precedent set by the Supreme Court's judgment in the Union of India Vs. K.M. Shankarappa case, the Bill seeks to eliminate this authority of the central government; this authority will remain solely with the Board. This change proposed by the Bill reduces the central government's involvement in film certification matters.

CONCLUSION

In conclusion, the recently passed Cinematograph (Amendment) Bill, 2023 signifies a significant shift in India's film regulatory landscape. It introduces age-based certification categories, additional scrutiny for TV and other platforms, stringent measures against piracy, perpetual validity of certifications, and the removal of the central government's revisionary powers. While addressing piracy concerns, the bill's provisions have raised debates regarding creative freedom and government influence. Striking a balance between safeguarding artistic expression and maintaining public sensitivities is crucial. The bill's evolution showcases a response to changing industry dynamics while underscoring the need to preserve the autonomy of filmmaking and the role of the Central Board of Film Certification.

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INTERSECTIONS OF FAITH AND LAW: EXPLORING RELIGIOUS AND CONSTITUTIONAL PERSPECTIVES ON SAME-SEX MARRIAGE



Abstract

The topic of same-sex marriage intertwines religious beliefs and constitutional values/principles, necessitating the need to bridge the gap between them. While religious traditions frequently emphasise heteronormative Principles, constitutional frameworks strive for equality, tolerance, and inclusivity. This abstract explores the relationship between religious perspectives and constitutional mandates, highlighting various interpretations within faith traditions. It examines constitutional principles such as equality and liberty, instrumental in legalising same-sex marriage. Debates surrounding religious exemptions and conscientious objections are examined, considering the delicate balance between religious freedom and preventing discrimination. Emphasising dialogue and mutual understanding, the abstract calls for finding common ground that respects religious beliefs while upholding constitutional principles, fostering an inclusive society that respects diverse beliefs and upholds fundamental human rights.

Keywords

Homosexuality, Same-sex Marriage, Constitution, Religion, Culture, Principles, Legal.

Introduction

The topic of same-sex marriage evokes a profound interplay between religious beliefs and constitutional principles, encompassing a wide array of faith traditions. In India, the historical presence of homosexuality dating back to 1500 BC, as evidenced by references in the Manusmriti and the depiction of diverse forms of erotic expression in ancient temples like Khajuraho, reflects a complex journey of acceptance and suppression. However, societal standards and stigma continue to perpetuate shame and discrimination against individuals based on their sexual orientation, hindering legal acceptance. Within the Islamic faith, traditional teachings generally deem homosexual acts as sinful, citing scriptural references that emphasise the importance of heterosexual marriage and procreation.

Yet, it is important to note that there are diverse viewpoints within the Muslim community, with some progressive Muslims advocating for a more inclusive interpretation, emphasising compassion, justice, and the overarching principles of Islam.

They promote equal rights and recognition for LGBTQ+ individuals, including the possibility of same-sex marriage, challenging traditional interpretations. Similarly, within Christianity, varying views exist, with some denominations embracing LGBTQ+ inclusion and recognising same-sex marriages, while others adhere to traditional interpretations that consider it contrary to religious teachings. Striking a delicate balance between societal ethos and the rule of law is crucial, emphasising that true acceptance requires a genuine shift in perspectives rather than solely relying on legal statutes. Nurturing societal change, combating discrimination, and fostering an environment where laws and societal acceptance go hand in hand are vital steps toward achieving inclusivity and equality, and upholding the fraternity and unity that form the backbone of India and its diverse religious traditions.

Research Methodology

This research paper provides a descriptive analysis of the religious and constitutional perspectives on same-sex marriage, utilising secondary sources for a comprehensive exploration of the topic is from Newspapers, the Internet, Websites, and Journal for Research.

Review of Literature

The Supreme Court's 2014 Burwell v. Hobby Lobby decision marked an endorsement of religious freedoms for privately held for-profit corporations. Four years later, in the case of Masterpiece Cakeshop v. Colorado Civil Rights Commission, the court ruled in favour of a baker who declined to provide service to a same-sex couple, although the decision was based on narrow procedural grounds and is slated for further review by the court.

"No union is more profound than marriage, for it embodies the highest ideals of love, fidelity, devotion, sacrifice, and family." - Justice Anthony Kennedy (from the Obergefell v. Hodges Supreme Court decision)

"Love is the only force capable of transforming an enemy into a friend." - Martin Luther King Jr.

The Review of Literature on Intersections of Faith and Law: Exploring Religious and Constitutional Perspectives on Same-Sex Marriage provides a comprehensive analysis of scholarly works that examine the complex relationship between religious beliefs and constitutional principles in the context of same-sex marriage. Drawing from a range of academic articles, books, and relevant sources, this review critically evaluates the existing literature to shed light on the diverse perspectives within different faith traditions and legal frameworks. It explores how religious teachings, scriptures, and interpretations shape attitudes toward same-sex marriage and the ways in which constitutional principles of equality, freedom, and human rights interact with religious freedom and conscientious objections. By synthesizing and analysing these sources, the review identifies gaps, contradictions, and evolving discussions surrounding the intersections of faith and law, laying the groundwork for further research and providing a deeper understanding of the complexities inherent in this multifaceted topic.

Countries accepted Same-Sex Marriage

Presently, same-sex marriage is legally recognised in 34 countries across the globe. These nations include Andorra, Australia, Argentina, Austria, Belgium, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba,

Denmark, Ecuador, Finland, France, Germany, Iceland, Ireland, Luxembourg, Malta, Mexico, the Netherlands, New Zealand, Norway, Portugal, Slovenia, South Africa, Spain, Sweden, Switzerland, Taiwan, the United Kingdom, the United States of America, and Uruguay.

Processes of Legalization

The process of legalising same-sex marriage has unfolded differently across various countries. In 23 nations, including Australia, Ireland, and Switzerland, same-sex marriage was legalised through national legislation, often following nationwide votes. In 10 countries, such as Austria, Brazil, Colombia, and the United States of America, national legalisation came about through court decisions. Countries like South Africa and Taiwan enacted legislation after their courts mandated the recognition of same-sex marriage. This diversity in the processes of legalisation demonstrates the evolving and complex nature of the movement for marriage equality worldwide.

Religion on Same-sex Marriage

Leaders representing India's major religions have voiced their opposition to the legal recognition of same-sex marriages, citing their belief that such unions are unnatural and contrary to religious teachings. One of the groups expressing opposition is the Communion of Churches, a Christian organisation, which has written a letter to President Draupadi Murmu, expressing their disapproval of the move to legalise same-sex marriages in India. Similarly, Jamaat-e-Islami Hind, a Muslim faith group, intends to address the Supreme Court with their concerns.

As the Supreme Court of India prepares to hear a series of petitions advocating for marriage equality for same-sex couples on April 18, these religious leaders' opposition adds to the ongoing debate. Their arguments revolve around the notion that same-sex marriages are considered unnatural and incompatible with religious principles. These opposing views highlight the complex intersection of religious beliefs and the push for equal rights, creating a significant point of contention in the discussions surrounding same-sex marriage in India.

In response to the upcoming hearing on petitions seeking legal recognition of same-sex marriages in India, leaders representing various religious groups have expressed their opposition to the idea.

Father Felix Jones, who heads the Delhi Archdiocesan Commission for Ecumenism and Interfaith Dialogue, emphasised that according to Church teachings, marriage is exclusively between a man and a woman, and compromising on this principle is not possible.

Similarly, Mohammad Salim Engineer, vice president of the Jamaat-e-Islami Hind, stated that same-sex marriage contradicts their civilisation and would have a negative impact on society since marriage is universally accepted as being between a man and a woman. They plan to engage the All-India Muslim Personal Law Board to approach the Supreme Court with their views.

It is worth noting that the federal government, led by a pro-Hindu party, has also opposed the legalisation of same-sex marriages, arguing that they are unsustainable, untenable, and against Indian culture. Leaders from different religious backgrounds, including Hinduism, Sikhism, Jainism, and Tibetan Buddhism, have expressed their opposition, citing their respective religious beliefs and traditions. They argue that same-sex marriages go against their religious teachings and the foundational principles of reproduction and universal laws. As the Supreme Court prepares to hear these petitions, the opposition from religious leaders presents a significant challenge to the push for legal recognition of same-sex marriages in India.

Hinduism- The Bhagavad Gita, an ancient Hindu scripture, conveys the profound concept that divinity resides within every individual. According to **Chapter 13, Verse 22 of the Bhagavad Gita, the divine essence, often referred to as the soul or the Self, is present within the body.** This divine entity serves as a witness, guide, supporter, and observer of all the experiences encountered by the body.

In Hindu mythic stories, gods and goddesses are depicted with fluid genders and diverse orientations. These tales often portray deities who undergo gender transitions or exhibit characteristics of multiple genders. For instance, in the Bhagavad Gita, Lord Krishna refers to matter and mind as his two wombs, embracing both masculine and feminine aspects. Some gods are described as cross-dressing or manifesting attributes traditionally associated with the opposite gender. Lord Vishnu's form as the enchanting Mohini, a female seductress, and Lord Shiva's portrayal as a milkmaid in the company of Krishna exemplify such gender-fluid representations.

Goddesses in Hinduism are depicted as autonomous beings, often seen in the company of other goddesses, displaying traits considered masculine. They ride lions and wield tridents, traditionally associated with male attributes. Female deities are revered as mothers and daughters simultaneously, and they are worshipped alone, with female companions, or with male consorts in separate shrines. The Mahabharata, an epic tale, features queer characters like Brihanalla, Shikhandi, and Bhagashavana, who challenge traditional gender roles and identities.

Folk retellings of the Ramayana also incorporate queer interpretations of central characters. Aruna, the God of dawn, is portrayed as having an indeterminate gender and chooses to become a woman, becoming pregnant through relations with male gods. These stories showcase the acceptance and fluidity of gender and sexual identities in Hindu mythology.

Importantly, Hinduism lacks the concept of homosexuality as a sin, as it doesn't align with the metaphysics of karma and reincarnation.

Importance of Fundamental Rights:

Articles Important in Protecting Fundamental Rights

- Article 21 Upholds human dignity and ensures the right to a dignified life
- Article 32 Provides enforceable protection against state violations
- Article 19 Safeguards citizens' liberties, including freedom of speech and expression
- Article 14 Prevents autocratic government actions and establishes equality
- Article 13 Derives fundamental rights from the fundamental law of the land
- Article 15 Essential for implementing reservations and positive discrimination
- Article 23 Guards against exploitation and forced labour
- Article 25 Essential for securing religious rights and Conscience
- Article 19 Ensures freedom of speech, expression, assembly, association, movement, residence, and profession

In this table, each article of the constitution is listed along with its importance in protecting fundamental rights. The table provides a clear overview of the key constitutional provisions and their significance in upholding individual liberties, equality, and dignity.

The importance of fundamental rights, enshrined in the articles of the constitution, cannot be overstated. These constitutional provisions serve as the bedrock of a just and democratic society, upholding human dignity and providing enforceable protection against violations by the state. They act as a safeguard for citizens' liberties, preventing autocratic government actions and ensuring that individuals are free from undue oppression.

Fundamental rights are derived from the fundamental law of the land, reflecting the core values and principles upon which a nation is built. They are essential for establishing equality among all citizens, regardless of their background or circumstances. These rights play a crucial role in implementing reservations and positive discrimination measures, promoting social justice and empowering marginalised communities.

Landmark Judgment

The Navtej Singh Johar v/s Union of India case, writ petition (criminal) no. 76 of 2016, was a landmark judgment by the Supreme Court of India. In this case, the court struck down Section 377 of the Indian Penal Code, a law that criminalised consensual same-sex relationships. The judgment was delivered on September 6, 2018.

The Court ruled that discrimination based on sexual orientation violated the right to equality guaranteed by Article 14 of the Indian Constitution. It also recognized that sexual orientation is an inherent part of an individual's identity and denying the same would be a violation of the right to life and personal liberty under Article 21. The Court held that Section 377 was manifestly arbitrary and violated the fundamental rights of LGBTQ+ individuals.

The case was brought by Navtej Singh Johar and others, who challenged the constitutionality of Section 377. The Court's decision, in this case, marked a significant step towards the recognition and protection of the rights of the LGBTQ+ community in India. It affirmed the principles of equality, dignity, and personal autonomy enshrined in the Indian Constitution and paved the way for greater inclusivity and acceptance.

The judges on the bench were Honourable Mr. Justice Dipak Misra (CJI), Honourable Mr. Justice A. M. Khanwilkar, Honourable Mr. Justice Rohinton Fali Nariman, Honourable Mr. Justice D. Y. Chandrachud, and Honourable Mrs. Justice Indu Malhotra. This landmark judgment marked a significant milestone in recognising the rights of the LGBTQ+ community and upholding the principles of equality and personal liberty.

SAME-SEX MARRIAGES AND SPECIAL MARRIAGE ACT, 1954

The upcoming hearings in India's Supreme Court on the legalisation of same-sex weddings are significant in the country's legal history. This critical juncture provides a chance for the judiciary to provide legal relief to the LGBTQ+ community. The court's judgment and judgment will not only impact the present but will also serve as a reference point for future generations when faced with comparable issues. As a result, this case is extremely significant since it marks a pivotal chapter unfolding within the nation's supreme body, changing the path of history.

CASE LAW: Supriya Chakraborty & Anr v/s Union of India (W.P. (C) 1011/2022).

On November 14, 2022, two same-sex couples filed writ petitions to the Supreme Court seeking legal recognition of same-sex marriages in India. The focus of the petitions was the Special Marriage Act, 1954.

The Special Marriage Act, 1954 currently recognises marriage only between a male and a female (Section 4 (c)), upholding traditional societal values. As a result, same-sex couples are denied matrimonial benefits such as adoption, surrogacy, employment, and retirement benefits. The petitioners argued that Section 4 (c) was unconstitutional, as it violated the rights to equality, freedom of expression, and dignity. The petitions also challenged the Hindu Marriage Act, 1955, and the Foreign Marriage Act, 1969, with references to the cases of Navtej Singh Johar v/s Union of India (2018) and NALSA v/s Union of India (2014).

Chief Justice D.Y. Chandrachud referred the case to a 5-judge bench on March 13, 2023, comprising:

Honourable Mr. Justice D. Y. Chandrachud

Honourable Mr. Justice S. K. Kaul

Honourable Mr. Justice S. R. Bhat

Honourable Mrs. Justice Hima Kohli

Honourable Mr. Justice P. S. Narasimha

ARGUMENTS:

The petitioners' counsel presented the following arguments:

Marriage is a union that transcends genders.

The right to be acknowledged as equals. Homosexuality is not a disease.

The state's counsel contended that it was a socio-legal issue falling within the jurisdiction of the Parliament. The petitioners argued that marriage should be seen as a union of two individuals, not limited to a man and a woman.

The Solicitor General for the State argued that the right to love and cohabit is a fundamental right. However, it was stated that marriage itself cannot be an absolute right, even among heterosexual couples. The argument of incest was presented to support the notion of retaining the same logic for same-sex marriage in the future, which the bench deemed far-fetched. The court held that sexual orientation and autonomy cannot be exercised in all aspects of marriage.

During the hearing, the bench acknowledged the complexity of the 35 laws governing divorce, adoption, succession, maintenance, and other religious personal laws. Chief Justice DY Chandrachud stated that entering this arena would require legislative action, recognising the powerful argument made by the petitioners.

The bench raised concerns about social rights, such as holding joint bank accounts, ensuring the security of same-sex couples, and allowing partner nominations in insurance policies or school admissions for their children. The court also questioned how the government would prevent the ostracisation of same-sex couples.

While homosexuality is finding its place in the Indian constitution, societal acceptance and the eradication of stigma hold paramount importance. Individual liberty is a vital aspect of a vibrant democracy, and India's progress relies on striking a delicate balance between rigidity and embracing individual liberty.

Method

The research paper on the topic "Intersections of Faith and Law: Exploring Religious and Constitutional Perspectives on Same-Sex Marriage" aims to delve into the inherent contradictions between religious doctrines and legal viewpoints regarding same-sex marriage. By examining historical and societal contexts, researchers can identify instances where religious traditions have adapted to accommodate shifting attitudes and understandings. Simultaneously, emphasising the fundamental principles of equality, dignity, and individual rights enshrined in constitutional frameworks can highlight the potential for legal systems to evolve and embrace the recognition of same-sex relationships. Through an analysis of case law, constitutional amendments, and legislative changes, the paper aims to shed light on how legal systems have responded to the complex interplay between faith and the evolving understanding of same-sex marriage. By fostering dialogue, promoting understanding, and advocating for inclusivity, the research can contribute to a more harmonious coexistence between religious beliefs and the ever-evolving legal landscape, ultimately fostering a more inclusive and equitable society. Research Method.

Suggestions

In researching the intersections of faith and law regarding same-sex marriage, it is essential to acknowledge the inherent contradictions between religious beliefs and legal perspectives on this issue. However, it is important to recognise that human needs and societal advancements have the potential to drive change, even in seemingly conflicting domains. By exploring the historical and cultural contexts, researchers can identify instances where religious traditions have adapted to accommodate shifting societal attitudes. Simultaneously, emphasising the fundamental principles of equality, dignity, and individual rights enshrined in constitutional frameworks can highlight the potential for legal systems to evolve and protect the rights of marginalised communities. Examining case law, constitutional amendments and legislative changes can shed light on how legal systems have responded to the intersections of faith and the recognition of same-sex relationships. By fostering dialogue, understanding, and inclusivity, researchers can contribute to the ongoing discourse, promoting a more harmonious coexistence between religious beliefs and evolving legal frameworks, ultimately fostering a more inclusive and equitable society.

Conclusion

In conclusion, the research paper on the topic "Intersections of Faith and Law: Exploring Religious and Constitutional Perspectives on Same-Sex Marriage" reveals the contrasting nature of religious doctrines and legal frameworks regarding same-sex marriage while also recognising the potential for change based on human needs. The findings highlight the inherent contradictions between religious beliefs and constitutional principles yet also emphasise the capacity for religious traditions to adapt to evolving societal attitudes. Constitutional frameworks, grounded in principles of equality and individual rights, have played a transformative role in recognising and protecting same-sex relationships. The research

underscores the importance of ongoing dialogue and engagement between religious communities and legal institutions to foster understanding and respect. By navigating the complexities of faith and law with open-mindedness and empathy, society can strive towards inclusivity, equality, and the well-being of all individuals, regardless of sexual orientation or religious beliefs. This research paper lays the groundwork for further exploration and dialogue, informing decision-making, policy formulation, and societal progress in promoting a more inclusive and equitable environment for all.

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SOCIAL MOBILITY AND INEQUALITIES



Introduction

"While none of us has the same talent, everyone should have the same opportunity to grow their talent." John F. Kennedy, a past president of the United States, said this was on the correct track. Social mobility in society is based on this. Only when everyone has equal possibilities to succeed can a society advance. Social mobility is lower in India than in many other developing nations. To understand a particular society that exists in a nation, one needs to be familiar with the concepts of social inequality and social mobility.

What are Social Mobility and Inequality?

Social inequality is the lack of equal chances and benefits in society as a result of characteristics like gender, caste, race, religion, or financial status. Economic and social equality are not universal among people. Social disparity may be caused by a variety of variables, such as societal conditions, cultural practices, or poverty. Social mobility is a different phrase frequently used about social inequality.

The ability of individuals to migrate between socioeconomic tiers, both within and between generations, is known as social mobility. It simply refers to how much a person's beginning in life influences his or her destiny. How much will the child's early circumstances influence the course of his life? A child from a low-income family would have the same prospects of success as a child from a wealthy one if there was high social mobility. The situation is the opposite in low social mobility, though. The origins and parents of a person have a significant impact on his or her life.

The degree to which a person can change their place in society over time is measured by social mobility. Social mobility aids in comprehending society so that adjustments can be made depending on the findings. It aids in deciding equitable chances for everyone, regardless of their socioeconomic standing.

How are Social Mobility and Social Inequality related?

Social mobility and social inequality are related, as was already said. Social mobility and social inequality have an inverse relationship. There is less social mobility in a culture with high levels of inequality based on caste, sex, religion, etc.

This implies that they are denied the same possibilities throughout their lives. Thus, socioeconomic disparity has a significant impact on how their life turns out. Similarly, to this, social mobility is high in societies with lower levels of inequality. In those communities, there are no inequities that negatively impact an individual's life, and everyone has an equal chance to succeed. As a result, socioeconomic equality within a nation affects its social mobility.

Finding the degree of inequality in a society is a determinant. The fact that India just came in extremely last on the global social mobility index shows that there are still certain inequities in the nation on several different fronts.

India's Social Inequality

In India, social inequality has always been a problem. Numerous clauses in the constitution and laws are designed to lessen inequality in Indian society. However, India's ranking in the global mobility index shows that there is still a disparity in the nation. In India, many kinds of social injustices exist, such as deprivations and gender inequity. Among the most significant disparities are:

- The 1990s saw a rise in regional inequality, with southern and western regions performing better than northern or eastern regions. Within states, the economic difference widened as well.
- The income gap and the distribution of resources and income among the population are the areas of persistent inequality in India. Due to things like inheritance and familial influence, etc., this has happened.
- There is a significant gap between those working in the formal and informal sectors of the economy. In contrast to official sectors, informal workers received less money.
- Diverse communities in the nation have experienced inequality. Conflicts between social groups or within groups have frequently resulted from this.
- Religious differences continue to be a source of conflict. These groups are unequal in several areas, including employment and education. In both urban and rural areas, upper-caste Sikhs and Christians, for example, are wealthier than upper-caste Hindus.
- India's caste system has been eliminated, but only in theory. The same practices are still used. There are significant disparities between members of upper and lower castes.

India's Social Mobility

Sociologists have identified numerous categories of social mobility. Absolute mobility describes the point at which children outperform their parents economically. Relative mobility, on the other hand, relates to determining whether children are better off than their parents in terms of where they fall within the distribution. Additionally, there is both intra- and intergenerational mobility. While the latter concerns whether class and economic positions are passed down across generations, the former concerns changes in one's status over the course of their lifetime.

It takes a lot of data to accurately measure social mobility. Let's talk about intergenerational income and occupational mobility, both of which have been highly prominent in India.

Indian Intergenerational Income Mobility

It is the relationship between a parent's income today and a child's later in life. This mobility measure aids in determining how closely a child's future income will resemble that of their parents. This provides insight into the society they inhabit. In India, a child's chances of joining a high-income group are also limited if their parents have very low incomes. The same is true for children, who are more likely to benefit from their parents' high income in the future. Thus, most kids will eventually find themselves in the same situation as their parents. We can conclude that intergenerational economic mobility is limited in India.

Strategies for Boosting Social Mobility

As was already mentioned, India needs to increase social mobility to create an environment where everyone has an equal chance to succeed in life. Earlier attempts at taking action failed. The government needs to work in a few areas to improve society in the nation. The following is a list of some of these actions:

- Increased geographic mobility is required. As was already mentioned, states provide their citizens with several chances. This is the rationale behind the widespread participation in internal migration, or people moving within their states in search of better chances. Since social benefits are distributed at the state level, people often don't move across states. Many states have made reservations for their citizens to fill crucial positions. Migrants do not benefit from this and experience discrimination as well. Thus, moving to other locations in search of equal chances is not feasible for everyone. The government needs to take action to promote equality throughout the state.
- Any country, but especially those where young make up the bulk of the population, must value their youth. The government needs to invest in these young people. It is necessary to establish conditions that give every one of these young people an equal chance to succeed. However, the majority of young people in the nation struggle to obtain employment, which is a significant issue. It must be resolved. To strengthen their skills, adolescents must also be guided by various initiatives like internships.
- Workforce social protection needs to receive special attention. Individuals are supported by social safety measures like paid sick leave and maternity leave. These safeguards support employees during difficult times, which promotes mobility. This social protection can aid the person in lowering their chances of falling into poverty and boosting their long-term earnings.

Conclusion

Social mobility has declined as a result of social inequality. If social mobility is low in a society, no nation can advance. Equal opportunities must be provided for everyone to achieve in life. There shouldn't be a situation where just the affluent classes enjoy privileges, and other disadvantaged groups are unable to integrate into society as a whole. Equal opportunities would let a nation's citizens reach their full potential. There is a strong desire to strive towards enhancing social mobility in the nation, particularly in India, where the majority of the population is young.

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THE DEVELOPMENT OF AI IN THE LEGAL SECTOR

The legal industry is being drastically changed by artificial intelligence (AI). AI is automating work that was formerly done by lawyers, such as document evaluation and legal research. As a result, production and efficiency are rising, and justice access is expanding.

The field of document evaluation is where AI has had one of the most profound effects on the legal profession. Large amounts of papers can be swiftly and accurately reviewed by AI-powered technologies, which can then select the ones that are pertinent to a certain case. This can help increase the accuracy of document review while also saving lawyers a lot of time and money.

For instance, LawGeex is an AI-powered platform that can quickly examine contracts and spot flaws and potential dangers. This can help lawyers avoid costly mistakes and save them many hours of work.

Automated legal research is another application for AI. Large databases of statutory text, case law, and other legal materials can be easily searched and analysed using AI-powered technologies. This can make it simpler and faster for attorneys to find the pertinent data they need to back up their arguments.

For instance, the AI-powered legal research website Casetext may offer summaries of statutes, case law, and other legal documents to lawyers. This can help lawyers access the information they need more quickly and save time.

AI is also being utilised in the legal industry to automate tasks like contract preparation, negotiation, and dispute settlement in addition to document review and legal research. This makes the judicial system more effective and efficient while also increasing access to legal services for those who previously could not afford them.

One such AI-powered chatbot is DoNotPay, which may assist users with a range of legal duties like complaining to the Better Business Bureau or contesting a parking ticket. Even if they are unable to afford legal representation, this may make it simpler for people to receive legal assistance.

The introduction of AI is significantly changing the legal industry. It is altering the way lawyers practice, and it is improving access to legal services for those who require them. In the years to come, AI's influence on the legal industry is anticipated to grow much more as it develops.

The following are a few advantages of AI in legal practice:

- **Enhanced productivity and efficiency:** AI can automate tasks that formerly required lawyers to complete them, allowing them to concentrate on more strategic work. For law firms, this might result in more billable hours and revenue.
- **Better access to justice:** AI can lower the cost of legal services and increase their affordability for those who previously couldn't afford them. No of their income or social standing, this can help level the playing field and guarantee that everyone has access to justice.
- **Enhanced accuracy:** Artificial intelligence (AI) can support lawyers in finding and accurately analysing material. For clients, this may result in improved decision-making and more fruitful outcomes.
- **Enhanced creativity and innovation:** AI can assist lawyers in thinking creatively and developing novel solutions to legal issues. This may result in more creative legal tactics and greater client outcomes.

Naturally, there are some difficulties with the application of AI in the legal field. One difficulty is that creating and maintaining AI systems can be expensive. Another difficulty is that biased AI systems may produce unjust results. It is crucial for attorneys to be aware of these difficulties and take action to lessen them.

In general, the introduction of AI to the legal industry is a trend for the better. Increased effectiveness, productivity, and access to justice are the results. However, it is crucial for lawyers to be aware of the problems brought on by AI and take action to solve them.

Here are a few strategies lawyers can use to get ready for how AI will affect the legal industry:

- **Learn about AI:** Lawyers must comprehend how AI functions and how to apply it to the practice of law. Books, articles, and online courses are just a few of the tools that are accessible to assist lawyers in learning about AI.
- **Develop your AI skills:** To employ AI in your practice, you need to have the right skills. This involves expertise in areas like machine learning, data analysis, and programming. Several online programs and bootcamps are available to assist lawyers in acquiring these abilities.
- **Partner with AI businesses:** To create and employ AI-powered tools in their practices, lawyers might collaborate with AI businesses. This can enable attorneys to keep on top of developments and offer the best representation for their clients.
- **Become an AI thought leader:** By publishing articles, delivering lectures, and attending conferences, lawyers can establish themselves as AI thinking leaders. This can assist attorneys in influencing the direction of AI in the legal profession and ensuring.

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DIVORCE – A BAD DREAM FOR A CHILD

Divorce is a topic that evokes different emotions and opinions among individuals. While it may seem like a solution to a troubled marriage, it is crucial to consider the impact it has on the most vulnerable members of the family – the children. Divorce can be akin to a bad dream for a child, as it disrupts their lives, shatters their sense of security, and leaves lasting emotional scars.

Children thrive in stable and loving environments where they feel safe and secure. Divorce, however, often uproots them from the familiar and stable home they have known. Suddenly, their lives are filled with uncertainty as they face the prospect of moving to a new house, changing schools, and adapting to a completely different lifestyle. This sudden upheaval can be overwhelming, leaving children feeling lost and confused.

The emotional impact of divorce on children cannot be underestimated. Witnessing their parents' relationship break down can be devastating for a child. They may blame themselves for the separation, thinking that their behaviour or actions caused the rift between their parents. This misplaced guilt can have long-lasting effects on their self-esteem and overall mental well-being.

Moreover, children often experience a whirlwind of emotions during and after a divorce. They may feel anger, sadness, and fear as their world crumbles around them. Their sense of security is shattered, and they may struggle with trust issues and fear of abandonment. These emotional scars can follow them into adulthood, affecting their ability to form healthy relationships and trust others.

Divorce can also impact a child's academic performance. The stress and turmoil they experience during this difficult time can make it challenging for them to focus on their studies. Their grades may suffer, and they may lose interest in activities they once enjoyed. Consequently, divorce can hinder a child's educational and future career prospects.

Furthermore, the financial implications of divorce can negatively impact a child's life. The division of assets and the financial strain on both parents can result in a decrease in the child's standard of living.

They may have to forgo certain opportunities and experiences that were once within their reach. This financial instability can create additional stress and anxiety for the child, further exacerbating the negative effects of divorce.

It is crucial for parents to recognise the impact of divorce on their children and take steps to mitigate the damage. Effective communication and co-parenting can go a long way in providing stability and a sense of security for the child. Maintaining a consistent routine and involving both parents in the child's life can help alleviate some of the emotional turmoil they may be experiencing.

Additionally, seeking professional help for the child, such as counselling or therapy, can provide them with the necessary tools to navigate their emotions and process the divorce in a healthy way. Having a safe space to express their feelings and fears can be instrumental in their healing process.

In conclusion, divorce is undoubtedly a bad dream for a child. It disrupts their lives, shatters their sense of security, and leaves lasting emotional scars. The impact of divorce on children should not be underestimated, as it can affect their emotional well-being, academic performance, and prospects. It is essential for parents to prioritise their children's needs during this challenging time and provide them with the necessary support and stability to navigate the aftermath of divorce.

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CORPORATE GOVERNANCE [CIVIL CORPORATE GOVERNANCE]

INTRODUCTION

Corporate governance deals with conducting the affairs of a company such that there is fairness to all stakeholders and that its action benefits the greatest number of stakeholders. Corporate governance refers to the way in which companies are governed and for that purpose. It identifies who has power and accountability and who makes decisions.

CORPORATE GOVERNANCE

Corporate governance is the application of best management practices. Compliance of law in true letter and spirit and adherence to ethical standards for effective management and distribution of wealth and discharge of social responsibility for sustainable development of all stakeholders. Conduct of business in accordance with stakeholders' desires [maximising wealth] with conforming to the basic rules of the society embroiled in the law and local custom.

Corporate governance depends upon the two factors. The first relates to the commitment management towards the principle of integrity and administrative framework created by the government of the country in which the business operates. Corporate governance deals with fairness to all stakeholders, and that its action benefits the greatest governance.

Corporate governance refers to the way in which companies are governed and for that purpose. It identifies who has power and accountability and who makes decisions.

Corporate governance is not just being bound by the rules but being productive to become a better corporate citizen. Corporate governance is an old corporate sector itself. It has assumed centre stage in the new age economy in the global economy; today's companies are built to last. The primary objective of corporate governance is the management of any publicity trade enterprise – Is to enhance its values an enterprise is expected to honour and protect the rights of stakeholders, including the local community; increasing competitiveness is all the more reason board-level management institutes corporate governance.

Governance helps you to always act in the best interest of the business. More especially it can improve the performance of your business, help it become more stable and productive and unlock new opportunities. It can reduce risks and enable faster, safer growth. It can also improve reputation and trust faster [positive aspects]. Corporate governance companies engage in aligning the long-term goals and stakeholders, management, and employees, which includes recognised a civic duty to benefit the locates in which companies operate.

Corporate governance economic impact: Poor governance in cooperation may lead to bad business decisions, which have a direct impact on growth and development, financial obligations in a positive manner, corporate governance secured case the stakeholders in public interpretation, full disclosure and information companies have government corporations in India. Corporate governance [benefit] corporate governance issues, lacks of transparency, lacks of fairness, lacks of integrity, lacks of trust and honesty.

Corporate governance importance, changing ownership structure, important social responsibility, a growing number of scams, indifference on the part of shareholders, civil global business. Corporate governance success the good growth; strong governance maintain investor, confidence an investor, confidence as a result which company can raise capital efficiently and effectively, It lowers capital cost, there is a positive impact on share price, it provides proper inducement to the owners as managers achieve objectives that are in interest of shareholders and organisation.

CASE LAWS

1. Marchand v. Barnhill 2019 the Delaware supreme court decision landmark case's profound impact on corporate governance was the Delaware supreme court's ruling in Marchand v. Barnhill in 2019. The case stemmed from a food contamination incident that caused the death of shareholders of Blue Bell Creameries, a major ice cream manufacturer in the United States.

The Delaware Supreme Court decision in Marchand v. Barnhill clarified the director's duties to oversee the company's compliance with legal obligations and risks associated with its business operations. The court held that directors have a duty to implement and monitor systems and controls reasonably designed to detect and address risks related to the company's central compliance issues.

CONCLUSION

Corporate governance is a critical issue faced by all companies. The above cases highlight the fact poor corporate governance can lead to the downfall of large companies.

Regulatory bodies increase their scrutiny on the firms under the scrutiny by regulatory governance. Digital solutions can help firms implement a robust governance mechanism to help significantly reduce risks of governance failure.

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THE RAM JANMABHOOMI

The Ram Janmabhoomi, often known as the Ayodhya dispute, is a complex and longstanding dispute centred across the metropolis of Ayodhya in Uttar Pradesh, India. The dispute revolves around the ownership and manipulation of a site wherein a mosque known as the Babri Masjid, as soon as stood. Hindus agree with this to be the birthplace of Lord Ram, a vital deity of their faith. The mosque was built by Mughal emperor Babur during the 16th century.

Tensions surrounding the site started out to escalate in the nineteenth century, and the dispute intensified over the years. It reached an important point in 1992 when a massive crowd of Hindu activists demolished the Babri Masjid, leading to good-sized communal violence across the United States. The event prompted a criminal struggle that lasted for decades.

The core criminal trouble focused on whether the site needed to be received by Hindus for the development of a temple dedicated to Lord Ram or whether the mosque should be rebuilt. In 2010, the Allahabad High Court brought a verdict that divided the disputed land into 3 elements, with two-thirds going to Hindu organisations and one-0.33 to the Muslim facet.

The verdict gladdened neither birthday party, and both Hindus and Muslims appealed to the ultimate courtroom of India. In November 2019, the splendid court issued a landmark judgment, ruling that the disputed land could be exceeded over to a central authority-appointed belief to construct a Ram temple. The court docket also directed the authorities to allocate an alternative piece of land to the Sunni Waqf Board for the development of a brand-new mosque.

The judgment was met with quite a few reactions. Whilst many welcomed the decision of the dispute, others expressed issues about the capability for similarly communal tensions. The court docket's selection became visible as an attempt to balance the hobbies of each non-secular group and uphold the concepts of secularism and justice.

The decision of the Ram Janmabhoomi dispute is a vast milestone in India's records. It marked the stop of a decades-long legal struggle and a step in the direction of restoring the communal divisions that had plagued the nation for years. The judgment proved the judiciary's commitment to upholding the rule of thumb of law and maintaining non-secular concord.

But it is crucial to be aware that the emotions and sentiments surrounding the dispute hold to run deep amongst a few sections of society. As the construction of the Ram temple progresses, and the new mosque is built, ongoing efforts to sell talk, information, and tolerance may be critical in ensuring that the injuries of the past are absolutely healed.

In conclusion, the Ram Janmabhoomi dispute is a complex and touchy difficulty that has fashioned India's social and political panorama for decades. The decision supplied via the excellent court docket's judgment displays a sensitive stability among spiritual beliefs and criminal ideas, aiming to pave the way for team spirit and concord among India's various populace.

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HOW RESPONSIBILITIES AFFECTING YOUTH'S MENTAL HEALTH



The intellectual health of young people is a growing difficulty, and the impact of responsibilities on their well-being is a complicated difficulty that warrants exploration. As society evolves, so do the expectancies located upon young individuals. This essay delves into the approaches wherein responsibilities impact the intellectual health of adolescents, examining both fantastic and negative factors.

Obligations can play a huge role in shaping the intellectual fitness of children. On one hand, they could sell an experience of reason and accomplishment. While young people are entrusted with duties, they develop a feeling of obligation and self-reliance. This empowerment fosters a superb self-image and boosts shallowness as they discover ways to navigate challenges and triumph over limitations. Those reports can contribute to the improvement of resilience, a vital attribute for preserving excellent mental health throughout life.

But the impact of obligations on young people's intellectual health isn't one-sided. Immoderate or unrealistic expectations can result in emotions of weight down and stress. The pressure to excel academically, participate in extracurricular sports, and hold a social life can create a sensitive balancing act that lines their intellectual well-being. This strain can appear as tension, depression, and burnout, in the long run, hindering their overall pleasantness of life.

Furthermore, societal norms and gender roles frequently impact the sort of obligations young people are expected to shoulder. Traditional gender expectancies can disproportionately have an effect on mental fitness by restricting possibilities and inflicting internal struggle. For example, younger women may feel obligated to excel in both educational and domestic domains, leading to emotional exhaustion and a sense of inadequacy. In addition, younger men might enjoy the pressure to suppress their emotions and preserve a facade of power, contributing to intellectual fitness-demanding situations like melancholy and isolation.

The virtual age has brought new dimensions to youngster's responsibilities. The regular connectivity and publicity to social media platforms create pressure to curate an idealised online persona. This could exacerbate emotions of inadequacy and assessment, leading to intellectual fitness problems, which include low vanity and body image concerns. The duty of dealing with a virtual identity alongside actual international duties can turn out to be overwhelming, impacting their intellectual well-being.

Guide systems also play a crucial role in mediating the consequences of responsibilities on young people's intellectual health. Sturdy familial bonds, nurturing academic surroundings, and the right of entry to mental fitness assets can appreciably impact their capacity to manipulate responsibilities efficiently. When these aid systems are lacking, the pressure of obligations can amplify, mainly due to emotions of isolation and exacerbating mental health issues.

Promoting wholesome stability among duties and self-care is vital. Encouraging open conversations about mental fitness within households, colleges, and communities can help alleviate the stigma surrounding searching for help. Imparting younger people with equipment to manage strain, which includes time control and coping techniques, can equip them to handle obligations in a greater sustainable manner.

In conclusion, duties exert a multifaceted impact on the mental fitness of young people. Even as they can foster private increase, empowerment, and resilience, immoderate or unrealistic expectations can result in damaging outcomes on well-being. Societal norms, gender expectancies, and the digital landscape complicate the connection between responsibilities and mental health. The role of guide systems in mitigating the impact of obligations cannot be understated. By fostering open conversations, providing gear for pressure management, and challenging unrealistic societal norms, we will strive toward creating an environment that promotes the high-quality factors of responsibilities even as safeguarding the mental fitness of our kids.

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WHY KILL THEM BEFORE THEY SEE THE WORLD? - A BRIEF ON ABORTION

Human rights are those rights liberties that ought to be accorded to each and every person without exception. Freedom is based on the understanding that every person, every member of the human family has equal and unalienable rights as well as inherent dignity. The right to life is a person's most fundamental freedom. It is the most important human right, from which there can be no exceptions. It is unassailable. Depriving someone of their life arbitrarily is forbidden by Article 6(1) of the International Covenant on Civil and Political Rights. This supreme prerogative, however, raises to abortion is one of these issues. Every mother is thought to have the right to an abortion, which is one of the rights accorded to women.

What is abortion?

A medical or surgical procedure called an abortion is used to intentionally stop a pregnancy. The removal or expulsion of an embryo or fetus from the uterus, which results in the death of the organism, is known as an abortion. This can happen unintentionally through drugs, surgery, or other techniques, or it might occur naturally as a miscarriage. Although the term "abortion" is widely used to refer to an induced procedure at any stage of pregnancy, in medicine, it is defined as a miscarriage or an induced termination before 20 weeks gestation, which is the point at which the pregnancy is considered to be nonviable.

ROE V. WADE CASE

In Roe v. Wade (1973), the US Supreme Court decided that a woman's right to an abortion before the viability of a fetus is protected by the Constitution. Human rights are the freedoms that all people should have access to, free from any form of prejudice. Through the first trimester's conclusion, typically around the twelve-week mark of pregnancy, a woman may exercise that right as she sees fit. The decision permits states to control, but not entirely prohibit, a woman's access during the second trimester. The state has the right to ban all abortions during the third trimester 'following viability' unless the mother's life or health is in danger. However, a court draft judgment that had been leaked in May 2022 suggested that the court's solidly conservative majority intended to reverse the long-standing ruling allowing states to enact their own abortion regulations.

ETHICS OF ABORTION

Clinical miscarriage is a common and upsetting early pregnancy problem with numerous etiological and infectious aspects as well as psychological ones. Although forced abortion is a common practice across the globe, the choice to end the pregnancy entails a number of medical, ethical, moral, religious, social, economic, and legal considerations. Most people who oppose abortion do so for moral or religious grounds, claiming that doing so amounts to killing what they perceive to be a human life. Proponents believe that women's access to abortion is a matter of human rights since they should be able to make decisions about their own bodies and lives. While people who oppose abortion often identify as pro-life those who want access to safe, legal abortion frequently identify as pro-choice. There are still differences between two motions. While some pro-lifers might agree that abortions should be allowed in rape or incest cases, other take a hardline stance and believe that all abortions are murder. Some pro-choice advocates claim there shouldn't be any restrictions on abortion.

POSITIVE EFFECT

1. Increased bodily autonomy and reproductive freedom. Abortion rights give women the ability to make their own decisions about their bodies and their futures. This can lead to increased bodily autonomy and reproductive freedom, which can have a positive impact on women's overall health and well-being.
2. Improved economic outcomes for women. Studies have shown that women who have access to abortion are more likely to be employed and earn higher levels of educational attainment. This is likely due to the fact that abortion can help women avoid unintended pregnancies, which can disrupt their education and career goals.

NEGATIVE EFFECT

1. Some people believe that abortion is morally wrong. They believe that abortion is the taking of human life and that it is, therefore, morally wrong. This view is often based on religious beliefs.
2. Some people believe that abortion can have negative psychological effects on women. There is some evidence to suggest that women who have abortions may experience some psychological distress, especially in the immediate aftermath of the procedure. However, most studies have found that these effects are short-lived and that women who have abortions do not experience any long-term psychological problems.

CONCLUSION

When children touch you, your body will be delighted; when you hear them speak, your ears will be delighted. The inherent responsibility of a mother is to give her children the best upbringing possible. It is possible, though, that she will engage in behaviour that endangers the fetus. It could be brought on by illiteracy, negligence, or purposeful behaviour. The mother should have the last say on the matter of abortion. But in order to give the unborn the protection they require, a legal norm must be taken into consideration. When the state or nonprofit groups are prepared to care for the unborn, it is also advantageous to the mother. Giving a mother the legal authority to destroy her unborn child has no purpose.

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SHHH! - FLASH-LIGHT ON THE WOMEN

During ancient times, women held a place of high respect in society, and this is mentioned in Rig Veda. As time passed by, due to social, political, and economic issues, the respect began to deteriorate. The statistics shows a declining sex ratio, high torture, crime, rape, abuse, and harassment. Women's participation in the work area, education, health status and literacy began to decline as well.

The crime against women is called "crime against women." They are either mentally or physically tortured. It is equally important to discuss the matter of violence. Violence means and includes physical aggression, misbehaviour or abuse. A study reveals that about 30% of women and girls are pressured to reveal their private parts, rubbing private parts and taking nudes. Even after the existence of numerous laws, the crime rate is increasing. One of the major causes of crime rate is mass media production, production of movies, acts and scenes of sexual assault; aggressive fantasising about the concept of sex aggressively has created room for crime in an individual's mind. No law barred rape, sexual folic, movies, shows.

Such shows and movies depict the sexual favours dominance of male over females extraordinarily, which ultimately give rise to a dominant mentality. In the area of research and development, crime is one such field which is neglected quite often.

Crime against women is becoming a silent epidemic at alarming rates; moreover, it is complex, and crime cases in urban areas are twice as much as crime against men.

As per a recent study, the crime of rape is recognised in the Indian Constitution. Further, it is divided into two types one the "incest rape" done by anyone belong from blood relative and others is the one caused by other than blood relatives. It is one of the most terrible crimes. It not only causes her physical harm but mentally and is made to feel shame and guilt. Society creates a baggage of shame and sinful women as if it is her fault for her whole life. She stays from being traumatised.

A statistical report shows that the number of incest rape cases is far more than that committed by others. Such an alarming rate of increase in rape sexual abuse cases among blood relatives has had a psychological impact on the minds of individuals. It has increased in the last three decades, as per the report served by (the NCRB) National Crime Report Bureau.

The report also shows that 10-14 ages have contributed an increment in rape cases and age 25-30 also. However, ages between 40-50 have not shown any such increment.

We can find countless incidents of rape, sexual assault, harassment, and molestation. The list is endless!

Yet the system is silent with numerous unkept promises for a better tomorrow. Eyes full of politics, corruption and blame game. Hand begging for vote banks with no real intention to work upon ground realities. As rightly said, “numbers do not lie.” Every year thousands of rape cases are filed, yet the system pats the back of victims who wants nothing but a basic right of justice. Is that too much to ask?

How long is it going to take to address the issue of women's security?

Who should be blamed for the system that exists but never takes any decent steps. The law that exists only in the constitutional bodies or the parents or guardians who do not mind to overlook? Yes, some parents do not; all tell their children not to speak about it out loud. They have taught that it is a matter of shame, and this practice goes on and on which traumas in the head of the victim and she is said to carry the baggage of shame in her head. Parents themselves make her guilty for everything that happened for the sake of their pride, dignity and, in this way, they tend to resolve the issue instead of filing complaints or taking legal action against the culprit; interestingly, if such a sinful act is committed by a party belonging to a political party or have a powerful base, then there is a different law applicable in such cases.

It is nowhere defined in the Constitution. The law of bribing comes into the picture, and our constitutional law is down on its knees along with all hopelessness.

Thousands of cases are closed either for the sake of dignity, bribing by other powerful parties, blackmailing, threatening to death, and the list goes on and on.

The culprit lives freely, and the victim is alive but dead. Who is to be blamed?

The very basic need of the hours starts with awareness at household levels. The parents must create an environment where their child can talk about anything and everything; no such taboo should be created in their mind regarding any such injustice. They must be taught the value of “mutual consent” and proper sex education, what the rights available to them, who they can seek help from, and pep talk sessions must be done with their children. So that if anything happens, at least your child is not afraid to speak about it, parents must create a sense of safety in their child's head first.

The police, the system, the law, and the justice come later on in the picture.

It's a tiny step; however, every single tiny drop helps create an ocean, so why not? What's to lose?

Several social media platforms come in handy in addressing the very issue. Awareness programs must be set up on school campuses, must be run by the NGOs and other women's help institutes, child help numbers and various other proactive measures are to be taken by government officials not only in paper but in ground realities too.

Lastly, I would like to end the article by stating my point of view on current rape scenarios and the rights available to victims.

Section 376 of IPC lays punishment ranging from a 7-year jail term to lifetime imprisonment. However, there is still a need for stricter laws; rape is one such crime that never received due attention it deserves.

Also, earlier no provision for stalking, voyeurism, disrobing, unwelcome physical contact, demand or request of sexual favour and showing pornography against a woman's will. No specific law or provision exists against such an act now; necessary changes are being made and welcomed.

Today, the offence of rape is an issue that plagues the world. Victims need strict laws and support from society. It is time we put an end to this rape culture. The judiciary must also realise that harsh punishment for the offender is the only way to deal with the rising number of rape cases in the country.

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SPAM IS UNSOLICITED

Spam is scourge which is used to refer to any uninvited and unwanted messages sent in huge amounts via email, text messages, social media, phone calls or broadcasting unwanted messages to large numbers of people. The purpose of spamming is to advertise and collect sensitive information. These messages often contain harmful materials that are intentionally created to cause harm or damage to computer systems, networks or individuals. It contains viruses, spyware and other forms of cyber threats. It can be distributed through various channels, such as email attachments or deceptive links.

Categories:

- Email Spam - Unwanted emails sent to a large number of receivers, usually for advertising purposes, spreading scams or promoting services. It is a common type of spam because it doesn't cost any charges to spammers.
- Text Message Spam - It is similar to email spam, but it is sent via text messages that might come from an individual impersonation, promoting products or a major corporation.
- Social Media Spam - Uninvited and repetitive posts or messages on social media platforms often containing malicious links, advertisements or promoting a website.
- Spam targeting Search Engine - It is also known as spamdexing. It is a mix of spam and index. It is an improper Search Engine Optimization technique that attempts to position a malicious site high in search engine results.
- Robocalls - Automated phone calls that deliver pre-recorded messages often used for telemarketing or scamming purposes.

- Vishing - It is similar to robocalls. It happens over phone calls. The scammer asks for personal information such as name, bank details, address and date of birth.
- Bating - It is similar to email spam and text messages; spam involves offering something exciting in exchange for your login private data. Once it is downloaded, harmful software is delivered directly to your device, giving the spammer or hacker access. It is important to be cautious and avoid engaging with spam messages, as they can lead to privacy breaches or financial scams.

Prevention:

- Avoid clicking on suspicious links or providing personal information in response to spam messages.
- Installation of malware in the device.
- It's important to up-to-date antivirus software.
- Practicing safe browsing habits and being cautious of suspicious emails or messages to protect yourself from malicious content.
- Beware of any download.
- Raising awareness about the dangers of spam and educating users.
- Use two-factor authentication which adds an extra level of security to your account.
- Use a strong password.
- Remember to report and block any doubtful or unwanted messages to help keep your inbox spam.
- Legislation and Regulation

Laws and regulations regarding spam vary by country. In many places, there are laws in place to combat spam. They aim to promote unwanted messages and malicious content.

Comparison:

In India, spammers are subject to various laws and regulations. The Information Technology Act 2000 under section 66- A prohibits sending offensive messages. Violators can face penalties and legal consequences. The IT Act 2000 came to be passed, declared and enacted. The introduction of the IT Act implied that certain laws such as the Indian Penal Code (IPC) 1860, the Indian Evidence Act 1872, the Bankers' Books Evidence Act 1891 and the Reserve Bank of India Act 1934 were to be amended, which amendment was to be carried out by the legislature.

CAN - SPAM - ACT - The Controlling the Assault of Non-Solicited Pornography and Marketing Act is a law passed in 2003 establishing the United Nations by Republican Conrad and Burns; the act passed both the House and Senate during the 108th United States Congress.

This Act set guidelines for commercial email messages. It tries to provide several do's and don'ts for the hacker who aspires to be legitimate. GDPR - The General Data Protection Regulation made by the European Parliament and Council of the European Union on 14th April 2016 and implemented on 25th May 2018. It safeguards your personal data which includes any information relating to a living, identified person eg. Online cookies, IP address, location data. It is a European Union regulation on information privacy in the European Union. The main aspects of GDPR are that public administrations should be aware of lawfulness, fairness, transparency, data minimisation and data retention.

Relevant Cases:-

- Shreya Singh V. Union of India, 2015 In this case, the Supreme Court of India struck down section 66-A of the IT Act, which was used to prosecute individuals for posting offensive content online. The judgment upheld the importance of freedom of speech and expression on the internet.
- K.R. Lakshmana V. State of Tamil Nadu, 1996

In this case, the SC of India held that unwanted phone calls and messages can be considered a violation of an individual's right to privacy. The court identified the need for individuals to have control over their own privacy and personal space.

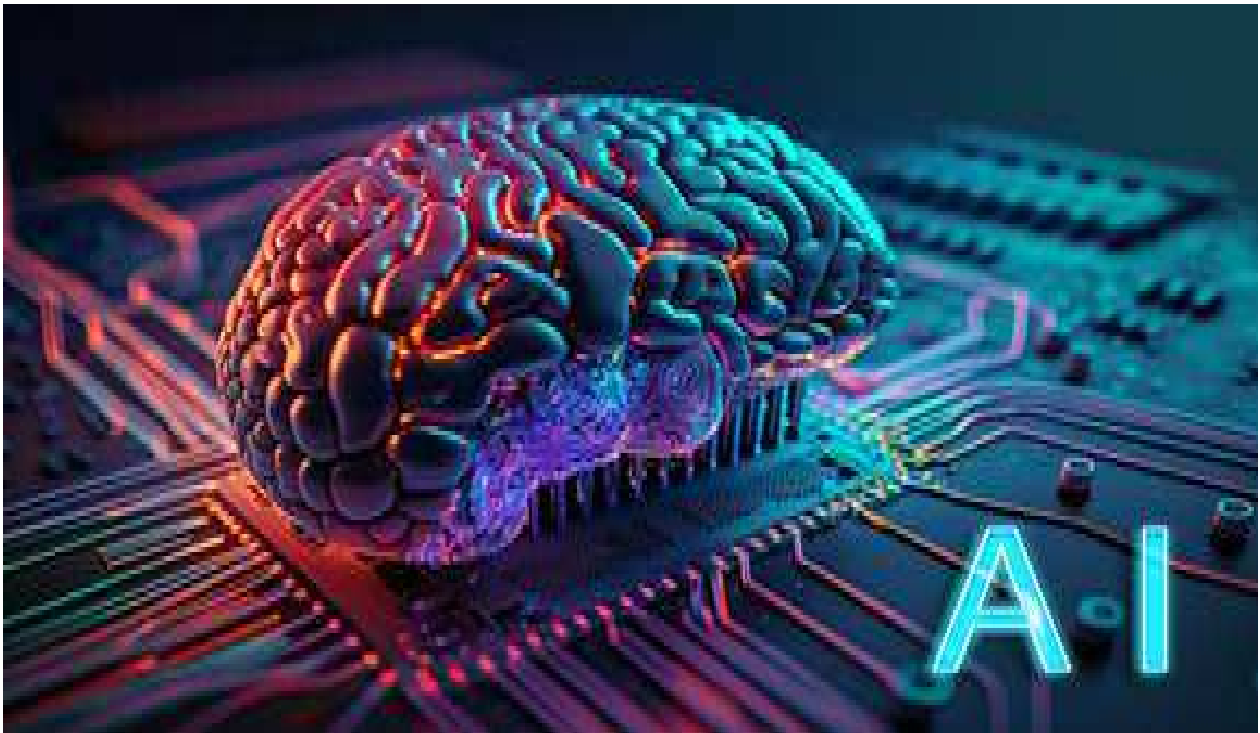
Conclusion:

Spam can be a nuisance and a violation of privacy. It can be really annoying and invasive. It's important to continue raising awareness about spam and taking steps to prevent it. Nowadays, it is an unsolicited electronic mail, which is a growing concern among corporations and individuals. It is important to note that spam is no prior relationship between the parties concerned, but the recipient has not explicitly consented to receive the communication.

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THE NEW SPECIES IN THE WORLD

THE NEW SPECIES IN THE WORLD



In today's technology-driven world, where most of the work is done by machines, human beings' values are declining drastically. The newest technology that has been introduced to the world is Artificial Intelligence, that is AI, and Chat GPT. There are many advancements brought in this field of technology to bring rapid change in society by Artificial Intelligence. In almost every sector, Artificial Intelligence is influencing how people will live in future. With tools like ChatGPT and AI generators receiving widespread attention, it is already the primary driver of developing technologies like big data, robotics and IoT in addition to generative AI and it will continue to operate as technological pioneers for the foreseeable future.

The way AI affects computers is one of the reasons for its impact on technology. In a fraction of the time it would take people, computers using Artificial Intelligence are able to harness enormous volumes of data and utilise their acquired intelligence to make the best decisions and discoveries. Since 1951, when Christopher Strachey's checker's programme at the University of Manchester finished an entire game on the Ferranti Mark I computer, artificial intelligence has advanced significantly. Since then, technologies that rely on model and algorithm-based machine learning and increasingly place a focus on perception, reasoning, and generalisation have been developed using AI, including the sequencing of RNA for vaccines and the modelling of human speech.

Artificial Intelligence is basically the characteristic of computers to have human-like capabilities such as learning reasoning and many more. AI gives technical systems the ability to comprehend their surroundings, deal with what they see, solve issues and take actions to reach a particular objective. The computer receives information that has already been prepared or collected using its own sensors like a camera, processes it and then acts. The human capacity for intelligence separates them from other species. According to some experts, intelligence is the capacity to adapt, deal with challenges, make plans, improvise in novel circumstances and learn new things. Given that intelligence is frequently

regarded as the basis of the human experience, it shouldn't come as a surprise that we would want to artificially duplicate it in scientific endeavours. Additionally, some aspects of human intelligence, including learning, problem-solving, and even a limited range of creativity and social intelligence, might be seen in today's AI systems. AI exists in a variety of forms that are now widely accessible in daily life. Two excellent examples of AI are the smart speakers on your mantle which includes the Alexa or Google speech assistant. Popular AI chatbots, like ChatGPT, the brand-new Bing chat, and Google Bard, are some other examples.

There are many advantages of Artificial Intelligence which is being used in today's world. It helps for the better development and functioning of the country. Nowadays, Artificial Intelligence is the most important key; it is used in many different fields. This use decreases the chances of mistakes if the input is correct, this helps to make work easier and faster. One sector that is undoubtedly poised to experience significant change as a result of AI is transportation. AI will have an impact on many aspects of how we move from point A to B, including self-driving automobiles and trip planners. Although they are far from being perfect, driverless vehicles will someday take us from place to place. For times, AI has benefitted manufacturing. The industrial sector has successfully adapted to AI's capabilities, with AI-enabled robotic arms and other production bots existing as early as the 1960s and 1970s. Predictive analytical sensors keep equipment working properly while these industrial robots often collaborate with people to carry out a narrow range of activities like assembling and stacking. The way people engage with medical professionals is already changing as a result of AI despite the fact that this may seem unfounded. The Big Data Analysis capability of AI enables faster and more accurate disease diagnosis, accelerated and streamlined drug research and even patient monitoring through virtual nursing assistants. Also, in the field of education, learning for people of all ages will change as a result of AI in the education system. AI uses machine learning, natural language processing, and facial recognition to digitise textbooks, identify plagiarism and monitor students' moods to determine who is struggling and who is bored. AI will eventually be able to customise the learning process to each student's specific demand. Additionally, journalism is utilising AI and will continue to gain from it. The use of automated insights by the associated press, which generates hundreds of earning report stories each year, services as one such. However, there are several concerns concerning the usage of generative AI writing tools in journalism as they become more prevalent such as ChatGPT. The Indian media has already started the use of AI anchors for daily news reporting on telecasts.

As Artificial Intelligence (AI) develops, a variety of worries about the privacy of personal data have emerged. Concerns concerning the gathering, handling and archiving of such data are raised by the fact that AI systems frequently rely on substantial volumes of personal data to learn and make predictions. The likelihood of data breaches and unauthorised access to personal information are the key privacy worries associated with AI. Given the volume of data being gathered and processed, there is a chance that it could be misused through hacking or other security flaws. As there is a drastic increase in the use of AI technologies, it involves more chances of cybercrime. It is possible to modify photographs or makeup profiles using generative AI. It also depends on data, just like any other AI technology. 80% of the firms worldwide report cybercrime cases. Other than privacy, there are certain other cons of using Artificial Intelligence. As it is very costly to manufacture, it requires a heavy amount of capital, and as new technology is invented every day, the setups need to be changed as per the new generation. The use of AI

robots will make humans lethargic, there will be an addiction to all the people, and society would face a greater problem. The use of these robots not only makes people lazy, but will reduce the employment rate. If there were machines that could work easily, quickly, efficiently, and precisely, then there would be negligible requirements for humans.

There are pros and cons of Artificial Intelligence. Every new discovery will have both advantages and disadvantages, but it is up to us as humans to manage this and use the advantage of the discovery to improve the world. The potential benefits of Artificial Intelligence are enormous. Humans must play a major role in preventing the rise of robots from getting out of hand. Some claim that Artificial Intelligence, if it falls into the wrong hands, has the power to destroy human civilisation. However, none of the AI applications created at that level has the power to exterminate or subjugate humans.

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WHAT IS THE POSITION OF LAWS CONCERNING POOR COMMUNITIES IN INDIA?

No society can surely be flourishing and happy, of which the far greater part of the members is poor and miserable.”

-Adam Smith

India has two things in abundance: population and poverty. India can be described as a country full of human resources and a huge population, but if the population continues to grow, India will undoubtedly be described as a country full of poverty. Poverty in India is deep-seated and exacerbated by 200 years of British rule. The Historical Roots of Poverty in India During the colonial period, there were many poor people in India, but there were also people who suffered from hunger. In other words, people had enough resources to meet their basic needs and requirements, and poverty increased the one-sided phenomenon, I. H. Only about hunger and food. But as we all know, poverty is a multi-faceted phenomenon, and nutrition is not the only concern that makes India considered poor. England then introduced a strict taxation policy which was very detrimental to the poor whose lands were conquered for specific reasons such as starvation or who were too enslaved to pay their taxes. Britons were made civil servants while they waited for their taxes to be paid, a vicious cycle. Also, the Zamindari Act was enacted, making the situation even worse. This made the middle class poorer and the poor poorer. But poverty was neither inevitable nor natural but a direct result of British rule, especially land revenue policies. Moreover, law and order have never favoured the poor. In the post-independence period, a new class of poor emerged: the 'urban poor'. Urban poverty has existed for some time, but after independence, it was not a big problem. After independence, the city grew rapidly, with an increase in the migration of people from rural to urban areas in search of jobs and a better standard of living. As more people migrate, there is less and less space left for them to live. Given the current shortage of affordable housing, immigrants have established informal settlements, also known as slums, but the lack of opportunities and skills in the working-age population has led to immigration. We were forced into this situation. Indian Constitution for the Poor The issue of the role of law in fighting poverty is a priority.

Article 21 Protection of Life and Personal Liberty: No person shall be deprived of life or personal liberty except in compliance with procedures prescribed by law. Life here isn't just about survival; it's about living with dignity. The right to life is also a human right, and even a state cannot deprive its citizens of the right to life unless required by law. This includes the right to life granted by the Supreme Court in the *Bombay Port Council v. Bombay Port Council*. It was headed by Dilipkumar Raghavendranath Nandkarni. The Supreme Court ruled that the right to life under Article 21 includes the right to life. Further, the Pavement Resident Court found that The scope of the right to life conferred by Article 21 is wide and extensive. It does not only mean that life cannot be extinguished or deprived by imposing or enforcing the death penalty unless the procedures established by law are followed. This is just one aspect of the right to life. An equally important aspect of the right to life is the right to life. Because humans cannot live without a means of subsistence.

Article 39A [5] – Equal Justice and Free Legal Aid: The State shall ensure that the functioning of the legal system promotes justice on the basis of equal opportunity, in particular through appropriate legal or regulatory measures. Free legal aid shall be ensured. or otherwise, to ensure that no citizen is denied access to justice on the basis of financial or other disability. Each party involved in litigation has lawful access to the courts to bring litigation. However, this procedure requires the payment of legal costs and the assistance of an experienced attorney. As the poor cannot easily pay high costs, Article 39 of the COI was amended to ensure that the legal system provides free legal aid to give equal opportunity to those in need. It is said that it should. Therefore, no citizen is denied justice on the basis of economic disability. *Sheela Barus v. Maharashtra*: In this case, the court decided to provide free prisoners to the impoverished arrested to defend themselves before the judiciary as it is their fundamental right under section.

Determined that it was necessary to provide legal assistance. Subject to Sections 14 and 21, except Section 39A. The court also ruled that prisoners should be allowed access to lawyers appointed by the judicial commission on any subject.

Articles 15 and 16: These Articles of the COI empower States to make special provisions for backward castes and sectors of society. These include provisions for the retention of socially, educationally and economically vulnerable persons in state and government institutions.

Crime and the Poor The relationship between poverty and crime dates back to Aristotle, who said poverty was the root of crime. This statement does a good job of summarising how closely the two concepts are related. This relationship can be examined in two ways. Poor people are probably criminals. Poor people are victims of crime. There is a vicious cycle between poverty, unemployment and crime. Poverty tends to prevent access to a good education, and poor education leads to unemployment and leads individuals to further crime. The reverse is also true. Why are poor people more likely to become criminals? Before delving into this aspect, we must first understand the relationship between poverty and education. Poor children are rarely able to get a good education, and therefore, adults in this population group are unable to find stable and decent jobs. Even if children attend school at an early age, this situation forces them to drop out of school and work to support their families, thus continuing the same shifts as their parents. Because of poverty, people are usually denied many things that others use. This is one of the reasons why poor people indulge in such criminal activities. They want opportunities and materials that have been denied them for so long. Therefore, in order to satisfy their desires, they resort to unlawful means and commit crimes such as robbery, theft, robbery, assault, rape, and attempted rape. The legal system sees

them in a criminal light, that they have committed crimes and fulfilled all the criteria for crime, and does not see them as victims of poverty. Why are the poor victims of crime? Poor people are more likely to be victims of crime than other economically healthy people. Sometimes, the greed of others makes us a victim of crime. They are used as tools. For example, if a drug dealer wants to deliver drugs, he may need someone to risk facing trial if he is arrested. Thus, he could offer the poor man a certain amount of money, and the poor man would agree to commit this crime. If caught, they will be convicted because they do not have the money to represent them in court. They may know the target of the interrogator and commit the crime, or they may not even know that they are joining the crime scene.

Even one honoured SC judge once said: Poverty is the main cause of crime. As long as there is poverty, there will be crime. Most people in prisons in India, America and other countries are poor. Unless we build a social and political order in which everyone has a decent life: decent employment, decent income, health care, education, and nutritious food for our children, we will never get rid of crime. You can't. We aim to create a more favourable political and economic situation for everyone in this country.

Poor people may have income levels, castes, classes, and other factors that distinguish them, but they all suffer from one thing: poverty itself. Who gives them legal authority? Keeping the poor off crime doesn't just mean sending hardened criminals to prison; it also means reducing sentences. Legal Empowerment of the Poor Legal Empowerment of the Poor protects the poor and allows them to seek help from the law to claim their rights and interests as the public protects them. It can be viewed as a process of institutional change that the most important contribution to the legal empowerment of the poor is strengthening the rule of law. Legal empowerment of the poor includes legal reforms that improve the legal and economic situation of individuals and help them avoid or escape poverty traps.

The most important steps that could be taken to provide legal empowerment to the poor are:

- Rule of law and access to justice.
- Property Rights.
- Labour Rights.
- Business Rights.

Suggestions

The Indian government should implement specific legislative reforms that can legally empower the poor. The first thing that governments can change is the changes that governments themselves can make. That means you can avoid being part of the problem itself. The government should ensure the transparency of officials through measures such as curbing corruption. Hidden donations must be stopped so that poor people do not fall victim to them.

The rich tend to bribe public officials to take advantage of their position and wealth, while the poor suffer. For example, suppose there is land that the government wants to give to the poor, but the rich bribe the authorities to give them the same land. This is not a hypothetical situation, but most of the time, it happens directly or indirectly.

Therefore, the government should respond. Governments should prioritise the concept of education for all. The Indian Constitution also provides for the same, but it is not yet fully enforced. Governments must reduce the time it takes for those in need to access proper justice through the justice system.

The Government of India has introduced the concept of door-to-door legal assistance known as Glam Nyayaras, but its capacity is limited and has yet to achieve its own goals. The concept of free legal aid is not really free these days.

The Indian Constitution, in Article 39A, provides for this concept to improve the needy and oppressed, but the concept itself fails to achieve that goal. The sad reality is that today, most judicial authorities are reluctant to help people who have no monetary value and are forced to hire incumbent judges and lawyers to listen to their problems and pursue cases for there is an additional charge.

Therefore, there must be an authority capable of reviewing judicial conduct and performance to ensure fair, prompt and unfettered legal authority. Governments, in cooperation with judicial authorities and law schools, should also establish special programs to raise awareness of their rights and access to justice in order to curb the exploitation of the poor. Until the poor recognise their rights, we cannot make them safe in society. Because anyone with money and a little legal knowledge can trick them and take advantage of their situation. This has to stop. Otherwise, India will remain on the list of poor countries.

Apart from all the above suggestions, governments should implement policies and programs tailored to their own country and for their citizens, not simply adopting other countries' policies and implementing them in their own country just because that was a success in that country. The needs of our country can be different from those of other countries.

Conclusion

Poverty and the law go hand in hand. Poor people who are most deprived of their needs and education tend to be caught in a vicious cycle of crime and litigation. I often see people making toys just for their own desires. Lacking sufficient resources and funds, poor people agree and sometimes carelessly do things that get them into legal trouble.

They have committed crimes and will be convicted and sent to prison. To protect the interests of the poor in society, the state has decided to provide them with free legal aid provisions. But most of the time, lawyers and judges don't want to serve people freely.

Therefore, one of the prerequisites for empowering the poor is a strong legal system that not only makes laws, but enforces them. Like the pandemic, poverty is a universal problem that knows no borders, so international organizations are also contributing to the welfare of the poor and enforcing human rights and other provisions around the world. Similarly, the Indian government should have specific provisions that can contribute to the welfare of the poor.

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THE REVAMP OF LAWS AND ITS IMPACT ON CRIMINAL JUSTICE SYSTEM

“I assure the House that these three laws will have an Indian spirit and ethos and will bring a big change in our criminal justice system.”

- Shri Amit Shah

OVERVIEW OF THE BILLS

The Union Home Minister, Shri Amit Shah, on 11th August 2023, introduced three bills in the Lok Sabha to overhaul the British-era Indian Penal Code, 1860, The Indian Evidence Act, 1872 and The Code of Criminal Procedure, 1973.

For this purpose, the Lok Sabha referred to the parliamentary standing committee the Three new bills, which are as follows:

The Bhartiya Nyaya Sanhita Bill, 2023 to replace Indian Penal Code, 1860;

The Bhartiya Nagarik Suraksha Sanhita Bill 2023, to replace the Code of Criminal Procedure, 1973, and;

The Bhartiya Sakshya Bill 2023, in place of The Indian Evidence Act, 1872.

Let's dive into the ambit of the above-mentioned bills and also look into their impact and the changes along with them.

INSIGHT OF THE BILLS

THE BHARTIYA NYAYA SANHITA BILL, 2023

In the year 1834, the first Indian Law Commission was constituted under the Chairmanship of Lord Thomas Babington Macaulay. The commission recommended the enactment of the Indian Penal Code in 1860, which is still continuing in India with relevant amendments as and when deemed fit.

Bharatiya Nyaya Sanhita Bill 2023, which will replace the Indian Penal Code, will have 356 sections instead of the earlier 511 sections; 175 sections have been changed, 8 new sections have been added, and 22 sections have been repealed.

Highlights of this bill are as follows:

1. The new bill replaces the sedition provision with Section 150, which deals with "acts endangering sovereignty, unity and integrity of India". Modi's government is going to repeal the sedition law completely because India is a democracy, and everyone has the right to speak.
2. Another change is a new provision on "Snatching" under section 302 of the BNS Bill.
3. In a first, the BNS Bill defines "Terrorism" under section 111, which was not done in the IPC.
4. A new term, "COMMUNITY SERVICE", has been added as one of the punishments under various sections of BNS BILL, such as Defamation and suicide.
5. Sex on the pretext of false promise of marriage, employment, promotion and false identity has been made a crime for the first time.
6. Punishment increased from 7 to 10 years for a person committing a crime with children.
7. Provision has been made to increase the number of fines in many crimes.

BHARTIYA SURAKSHA SANHITA BILL, 2023

The Government with the mantra, "Sabka Saath, Sabka Vikas, Sabka Vishwas and Sabka Prayas" is committed to ensuring speedy justice to all citizens in conformity with these constitutional democratic aspirations. The Government is committed to making a comprehensive review of the framework of criminal laws to provide accessible and speedy justice to all. In view of the above, it is proposed to repeal the Code of Criminal Procedure, 1973 and enact a new law, namely, the Bharatiya Nagarik Suraksha Sanhita, 2023.

MAJOR CHANGES IN THE BILL ARE AS FOLLOWS:

1. After three years, every year 33,000 forensic science experts and scientists will be available in the country; the target has been set in the law to take the conviction ratio above 90%. The visit of the forensic team is being made compulsory on the crime scene of crimes having provision for punishment of 7 years or more; through this, the police will have scientific evidence.
2. The Modi government is going to start Zero FIR for the first time, and with this initiative, the citizens will be able to lodge complaints even outside of their police station area.
3. The statement of the victim has been made compulsory in cases of sexual violence, and the video recording of the statement has also been made compulsory in cases of sexual harassment.
4. It will be compulsory for the Police to give the status of the complaint within 90 days and thereafter every 15 days to the complainant.
5. The scope of summary trial has been increased in petty cases; now, crimes punishable up to 3 years will be included in summary trial; with this provision alone, over 40% of cases in session courts will end.

BHARTIYA SAKSHYA BILL, 2023

The Bharatiya Sakshya Bill that would repeal the current Indian Evidence Act of 1872.

Key provisions:

1. The bill makes electronic or digital records admissible as evidence; thereby, they will have the same legal effect as paper documents.
2. It repeals five existing provisions of the Evidence Act, modifies 23 provisions, and adds one new provision.
3. The bill proposes amendments to 23 Sections and contains 170 Sections in total.
4. In the bill, the scope of expansion for secondary evidence to include copies made from the original by mechanical processes, counterparts of documents, and oral accounts of document contents has been done.

WHAT WILL BE THE IMPACT ON CRIMINAL JUSTICE SYSTEM AND SOCIETY: A POSITIVE OUTLOOK

The first and foremost aspect that the Union Home Minister emphasised is the application of more and more Technology and Digitization in the administration of justice, which in turn would promote a paperless economy and reduce deforestation.

The concept that caught my attention the most is “Community Service.”. However, if it is introduced by way of punishment, it will develop good habits and a mindset of giving back to society.

It was also laid down in the parliament that now the cases will be closed within a span of 3 years, due to which the victim will get relieved in due time and as a result, fresh matters will get their place.

We must have seen chunks of seized property lying outside the police station, which creates a huge chaos in terms of space and utility. Modi Government have made a rule of videography along with proper mentioning of other details of these items as soon as they reach Police Station and thereby, selling it off.

This change will ensure the Optimum Utilization of Resources.

Some terms that belonged to the colonial era have been removed from the laws, which will bring more relativity in understanding the Bare Act.

HOW TO DEAL WITH THIS CHANGE?

Being a law student, I can very well acknowledge the dilemma that every Professional and Law Student are facing right now. The decades-old laws have gone through a drastic change, apart from the shuffling of sections to a larger extent; some new sections have been added, and some got repealed.

Subsequently, the task of Law Students and Professionals (especially the ones who have slogged their daylight hours in the field of law, be it Bar or Bench) has really touched new heights.

But as a Law Student, I also agree with the fact that Lawyers “never stop learning”, and with this, we need to adapt to the changes with a more Open-Minded and Positive approach.

CONCLUSION

The new Laws have been made with a Citizen-Centric approach rather than a Government or Authority-Centric approach.

As Shri Amit Shah said and I quote, “These three laws were passed by the British Parliament; their central theme was to strengthen and protect colonial rule. Their aim was to punish, not to provide justice,”. “The new laws that will replace the colonial laws will place a citizen's constitutionally guaranteed rights at the centre and protect them. The aim will be to provide justice, not to punish,” he said.

Consequently, I would like to mention that these laws have been changed by keeping in mind today's time and in the interest of Indian society after adequate discussion and consideration over the last 4 years. For the purpose of this, consultations and suggestions from 18 States, 6 Union Territories, the Supreme Court, 16 High Courts, 5 Judicial Academies, 22 Law Universities, 142 Members of Parliament, around 270 MLAs and public have been incorporated.

After going through the 3 Bills myself, I couldn't find a change in the soul of IPC, CRPC or the Evidence Act, Moreover, the essentials that constitute a crime remain unchanged.

Now the question is how much time will the Criminal Justice System take to implement the changes, for which time will give the answer.

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LIE DETECTOR TESTS AND THEIR CONSTITUTIONALITY



In most cases, a false statement won't cause significant psychological distress. However, in the case of a criminal offence, a false statement will be a reflection of a human body's fluctuating or elevating vital parameters in an attempt to deceive the investigative agency. As a result, a criminal can be placed on the lie detector test. The extent of the falsity can be quantified and interpreted through the use of lie detector tests.

The following tests are commonly known as lie detector test -

1. Polygraph
2. Narco-analysis
3. Brain-mapping
4. Truth Serum Injection
5. Hypnosis

1. Polygraph - It is a scientific device that measures and records a number of involuntary body responses to stress. This test measures and records blood pressure changes, pulse changes, respiration changes, as well as changes in the skin's resistance to electricity. It appears that the sophistication of these measurements is constantly improving and that it is likely that devices will be developed for use in the future to measure other involuntary body responses to stress.

The polygraph is based on the principle that the autonomic nervous system will respond to stressful conditions and that sympathetic parts of that system will respond involuntarily. There are three types of interpretations that can be given a well-conducted examination:

- The subject is willingly not telling the truth
- The subject is telling the truth as he/she sees it

- If the test is inconclusive, e.g., the examiner cannot tell if the subject is or is not telling the truth

More than 6% of well-conducted tests result in this third conclusion, and a number of them can be tested effectively on re-test.

In order for the test to be successful, the following factors must be met:

- The test must be conducted in a controlled environment
- The subject must cooperate with the expert
- The scientific methods used in the questioning must be appropriate
- The subject must understand the purpose of the questions asked
- The recording device or the polygraph must be in good working order and properly connected to the body
- The interpretation of the test results must be done by a person experienced in interpreting polygraph charts
- Agencies, particularly police departments, use the results of polygraph tests as part of their investigation

2. Narco-analysis - This test is usually conducted on the subjects by inducing small quantities of mild sedatives, assisted by a psychiatrist or other qualified person. In our country, Sodium Pentothal is used by experts for Narco-analysis. The statements made by the subjects while under the influence of sodium pentothal are used as evidence for proving the guilt or the innocence of the accused.

3. Brain-mapping - In this method various relevant questions are put before the accused, and his/her EEG (Electro Encephalograph) is recorded by the expert because the scientific medical view propounded in this regard says that it is a nervous system that reacts and causes changes of impulses in waves originating from the human mind. On the basis of the recorded graph, the expert comes to the conclusion with respect to the nervous system's fluctuations taking place during the question hour to the accused.

4. Truth Serum Injection - The truth serum test in most parts is similar to narco-analysis. But in serum injection, in truth, the chemical used is a combination of Sodium Amobarbital and Desoxyn. The psychiatrist injects the drug into the subject, and the subject is diagnosed under the influence of the serum. Notably, the truth serum injection method is very popular in our country, though the "truth serum" does not necessarily produce the truth. The drug is utilised not primarily to elicit truth but to enable the psychiatrist to probe the subject's subconscious mind more quickly. There is no guarantee of truth simply because the statement was made under the influence of drugs.

5. Hypnosis - It is an analytical tool. The information received from the subjects under the hypnotic trace is used to prove the innocence or the guilt of the accused. This technique was a very popular forensic tool in the United States in the mid-70s. Later, the reliability of hypnosis was rejected due to practical errors and failures. Hypnosis tests are now abolished in the United States.

Legality of the Lie Detector Tests - The Lie Detector tests are conducted to a certain extent under duress and without consent. The tests are administered after compulsory sedation. It is important to note that the current practice of invoking the Lie Detector Test does not follow any 'Law' and is not governed by any 'Guidelines'. It could be used as a tool to force the accused to testify against himself, which would violate the constitutional immunity from testimony compulsion.

These issues of invasion of privacy were given careful consideration by the Courts. There was also a proposal for legislative intervention in matrimonial matters. American courts have held that tests are “**routine examinations with due process.**” To hold that, because the privilege of testimonial compassion “**protects only from the extraction from the person's own lips**”, that the provisions of life liberty are not “attractive” may not be entirely satisfactory. In the context of India, the immunities of invasiveness under Article 21 (Aspect of Article 21) and of **self-incrimination** under **Article 20 (3)** (Article 20) should be read together.

The invasive nature of the lie detector test makes it impossible to accept the claim that the power to conduct a lie detector test derives from a general power to question and answer questions or to make statements (see sections 160 to 167, Cr.P.C.).

However, in the case of India, we have to proceed on the basis of constitutional impermissibility and evidentiary impermissibility to consider that the holding of these tests is a right of the individual, not a right of the law enforcement authorities. Since this intrusive test is not allowed by the law, it is perforce unlawful and unconstitutional unless the test is voluntarily conducted under non-criminal circumstances.

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WOMEN PRISONERS IN INDIA

INTRODUCTION

The legal framework for women prisoners in India is governed by the Constitution of India, the Indian Penal Code, the Prisons Act, 1894, and the Code of Criminal Procedure 1973.

The Constitution of India guarantees equal protection of the laws to all citizens, including women prisoners. Article 14 of the Constitution prohibits discrimination based on sex, and Article 21 guarantees the right to life and personal liberty. These provisions have been interpreted by the Supreme Court of India to mean that women prisoners must be treated equally to male prisoners and that they must be provided with humane conditions of detention.

The Indian Penal Code defines several offences that are specific to women, such as cruelty by husbands or relatives, dowry death, and trafficking of women. Women who are convicted of these offences are subject to the same penalties for certain special provisions for women prisoners, such as the right to be detained in a separate prison or part of a prison and the right to be visited by female relatives.

There are over 38,000 women prisoners in India, making up about 4% of the total prison population. Most women prisoners are incarcerated for non-violent crimes, such as theft, drug offences, and prostitution. However, there is a growing number of women prisoners who are incarcerated for violent crimes, such as murder and rape.

WOMEN PRISONERS FACE A NUMBER OF CHALLENGES, INCLUDING

- a). Poor living conditions: Women's prisons are often overcrowded and unsanitary. Prisoners may have to share beds and bathrooms, and they may not have access to clean water or adequate food.
- b). Lack of access to healthcare: Women prisoners often have limited access to healthcare. They may not have access to regular checkups or treatment for chronic conditions.
- c). Sexual violence: Women prisoners are at a high risk of sexual violence. They may be abused by prison staff or by other prisoners.

d). Lack of programs and services: Women prisoners often lack access to programs and services that can help them rehabilitate and reintegrate into society. They may not have access to education, job training, or counselling.

The Indian government has taken some steps to address the challenges faced by women prisoners. In 2019, the government launched the “Mahila Sankalp Abhiyan” (Women's Pledge campaign), which aims to improve the living conditions and access to healthcare for women prisoners. The government has also increased funding for women's prisons and has established several new programs and services for women prisoners.

HERE ARE SOME ORGANIZATIONS THAT ARE WORKING TO IMPROVE THE LIVES OF WOMEN PRISONERS IN INDIA

- 1). The Legal Aid Society of India: This organisation provides legal aid to women prisoners and their families.
- 2). The National Alliance for Women's Justice: This organisation advocates for the rights of women prisoners and works to improve the conditions in women's prisons.
- 3). The Swadhar Foundation: This organisation provides rehabilitation services to women prisoners.
- 4). The Nari Niketan: This organisation provides shelter and support to women prisoners who have been released from prison.

CONCLUSION

Here are some specific recommendations for improving the situation of women prisoners in India:

- . The government should provide more economic opportunities for women, especially in rural areas. This would help to reduce the number of women who turn to crime out of desperation.
- . The criminal justice system should be reformed to ensure that women are treated fairly and equally. This includes training police officers and judges on gender bias and ensuring that women have access to legal aid.
- . The government should support NGOs that work with women prisoners. These NGOs can provide education, training and counselling to women prisoners, helping them to reintegrate into society after their release.

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HARASSMENT ON MEN

Abstract

Yes! Men are also victims of harassment. It is not a myth; it is a harsh reality of our society. People think that how a man can be harassed when they are the only reason for the harassment of women. In this article, I am going to talk about harassment faced by men.

Introduction

We know that harassment can happen to anybody despite his age, gender, identity, religion, and attitude. The view towards the harassment faced by the man is less as compared to the cases of harassment of women. In the Indian Constitution, Article 14 is mentioned, which is the “right to equality”, but at the same time, the issues related to men are not known to others as compared to cases related to women.

As an example, we can see that there are many sections under IPC {Indian Penal Code} like section 354 {Assault or crime force to woman with intent to outrage her modesty}, 376 {The punishment for rape} and 509 {Mentions word, gesture or act intended to insult the modesty of a woman} which are specially made for the woman.

377 is the only section mentioned in the IPC {Indian penal code} which mentions Unnatural Offences.

Harassment at the Workplace

The sexual harassment act for the Workplace works on the principles, rules, and remedies for the women who are sexually harassed at the workplace, and even though we see the act was specially made for female workers, at the same time, there is no remedy given to the male workers who are sexually harassed at the workplace. Even the Vishaka Guidelines are made for the betterment of women, not for men.

Yes! Men also get harassed, but we do not realise that such a thing exists in society because no one talks about it or spreads awareness on such issues. The main issue behind it is that the main victims of such cases do not file any cases or file claims because of many reasons like what society will think, they will not be understood by other people, or being unable to share freely because of the stigma male character made in the society.

Men are considered 'Mards' in Indian society, and there is always a fear of getting taunted, insulted, and mocked by their coworkers. In Indian society, most of people think that how can it be possible for a man can be sexually harassed by a woman, it is most unlikely that they almost think it's bluff and that cannot be true; they think it's a myth.

There are hardly any cases related to the sexual harassment of the male in the society. But with the growing technology and increase in education level in the world, people have started to come out of their shells and start talking about it. It will not only help them emotionally, physically, or mentally but also inspire others to come forward and uncover the tragedy that happened to them.

According to a survey conducted by the Economic Times called Synovate Survey, it is found that 19% of 527 males have claimed that they have faced sexual harassment, and 51% of 527 males have been harassed in the workplace. As similar to this survey, another survey was conducted by a company called Viacom 18 in 2013, in which it was found that 56% of male who work in corporate world were victims of sexual harassment. The same cases are going on in many colleges where students are sexually harassed by their seniors.

Harassment based on the misuse of Sec. 498A

Sexual orientation segregation is biased against men; specifically, section 498A, the demonstration that condemns remorselessness against ladies by spouses and family members, has been at the focal point of much debate.

The observational analysis did not establish any unbalanced abuse of Section 498A when compared to other criminal statutes, according to a 2012 report on Section 498A from the Government of India. Although a case of abuse of Section 498A was not established, more recently, the Supreme Court issued directives requiring that any complaint received by the

police under Section 498A be reported to a Family Welfare Committee before the police can apprehend the offender.

Law offers relief just for the woman. The law does not protect man from abusive behaviour at home, office or workplace from either man or woman. Even a simple request to have a male or female attacker avoid a man (a limitation or insurance request) is not now covered by the law for men.

In 2016, the Supreme Court itself ordered the removal of this division. The court of Justices Kurian Joseph and Rohinton F. Nariman ruled on October 6, 2016 (Thursday) that this arrangement dissatisfied the intent of the law because women can also be the perpetrators and enablers of violent behaviour at home.

Arnesh Kumar V. The state of Bihar

The woman claimed she was expelled from her marital home because she was unable to pay the demanded dowry. Where his elderly grandparents and the rest of the family were arrested. In this case, the court established specific rules that the police officer must go by while making an arrest pursuant to Section 4 of the Dowry Prohibition Act, 1961, or Section 4 of the IPC. The court also mandated that the basis for the arrest must be a reasonable belief in the veracity of the charge. Furthermore, even the Magistrates must use sufficient caution to avoid approving detention in an unthinking or robotic manner.

Sushil Kumar Sharma V. Union of India

In a landmark decision, the Supreme Court declared that section 498A constitutes legal terrorism. These modifications were purchased in 1985 to protect women from dowry harassment and to inform them of the negative effects of dowry. The Indian government took one of the best actions possible, and they were somewhat successful. However, women used the strictness of the law to their advantage by filing fictitious lawsuits against their spouses in order to get what they wanted. It is quite upsetting to see how the law intended to defend women's rights is being abused for personal gain. Parents frequently pressure women into marriage, which has negative consequences.

Kalpana v/s Surendra Nath

Living together for one and a half months, both parties were married. The complainant was accused of humiliating the respondent in front of his buddy by turning them down for tea. According to the appellant's wishes, the respondent travelled to college with her for additional study, but she never returned. She had also brought a dowry prohibition act complaint against her husband. The courts upheld the respondent's account and determined it is harsh to refuse to help with domestic chores.

Satya v/s Sri Ram

In this instance, the wife twice secretly ended her pregnancy without informing or getting her husband's permission. The court concluded that a wife is guilty of cruelty if she wilfully and repeatedly refuses to fulfil her husband's natural and reasonable desire to have children, and the deprivation drives him to despair and negatively impacts his mental health.

Domestic Violence Against Man Data

A survey was conducted by the Save Family Foundation in collaboration with My National Family between April 2005 and April 2015. Over 1,00,000 men have participated in the duration of one year all over the world. The outcome of it was that 96% of males face serious domestic violence from their wives and in-laws. Men face many kinds of harassment like physical [16%], verbal [59%], economic [98%], sexual [46%], mental [96%], emotional [99%], and financial abuse [87%].

Conclusion

To protect men from harassment, the Indian penal code should be amended. Men should be included in the Sexual Harassment at Workplace Act of 1860 as well. Everyone should be aware that harassment affects both men and women equally. In spite of the fact that harassment against women is more prevalent, men are frequently a target of harassment. Men's harassment issues should pique the same level of attention among people. It's important to let people know it's alright to report harassment they experience. To aid the males who experience harassment, there ought to be more NGOs, assistance programs, and movements. Even if new laws are passed, society and the government should work together too.

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BHARTIYA NYAYA SAHITA BILL, 2023

BHARTIYA NYAYA SAHITA BILL, 2023



In this article, the discussed material would be the background, why the committee was formed, and the objectives of the BNS Bill.

The central Indian government has introduced this bill to bring up reforms and a different way to practice, regulate and see the world of law. Since it was brought to the Indian Parliament, there has been hype in the country and citizens to know more about the bill. There are three Bills brought to replace the -

Indian Penal Code (IPC), 1860

Code of Criminal Procedure (CrPC), 1973

Indian Evidence Act, 1872.

The Bharatiya Sakshya (BS) Bill, 2023, for the Indian Evidence Act, the Bhartiya Nagrik Suraksha Sanhita (BNSS), 2023, for the CrPC, and the Bharatiya Nyaya Sanhita (BNS), 2023, to replace the IPC, were all recommended to a standing committee.

FRAMEWORK

A commission led by (Dr.) Ranbir Singh, a former vice chancellor of the National Law University (NLU), Delhi, was established by the Ministry of Home Affairs in 2020 to examine the three criminal laws. The committee's mandate stated that it was there to "recommend reforms in the criminal laws of the country in a principled, effective and efficient manner - which ensures the safety and security of the individual, the community, and the nation; and which prioritises the constitutional values of justice, dignity, and the inherent worth of the individual." The committee delivered its proposals for changes to the criminal law in February.

FRAMEWORK OF THE BILL

In 1834, Thomas Babington Macaulay served as the chairman of the first Law Commission, which produced the Indian Penal Code. The law was implemented in January 1860. The Indian Penal Code will be repealed and replaced by the Bharatiya Nyaya Sanhita Bill, 2023. The present laws regarding defamation, crimes against women, and suicide attempts are among those that the BNS Bill wants to modify. The BNS Bill comprises 356 provisions, compared to the 511 sections of the IPC.

WHAT HAS THE NEW BILL BROUGHT?

Sedition - Section 124-A of the Indian Penal Code (IPC) addresses the crime of sedition and imposes a penalty of life in prison or three years in jail, as well as a fine that may be added. Acts compromising India's sovereignty, unity, and integrity are discussed in the BNS Bill's section 150 under the chapter related to "offences against the State."

Terrorist acts - The BNS Bill includes a definition of the word "terrorism" for the first time; the IPC did not. A terrorist is someone who engages in any activity, whether domestically or abroad, with the purpose to undermine India's unity, integrity, and security, intimidate members of the public generally or specifically, or to upend the peace. Defamation is now punishable by a simple sentence of up to two years in jail, a fine, both, or community service under the BNS Bill.

Mob Lynching - Of note, the crime of mob lynching is now, for the first time, punishable by the death penalty in addition to the existing penalties of seven years in prison or life in prison. The crime of sexual exploitation of women under the guise of marriage, employment, promotions, or by hiding one's identity. The provision for the offence of adultery is absent from the new Bill. This is consistent with the Supreme Court's decision in *Joseph Shine v. Union of India*, which found that Section 497 of the Indian Penal Code, which made adultery a crime, was unconstitutional.

The "unnatural sexual offences against men are not punished in the new Bill. This is consistent with the Supreme Court's unanimous decision in *Navtej Singh Johar v. Union of India* (2018) to strike down Section 377 of the IPC in as much as it criminalised same-sex relationships between consenting adults. However, the clause that makes marital rape permissible has been kept. "Sexual intercourse or sexual acts by a man with his own wife, the wife not being under eighteen years of age, is not rape," states Exception 2 to Section 63 (which specifies the crime of rape). Although section 302 of the IPC governs the punishment for the crime of murder, it has been replaced by provision 101 of the BNS Bill. The life sentence or death penalty for murder continues to be the punishment.

Rapid legal action - The reaffirmed focus on victims' rights and the simplification of legal processes are key aspects of this legal change. The proposals emphasise the need to protect the integrity of victims' testimony by videotaping them in cases of sexual harassment and specify that victims' statements are crucial in cases of sexual violence. The legislation creates a strict 90-day deadline for the filing of charge sheets in order to speed up the administration of justice. They also provide the court with the discretionary right to extend this deadline by an additional 90 days if they judge it essential. The measures also mandate that verdicts be rendered within 30 days of the conclusion of arguments and that courts notify the accused of the charges within 60 days. The Bharatiya Nagarik Suraksha Sanhita Bill, which would replace the Criminal Procedure Code, now has 533 sections; 160 sections have been amended, 9 new sections have been inserted, and 9 sections have been repealed, according to the Union Home Minister.

With 175 sections changed, 8 new sections introduced, and 22 parts abolished, the Bharatiya Nyaya Sanhita Bill, which would replace the IPC, will have 356 sections as opposed to the former 511 sections. The Evidence Act will be replaced by the Bharatiya Sakshya Bill, which currently has 170 sections as opposed to the previous 167. 23 sections have been amended, 1 new provision has been inserted, and 5 parts have been deleted.

CONCLUSION

On August 1, 2023, Shri Amit Shah, the Union Home Minister and Minister of Cooperation, introduced three historical laws in the Lok Sabha, taking a remarkable step towards modernising and strengthening India's legal system. The Bharatiya Nyaya Sanhita Bill 2023, Bharatiya Nagrik Suraksha Sanhita Bill 2023, and Bharatiya Sakshya Bill 2023 are three legislative proposals that demonstrate the government's unwavering commitment to reforming the criminal justice system. This legislation marks a significant shift towards a more equitable, just, and citizen-centred legal system by focusing on replacing outdated colonial-era statutes such as the Indian Evidence Act, 1872, the Criminal Procedure Code, 1898, and the Indian Penal Code, which were all passed in 1860.

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MENTAL HEALTH AND SPECIALLY ABLED PEOPLE

“What mental health needs is more sunlight, more candour and more unashamed conversations,” said Glenn Close.

Simply means that mental health is not a topic that should be ignored or just lightly taken, it is the one about which people should be aware and should openly speak. You must have heard of social issues like unemployment, discrimination, gender inequality, violence, etc. but you will be shocked to hear that nowadays, mental health has also become a major social issue or a social concern.

You must have heard the term “mental health issues,” but you might not know its exact meaning. So, mental health issues or mental illness refers to a wide range of conditions that affect a person's mood, thinking and behaviour. In today's world, children, adolescents and adults, and one out of every five people in post-conflict settings have mental health issues. This figure not only includes normal individuals but also includes specially-abled people.

A normal person, when a child, adolescent or adult, faces many mental health issues, may it be anxiety, depression, stress, etc., but specially-abled people also face a lot of problems during their lifetime, even more than the normal person. A normal person has many people to talk to; they have kins, friends and others with whom they can share their problems and their daily talks, but what about the specially-abled people? They are mostly found sitting alone or isolated in college educational institutions; they do not have anyone to talk with or to share their talks with. While other students in colleges are wandering here and there with their friends and going to endless places to chill and have fun, the disabled are just doing studies without any fun in their life, only studies, studies and only studies. There may be very few specially abled people who are living their life like a normal human being. Like I read a line in sociology, “human being is a social animal, and he who lives without society is either a beast or god”. It should be

clear that specially-abled people are also human beings and neither beasts nor gods. They also need someone who can chit-chat with them, play with them and treat them like, “Yes, there is someone in this whole world who not only talks with them but also understands them”. I am not criticising anyone, just saying that do not see them as someone who needs help but see them as your friend. Because of being isolated and keeping their secret in their mind, they face a lot of problems like stress, frustration, feelings of social exclusion, suicidal thoughts and a lot more. I just want to say that, just be with them as their best friend and see they will be your best friend forever. Just involve them with your group and see if they will be the best company ever. Just treat them as your sister and see they will be your soul sister.

In conclusion, I would like to say that I read somewhere that adults with disabilities report experiencing frequent mental distress almost 5 times as often as adults without disabilities, so please include them with you and make them enjoy and have fun and behave like their best friend, if not then at least friend. just remember that they don't need a person to just be with them at the time of help, but a person who is there with them like a true friend.

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MANIPUR VIOLENCE

UNDERSTANDING THE ETHNIC CONFLICT OF MANIPUR AND HOW RAPE IS USED AS A WEAPON OF VIOLENCE

Abstract

What began as a small ethnic conflict between the 2 famous tribes, Kukis and Meithis, residing in the heart of northeastern India, i.e., Manipur, is now an issue of national as well as international importance.

Social media, especially in the past two months, has been flooded with scary scenes of violence and conflicts in Manipur, and the temperatures were raised when the sentiments of revenge heightened between the two tribes so much that two women were paraded naked by dozens of men in violence-hit Manipur.

Terrific! a clear case of crime against humanity, but this is not the only such case of rape being used as an instrument of violence and especially revenge in this ethnic conflict. As per records, there are as many as 600 cases of violence reported with the Manipur police since May 2023, out of which more than half are related to rape and violence against women. The fact of much disappointment is that police have turned a blind eye to all these cases, with people left hopeless and in despair. Moreover, strangely, these incidents of

what is happening in Manipur are being showcased to the entire nation through social media posts, that too after such a long period amounting to 2 months; the question that arises in nearly everyone's mind is, what has the government and especially the police been doing since then?

This article seeks to throw light upon the following pointers:

- I. Why is Manipur burning? What is the ongoing conflict all about?
- II. How is rape used as a weapon of revenge during times of war or say in this case, in times of ethnic conflicts?

UNDERSTANDING THE ETHNIC CONFLICT

The Manipur population is broadly classified into two major tribes. The Meitei tribes, concentrated in the Imphal region, constitute nearly 53% of the population. The hill regions, on the other hand, are constituted by the Naga and Kuki tribes, amounting to 40% of the total population of Manipur. The Manipur HC, on 20th April 2023, suggested the Manipur state govt to consider the Meitei community as Scheduled Tribes (ST). The Meitei community demanded reservation as a means to save their culture against the illegal encroachment of their lands by the hundreds of illegal immigrants who enter India on a daily basis from neighbouring countries of Bangladesh and Myanmar. They fear that as a result of this increased illegal immigration into Manipur, the today existing 53% Meitei population will decrease and become a minority in their own state. They think getting this benefit of reservation will solve most of their problems. This sparked conflicts between the two ethnic groups.

As a result of the increased violence between the groups, which included setting on fire a gym wherein the CM of Manipur, N. Biren Singh, came to inaugurate it, section 144 was imposed as a result to curb people's activities and a curfew was imposed as many as 8 districts. Later on, 3rd May, a march was organised by The All-Tribal Students Union of Manipur and joined by as many as 60,000 people. However, this, too, could not calm down the burning dispute but instead aggravated the matter and spread the violence.

And recently, the most horrific of them was a video surfacing online which showed that two women were paraded naked by dozens of men in violence in Manipur.

However, rape occurring during times of conflict is not a thing which is new means of showing hatred towards the other community; it has been being used as a weapon of instrument of violence; let us now understand how.

RAPE AS AN INSTRUMENT OF VIOLENCE, REVENGE DURING WAR

The rape of women during wartime or in war-like situations like during ethnic conflicts is not a new incident to be heard of. The world had previously seen many such incidents; for example, during the first world war, when there were clashes between the Allied and Axis powers, both committed rapes as a means of terrorising the enemy civilian populations and as a way to demoralise the enemy's troops. It is often considered a disheartening but true fact that such gruesome incidents, especially rape against women, are an unfortunate but inevitable accompaniment of war. Several cases of rape were documented in the second half of the 20th century when many South Asian countries were leading civil and ethnic wars with the aim of forming nation-states. (<https://innovationgarden.org/increase-of-rape-crime-in-mississauga>).

In India too, during large-scale incidents of violence like during the 1947 Partition riots, the Bangladesh Independence Struggle of 1971, the Anti-Sikh Riots of 1984, the civil war of Sri Lanka, which ended in 2008 and the 2002 Gujarat riots are some of the examples where women have been particularly targeted with brutality as a measure of revenge against the other as violating the bodies of women is seen as a soft target for winning the war by those involved in their gang rape and sexual assault. A landmark case in this regard is that of Bilkis Bano Rape case Bano's legal struggle is like a nightmare, stretching over a period of more than 15 years (<https://www.bbc.com/news/world-asia-india-39843555>).

Despite the gravity of the crime and the fact she identified her attackers, the first arrests in the case were only made in 2004 after India's Supreme Court handed over the case to federal investigators, the Central Bureau of Investigation. This issue immediately seeks the attention of the central government and draws attention to the rape laws in India as well as other laws that offer protection to the women of India.

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CURRENT AFFAIRS

- The Indian government widened the scope of the Prevention of Money Laundering Act (PMLA), 2002, to include transactions facilitated by chartered accountants, company secretaries, and cost and works accountants.
- Article 239AA of the Constitution holds significant importance in defining the special status and governance structure of Delhi. The recent SC ruling that interpreted Article 239AA was nullified with the passing of the ordinance that sought to establish the National Capital Civil Services Authority.
- The civil aviation ministry in India has taken a significant step towards enhancing regulations in the aviation sector with the introduction of the Draft Aircraft Bill, 2023. This bill aims to streamline and improve provisions related to the design, manufacture, possession, use, operation, sale, import, etc.
- The Law Commission of India has proposed key amendments to the law of sedition, aiming to prevent alleged misuse while ensuring clarity and safeguarding constitutional rights.
- The Bihar Prohibition and Excise Act of 2016 is a significant legislation aimed at enforcing a complete ban on the sale, consumption, and transportation of liquor and intoxicants within the state.

- The Securities and Exchange Board of India (Sebi) and the Securities Appellate Tribunal (SAT) are currently embroiled in a stalemate over the interpretation of a specific provision in the securities law.
- The proposed Livestock and Livestock Products (Importation and Exportation) Bill-2023 aims to replace outdated laws and establish regulations for the import and export of live animals.
- The issue of providing additional reservations for transgender persons in education and public employment has come under scrutiny in the Bombay High Court. The Maharashtra government has responded that it would be challenging to implement additional reservations due to the existing reservation system for various communities in India.
- The Telangana High Court recently made a significant ruling on July 6, striking down the Telangana Eunuchs Act of 1919. The court found the Act to be unconstitutional, infringing upon the rights of transgender individuals and undermining their equality, privacy, and dignity.
- The Supreme Court of India has recently released new guidelines regarding the designation of senior advocates. These guidelines aim to streamline the process of conferring the prestigious 'senior advocate' designation to practising advocates.
- The Union Cabinet has recently cleared two significant bills, namely the Press and Registration of Periodicals Bill, 2023 and the Mediation Bill. These bills aim to address important aspects of press regulation and the resolution of civil or commercial disputes.
- The Indian government has taken significant strides in the healthcare sector by introducing two crucial Bills in Parliament – the National Dental Commission Bill, 2023, and the National Nursing and Midwifery Commission Bill, 2023. These Bills aim to bring about sweeping reforms in the dental and nursing professions, focusing on regulation, education, and practice.
- On July 26, the National Conference on 'Moving Mental Health Beyond Institutions' commenced with the objective of addressing the challenges in the implementation of the Mental Healthcare Act, 2017.
- CERT-In issued “Guidelines on Information Security Practices” for Government Entities for a Safe and Trusted Internet. The guidelines serve as a roadmap for both government entities and the industry, facilitating the establishment of a secure and trusted cyber space.

- Amidst protests against Manipur violence, the Lok Sabha recently passed the Forest (Conservation) Amendment Bill, 2023. The bill aims to amend certain provisions under the Forest (Conservation) Act, 1980, with the objective of increasing India's forest cover by creating a carbon sink of 2.5 to 3.0 billion tons of CO equivalent by 2030.

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