

NEWSLETTER VIDHI-LEKH

Newsletter of Pro Bono Club under the Faculty of Law

Issue No. 3 | May, 2023





Messages from the Editorial Team

Messages from the Editorial Team

Dear Readers,

I feel ecstatic to release the third 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 legal issues about 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 | INDIA

NAAC GRADE B+
NIRF
2022

PRO BONO CLUB
Pro Bono Legal Services

न्याय विभाग
Department of Justice
भारत सरकार
Government of India

**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.



WOMEN ARE NOT ONLY EQUAL TO MEN BUT MORE THAN THAT!

Many individuals in our society think that men and women are equally strong in all facets of life. Few of us also agree that women should have the same rights as men in society in all respects. We constantly try to make their lives easier by granting them the same rights as men, but why do women need to be empowered to compete with males in society? We read numerous stories about women who overcame great obstacles to emerge into the light and watched numerous TV programs promoting gender equality. Women, in my opinion, don't need male society's support because they can all handle any problem. We should educate our society to adjust its attitudes and accept the idea that women can do anything and acquire anything if they are not constrained by social constraints rather than concentrating all of our efforts on achieving gender equality.

Women encounter difficulties in life from the moment they are born; they are taught from an early age how to sacrifice their happiness for the benefit of their families. According to the MOSPI study, the adult (15+ years) literacy rate in India is 69.3%, with males having a rate of 78.8% and females having a rate of 59.3%. Due to outmoded attitudes, safety worries, and a lack of basic amenities in educational facilities, rural families are still reluctant to send their daughters to school or college.

Nevertheless, there are many instances of women who, despite severe obstacles, defied the perception that they are unable to attain academic success and went on to achieve a wonderful position in society.

According to 2014 research by the NGO "Breakthrough," 23% of incidences of harassment against schoolgirls occurred inside schools or colleges, while 52% occurred at bus stops. This statistic demonstrates how difficult it is for young Indian women to succeed academically because they worry about being harassed on the way to or at school.

The study indicated that increasing women's labour force participation to parity with males can increase India's GDP by 27%, according to the UNGC. According to the study, the percentage of women who are in the labour force in India has decreased from 34% in 2006 to 24.8% in 2020. Several factors could be to blame for this reduction, but the primary one is the gender gap. To save money on administrative expenses like cabs, sexual harassment lawsuits, and maternity benefits, as well as their self-developed notion that male employees can devote more work hours than female employees, organizations refrain from hiring female staff. This is a worrying truth that needs to be addressed since it keeps getting worse.

But it is a form of harassment that affects women frequently. Even if talking about it is no longer frowned upon, women still value understanding how men think before asking a question. This also qualifies as sexual harassment that causes mental discomfort. Another challenge a female employee faces at work is showing consideration for others; if she pays attention to or spends time with a particular male team member, suspicions about her start to circulate. Even though this is her choice and decision, rumours begin to circulate.

According to research conducted by the accounting company Grant Thornton in 2013, women now hold 24% of senior management positions globally, a steadily rising proportion. However, compared to 26% in the BRIC nations (Brazil, Russia, India, and China) and 38% in the Baltic countries, women make up only 16% of board members in the G7 economies of the wealthy world. The latter has better access to childcare from extended families or from women they hire as nannies, which is an intriguing perspective explanation.

This means that 93 out of every 100 persons in high positions in Japan are men, compared to 80 out of 100 in the US. Even among the top-ranked nations, only China has more women than men, an increase from 25% the year before. Interestingly, Sweden and Norway are only ranked 27 and 22 on the list of best nations despite having laws promoting gender equality for many years.

Women make up the majority of large company boards of directors in the private sector, yet their representation is still insufficient when compared to that of men. The "glass ceiling" has also made it difficult for women to advance to executive roles in private businesses. This is particularly noteworthy in the largest firms, where men continue to predominate. There are just 23 female chief executive officers among the 500 largest US firms. 4.6% is all that.

Women may experience pain and shame as a result of this talk both at work and at home. Because of everything said above, women constantly carry the burden of extra care when interacting with others at work. Women pause before asking for help to avoid having their teammates misinterpret their feelings and emotions. Many issues around women's empowerment can enhance their lives, but I would much rather fix the issues that are generating all of this pain than advocate for anything else.

Women don't need society's support to do or accomplish anything; rather, society needs to learn how to behave morally and compassionately. Women can overcome barriers from birth and go on to achieve prominent positions in business organizations, become famous sportsmen, astronauts, and political officials as well as serve in the Indian armed services. This indicates how women are more resilient than men and can go to any lengths to achieve their goals.

Conclusion

Women are not equal to males, as I said at the beginning of the piece, but as this example shows, they are more than that. Think about where she would be if these obstacles were removed; we must not undervalue the talent and potential that women possess, as they are capable of reaching any goal despite the prevalence of all of these abhorrent customs in our society. Before empowering women, we must first inform and coach society on how to behave responsibly.

ARUNA ARORA

1ST YEAR BA LLB STUDENT
AT CHRIST (DEEMED TO BE UNIVERSITY)
DELHI NCR

AI Impact on Legal Sector

AI Impact on Legal Sector

Artificial intelligence (AI) has the potential to revolutionize the legal industry in numerous ways. The ability of AI to analyze and interpret vast amounts of data quickly and accurately has made it a valuable tool in the legal sector. In this essay, I will explore the impact of AI on the legal sector.

One of the most significant impacts of AI on the legal sector is in the area of document review. Traditionally, document review is a time-consuming and expensive process that requires lawyers to review large volumes of documents to find relevant information. AI-powered document review software can significantly reduce the time and cost involved in this process. The software can analyze documents quickly and accurately, identify relevant information, and flag potential issues for further review. This allows lawyers to focus on more complex legal issues and provide more value to their clients.

Another area where AI is having an impact is in contract analysis. Contract analysis is another time-consuming and expensive process that involves reviewing contracts to identify key provisions, such as pricing, termination, and renewal clauses. AI-powered contract analysis software can analyze contracts quickly and accurately, identify key provisions, and flag potential issues. This can help lawyers to negotiate better contract terms and reduce the risk of disputes.

AI is also being used in legal research. Legal research involves lawyers searching for legal precedents and relevant case law to support their arguments. AI-powered legal research software can analyze vast amounts of data quickly and accurately, identify relevant case law, and provide recommendations to lawyers. This can significantly reduce the time and cost involved in legal research and help lawyers to build stronger cases.

Another area where AI is having an impact is in litigation. Litigation involves lawyers representing clients in court, and AI is being used to help lawyers to prepare for trials. AI-powered software can analyze case law, identify key issues, and provide recommendations to lawyers. This can help lawyers to build stronger cases and increase their chances of success in court.

AI is also being used in the area of e-discovery. E-discovery involves the collection and review of electronic data for use in legal proceedings. AI-powered e-discovery software can analyze electronic data quickly and accurately, identify relevant information, and flag potential issues. This can significantly reduce the time and cost involved in e-discovery and help lawyers to build stronger cases.

Finally, AI is also being used in the area of legal compliance. Legal compliance involves ensuring that companies comply with relevant laws and regulations. AI-powered compliance software can analyze data and identify potential compliance issues. This can help companies to identify and address potential compliance issues before they become a problem.

In conclusion, AI is having a significant impact on the legal sector. AI-powered software is being used to streamline processes such as document review, contract analysis, legal research, litigation, e-discovery, and legal compliance. This is helping to reduce the time and cost involved in these processes and allowing lawyers to focus on more complex legal issues. However, it is important to note that AI is not a replacement for human lawyers. While AI can assist lawyers in their work, it cannot replace the human judgment and creativity required to provide legal advice. As such, AI should be seen as a tool to assist lawyers in their work, rather than a replacement for them.

SHREE SHUBHANGI

BA LLB (2nd SEMESTER)

Kalinga University

Use of Technology to bolster access to the Judicial System

INTRODUCTION

According to scholars, technology is the application of scientific knowledge to the practical aims of the homo sapiens, it is also sometimes manipulated to change the human environment. The judiciary is the system of courts that decides legal disputes and disagreements and interprets, defends, and applies the law in legal cases. It is also referred to as the judicial system, judicature, judicial branch, judicative branch, court, or judiciary system. Technology also helps to transform legal services which makes it more effective and efficient. It improves the delivery of legal help by making communication and obtaining knowledge towards certain matters less expensive as compared to technology. Providing legal services electronically by mode of technology is the most dramatic change for poor people who want legal help and benefit. All of them can be accessed as the cost of obtaining them is very less, and is equally important and has the deserving quality. Technology is the art of delivering. Google is the best example of getting quick knowledge and YouTube is the best way to find a tutorial. For millions of people, TurboTax's user-friendly interactive website that maximizes deductions and electronically filed taxes can currently translate the complexity of tax laws. These kinds of systems will only become more advanced as they expand into various legal areas of study, and link victims directly to court e-filing systems.

POWER OF TECHNOLOGY

As rightly stated by the [French philosopher Bruno Latour] "Technology has made the society Durable" Technology is known as a game changer in the current century we are living in, from the moment a person has taken his first breath to their death moment technology plays a vital role during the lifetime. Technology having world wide range can easily cover thousands and millions of people and can help them in many matters like the happenings in the nation, and answers to many problems, etc., It has the majority devotion in the development of modern society.

BENEFITS OF TECHNOLOGY

- Cost effectiveness – Video Conference between the authority and the lawyers reduces the cost of travelling and accommodation of the judges, clerks, etc.,
- Automation – Technology made organizations automated, which makes the user easily accessible to get information 24*7. Indian courts could file cases, submit valid documents and also can receive the date of hearing and can access the E-library while sitting at home.

- Passing off the cultural divide – technology has to decrease the cultural divide letting people communicate with people of other cultures and exchange their ideas and thoughts.
- The creation of new jobs – Technology adoption in the Indian courts would require skilled people to maintain the servers. Helping to reduce unemployment.
- Witness protection – Witnesses due to the threats and danger could not approach the courts of law, but now they can easily give the statement without any danger.
- Increased productivity - Information and communication technology (ICT) implementation in courts would improve workflow generally and increase court efficiency, making it simpler to manage many cases at once.
- Storing important data – records such as files, bail orders, warrants and summons could now be stored easily, which reduces the chance of misplacing documents.

MAJOR PROBLEMS DUE TO THE TECHNOLOGY

- But people to an extent don't realize their fundamental rights. A law also states “Ignorantia juris non-excusat” which means [ignoring a law is not an excuse].
- Hacking and cybersecurity- On top of the technology, cybersecurity is a major concern.
- Online hearings are a challenge for lawyers who don't know about the technology and would be unfamiliar with the way of work.
- Despite the widespread ownership and use of mobile phones, only urban residents have access to the Internet.
- Filling Vacancies: Just as chatbots cannot replace doctors, neither can technology, no matter how sophisticated, replace judges, of whom there is still a severe shortage.
- According to the India Justice Report 2020, there were 38% vacancies in the High Court for the 2018–19 term and 22% in the lower courts.
- As of August 2021, more than four out of every ten positions for the High Court judges remained unfilled.
- Too often, access to online hearings has been restricted due to a lack of technical infrastructure.

JUDICIARY STEPS DURING THE HARD TIMES OF THE COVID-19 PANDEMIC

- In the beginning courts began filing the cases online.
- In May 2020, the Honourable Supreme Court enabled an innovation known as artificial intelligence and a system of E-filing.

- These include the significant backlog of cases and the unacceptably high number of open judicial positions nationwide were seen.
- To address the judiciary's lack of digital access, the most recent Vision Document for Phase III of the e-Courts Project has been released.

HOW IS TECHNOLOGY HELPFUL IN THE COURTS?

The e-courts can only come into existence if the policies are formulated. A proper structure is required because, till now the Indian judicial system is highly labour driven. The government of India has set up many technology centres which help the e-courts to function. Justice Bobde and Justice Ramana believed that the Indian judiciary system is making more space for technology to have an impact. The judiciary is ready to incorporate technology on a larger scale, as evidenced by the acceptance of newer online methods and the requirement for laws in the technology sector. The Judiciary has also established precedents that will make decisions for future judges simpler and quicker.

Courts have accepted the electronic medium as legit in the eyes of the law. Justice Indu and Justice Chandrachud have also expressed their interest to implement technology in the courts of the law.

In a nutshell, proper education about e-courts is needed through corporate events and seminars to inform more people of their advantages and conveniences, which could bring about a significant change in India's judicial system that is long overdue.

CASES LAWS

- M/S Meters and Instruments vs Kanchan Mehta – In this case, the court determined that it is not necessary for people to physically attend court hearings in smaller cases like cheque bounce-backs and challans because they can be handled online.
- In the Grid Corporation case, the court acknowledged video conferencing as a tool and noted that testimony and evidence could be easily recorded using it.

CONCLUSIONS

"Technological and judicial system convergence is urgently required. We must transition to the digital analysis of legal cases. The country's law and order situation will be greatly improved by spreading legal knowledge to the general public. - Shri. Narendra Modi, the current Indian Prime Minister. As long as society exists and there is a need for order in society, technological and legal advancements will continue to be made. The public needs to be informed about changes in the legal system, and technology is essential for both—raising public awareness and expressing public opinion. In this way, law and technology can be thought of as two parts of a plant that complement each other, and the absence of any one of them will be felt strongly. Hopefully, the fusion of law and technology will be able to meet society's expanding needs.

ABHINAV JINDAL

BBA LLB

Symbiosis Law School, Nagpur

NAVIGATING THE ISSUE OF IMMIGRATION AND BORDER CONTROL

INTRODUCTION

Immigration and border control refers to the policies and practices that govern the movement of people across national borders. Immigration refers to the act of entering a country with the intention of living and/or working there permanently or temporarily. Border control refers to the measures that are put in place to regulate and monitor the movement of people across a country's borders, including the inspection of documents, the use of technology such as biometric identification systems and the deployment of border patrols, immigration and border control are often shaped by a country's economic, social, and political priorities, as well as by its security concerns. Governments use immigration and border control policies to manage the flow of people across borders, control the number and types of people who are allowed to enter a country and ensure that those who do enter comply with the country's laws and regulations.

Immigration and border control policies are often controversial, with debates around issues such as the number of immigrants allowed to enter a country, the criteria for granting visas and citizenship, and the measures that should be taken to protect national security. The effectiveness of these policies is also a subject of debate, with some arguing that tighter border controls are necessary to prevent illegal immigration and protect national security, while others argue that these policies can be discriminatory and can violate the rights of migrants and refugees.

THE DEBATE OVER IMMIGRATION AND BORDER CONTROL IN THE UNITED STATES

Immigration and border control have been contentious issues in the United States for decades. The debate centres on the number of immigrants allowed into the country, how they should be processed, and how the borders should be secured. While some argue that tighter restrictions are necessary for national security and job protection, others argue that the United States should embrace its identity as a nation of immigrants and allow more people to enter the country, one of the main arguments against

immigration is that it takes jobs away from American citizens. Those who hold this view believe that immigrants are willing to work for lower wages, which makes it harder for Americans to find jobs. However, this argument is challenged by research that shows that immigrants often take jobs that Americans do not want, such as agriculture and service industry positions.

Another argument against immigration is that it poses a threat to national security. Those who hold this view believe that terrorists and criminals can enter the country through the border, putting American lives at risk. While it is true that there have been instances of terrorism and crime committed by immigrants, the vast majority of immigrants are law-abiding citizens who contribute to the economy, on the other hand, proponents of immigration argue that it is a vital part of the American identity. They believe that the United States should continue to welcome immigrants from all over the world and offer them the same opportunities that have made America great. In addition, they argue that immigrants are a vital part of the American workforce and contribute greatly to the economy.

One of the most contentious issues in the debate over immigration is border control. Those who support tighter border control believe that it is necessary to protect the country from illegal immigration, drug trafficking, and other criminal activities. They argue that a physical wall is necessary to deter illegal immigration and protect American citizens, and opponents of border control argue that it is ineffective and costly. They believe that the money used to build a physical wall could be better spent on other areas, such as education and healthcare. In addition, they argue that a physical wall would not deter those who are determined to enter the country illegally, as they would find other ways to cross the border.

In conclusion, the debate over immigration and border control in the United States is complex and multifaceted. While there are valid arguments on both sides of the issue, it is important to consider the impact of policy decisions on both the American workforce and the millions of people who seek a better life in the United States. It is only through thoughtful consideration and respectful dialogue that we can hope to find solutions that benefit all Americans.

IMMIGRATION AND BORDER CONTROL IN INDIA

In India, immigration and border control have become increasingly important issues in recent years. The country shares borders with several countries, including Pakistan, China, Bangladesh, Nepal, Bhutan, and Myanmar, and has faced challenges in managing the flow of people and goods across these borders, one of the main issues related to immigration and border control in India is the influx of illegal immigrants from neighbouring countries, particularly Bangladesh. There are estimated to be millions of undocumented immigrants living in India, many of whom are employed in low-paying jobs in cities and towns across the country.

The Indian government has implemented several measures to address illegal immigration, including building a fence along parts of the border with Bangladesh and increasing border patrols. In addition, the government has proposed a National Register of Citizens (NRC), which would require all residents of India to provide proof of citizenship. The NRC has been controversial, with critics arguing that it is discriminatory and could lead to the persecution of Muslims and other minority groups, in addition to the issue of illegal immigration, India has also faced challenges in managing the movement of people across its borders for legitimate purposes, such as trade and tourism. The country has implemented a system of electronic visas for certain countries, which allows visitors to apply for and receive visas online. However, there have been reports of difficulties in obtaining visas, as well as concerns about the security of personal information submitted as part of the application process.

Another issue related to immigration and border control in India is the treatment of refugees and asylum seekers. India has historically provided refuge to people fleeing persecution and conflict in neighbouring countries, but the government has recently taken a harder line on this issue. In particular, there have been concerns about the treatment of Rohingya refugees from Myanmar, many of whom have been detained or deported.

In conclusion, immigration and border control are important issues in India, given the country's location and its history of providing refuge to people in need. While the government has implemented measures to address illegal immigration and manage the movement of people across borders, there are ongoing concerns about the treatment of refugees and the potential for discrimination against minority groups. It is important for policymakers to find solutions that balance the need for security with the protection of human rights and the rule of law.

SHIVANSH SINGH THAKUR

BA LLB

Symbiosis Law School, Nagpur



LGBTQ AWARENESS IN INDIA

So, what's the LGBTQ+ community, it stands for the initialism that stands for lesbian, gay, bisexual, transgender and other queer/questioning communities. Since, 1990 lesbian, gay and bisexual activists adopted the term LGB for their community. Later, the term expanded inclusively as people came to know about the diverse sexual identities and gender expressions. There have been a lot of parades and social movements for the awareness and equality of various sexual groups. In some countries, they have given recognition for their sexuality and gender equality. Some countries have created a friendly and supportive environment for them and have a right to be treated as equal to all citizens. In December 2000, the Netherlands became the first country to legalize same-sex marriage. So far, 30 countries and territories have implemented laws allowing gays and lesbians marriages, these are mostly European and American countries.

In India, during British rule in 1860, homosexual intercourse was considered unnatural and was declared a criminal offence under CHAPTER 16, SECTION 377 of the IPC. After independence, the right to equality was implemented under Article 14, but homosexuality remained a criminal offence. Later, the protests took place on AUGUST 11, 1992. It was the first but huge protest for gay rights in India. The people who were protesting were picked up from the central park in Connaught Place for protesting for their rights, this horrible action was totally intolerable. But this was just the starting, there were a lot of protests for decriminalization and for having equal rights for everyone.

Finally, the act was passed after a lot of discussions. On 6 SEPTEMBER 2018, a 5-judge constitutional bench of the supreme court of India invalidated part of SECTION 377 of the IPC, hence making homosexuality legal in India. One judge said that it would PAVE THE WAY FOR A BETTER FUTURE. This judgment applied all over India.

HOMOSEXUALITY IN INDIA has been a subject of discussion since ancient times. As our Indian texts have a deep knowledge of homosexuality. The ancient texts of India such as the KAMASUTRA written by VATSYAYANA teach us about the chapter on erotic homosexual behaviour. Some Indians were familiar with the chapter of Vatsyayana and many were not. Throughout history, homosexuality was not a criminal activity or any offence until about the 18th century BRITISH COLONIAL RULE. The law was decriminalized and in the favour of LGBTQ community. Some religious and social groups protested it. but somehow the landmark decision was already taken by the supreme court. Now, India was also one of the countries where gay consensual sex was permitted.

But the only thing that still has not changed is the mentality of the society. Some open-minded and understanding people take it as it is and accept the people and treat them as equal to any citizen. Because they are not different at all, their choices and way of living are different and every citizen of this country has a right to speech and expression and to live with the one they love.

India is a democratic country, where all citizens deserve equal rights regardless of caste, creed, colour, religion, sex and place of birth. The constitution of India allows its citizens the right to live with dignity then why still people with different sexual interests are being trolled or harassed when they come out? Even though the government has made amends to section 377 of IPC, as a society this is our moral duty to make each and every person around us feel comfortable and not to judge them for being themselves. The world is changing and people are getting more aware of everything. They are modernizing their thoughts and adopting the new normal.

People need to Stop bullying them for who they are, for their choices, for the thing they love. In today's world, we have become modern and egalitarian enough to wear unisex clothes but not modern enough to accept and respect people's choices without passing judgment. Now we have a third gender block on several forms and documents but society doesn't have a lil' space for them, for the people with different sexuality. As responsible citizen, we need to take a stand against the abuse/trolls so that they don't feel inferior or bad about themselves.

We need to Stop criticizing anyone for their interest because you can be the one helping somebody or you can also be the one destroying somebody's mental health choice is always yours. Open up to people because some people need help to come out and talk about their sexuality. Be kind to everyone, you never know what's going on in another person's life.

The mental, emotional, physical and economic violence against the LGBTQ community in some places in India needs to end. In India, people with different sexual interests apart from heterosexuals are not accepted by their own families. Lack of family support and continuous criticism by society leads to a deadly decision which can also be suicide or any mental trauma for a lifetime. Lack of support from family, friends, society or police is the reason that many gay rape victims do not report the crime. Sometimes they also get assaulted by their relatives but can't open up to anyone as no one will accept them. They are living inside the closet due to fear of rejection and discrimination from society.

Requesting all the people out there and respected family members makes your child feel comfortable enough that they can share anything about themselves. Do not give him/her a tag of judgment, we need to stop this culture of abusing or teasing anyone by making offensive or derogatory jokes about them because that is not cool at all and treat them as equal to everyone. You don't either have to give them special attention because they are just like us but with different sexual aspirations.

Most importantly STOP JUDGING AND START UNDERSTANDING by applying this little quote in our life we can be the ones to save somebody's life, and to all the parents I have a special request to please make a connection with your child and just let them be who they are, they only need support from you.

Be an ally and help those in need, they are fighting their battle of recognizing their sexuality.

Once Dipak Mishra said “take me as I am. I am what I am”

I AM AN ALLY AND I SUPPORT YOU.

ARYA NAMDEO

BA POL. SCI. HONS

Lakshmibai College, University of Delhi



SEXUAL HARASSMENT AT THE WORKPLACE

Beauty provokes harassment, the law says, but it looks through men's eyes when deciding what provokes it... by Naomi Wolf

Introduction:-sexual harassment and discrimination have been a matter issue for a long time. In the era of the new generation and high competition for work, has laid to an increased rate of harassment and discrimination this can lead to an ill impact on the career and lives of women, men and transgender too, we just often remember women after hearing the term sexual harassment just due to gender inequality and gender norms, though they are mostly victim and are harassed and asked for a favour, touching, comments that have sexual meaning women's do face this, there are certain situation were male are the prey of harassment we often neglect but asking for a sexual favour from their wife's, daughter by their higher authority, boss, in the workplace just in barter of incrementation of salary, promotion and even for leave too, apart from men, women LGBTQA+ also suffer sexual, mental and harassment they are bullied or treat with contempt or ridicule way, not only in workplace but we often see them in everyday life.

We need to understand what basically sexual harassment is.

Basically Vishaka guideline called for the need to define sexual harassment, according to Equal Employment Opportunity Commission (EEOC) has defined sexual harassment as unwelcome sexual advances requests for sexual favour and other verbal or physical conduct of sexual nature.

So in simple words, sexual harassment is any unwanted or forced comment, action, or gesture that is sexual in nature, which can lead to feeling afraid uncomfortable, ashamed, or embarrassed, sexual harassment includes many things such as sexual assault, giving offensive remark, teasing remark, sexual look or gesture, facial expression, catcalling, stalking, and in today's online era non-consensual photo sharing...etc while giving offensive remark, discrimination on the basis of caste, colour, gender, religion, pregnancy discrimination, trauma centred feminism, harassment, inappropriate work hours, assault and exploitation this is called workplace discrimination as well as sexual harassment at workplace.

It may raise the question: what is a workplace?

As per section 2(o) of the POSH act workplace include any place visited by the employee arising out of or during the course of employment including transportation by the employer for undertaking such journey as well as a dwelling place or a house

The emergence of law regarding it:-

Harassment of women in the workplace in India was enlightening very first time in Vishaka vs the state of Rajasthan known as Vishaka's judgment is intense that safeguarding and safe environment to work should be provided to women but the case of Vishaka showcases the image of a such an instance of discrimination against women in this regard Supreme Court ruled the Vishaka guideline for protection of women from sexual harassment at workplace

The fact of the case:-

There was an immediate cause for giving site on gender justice there was a case of alleged brutal gang rape of a woman in the village of Rajasthan Bhanwari Devi she was a social worker who was gang raped for knowing social work of preventing child marriage, unfortunately, there was not much evidence the crime was dismissed but incidence enlighten among various social activist and NGOs for legislation for sexual harassment a woman at the workplace a writ petition was filed by certain social workers in NGOs under article 32 on the ground of violation of article 14 15 and 21 of the constitution.

Firstly, the court rules clearly it was a violation of Articles 14, 15, 19(1)(g) of the constitution and the court gave a sight on a few more provisions that are relevant to it in Articles 42 and 51A the court exercise of its power under article 30 of constitution laid down the guideline and norms specified for due observance at all workplaces for the court emphasized that this would be treated as law under article 141 of the Constitution. The curb of sexual harassment workplace laid down various guidelines

- 1)Duty of the Employer or other responsible persons in workplaces and other institutions
- 2)Definition
- 3)Preventive Step
- 4)Criminal Proceedings
- 4)Disciplinary Action
- 5)Complaint Mechanism
- 6)Worker's Initiative
- 7)Awareness
- 8)Third Party Harassment

The centre and state government were requested to consider and adopt legislation to ensure the guideline laid down should be followed in the public as well as the private sector and should be strictly observed in workplaces:-and cases of sexual harassment also fall under the provisions of the Indian Penal Code.

Important provisions under the Indian Penal Code (IPC): Section 354A of the Indian Penal Code defines sexual harassment S.326A. Voluntarily causing grievous hurt by use of acid, etc.326B. Voluntarily throwing or attempting to throw acidS.294. Obscene Acts and SongsS.354. Assault or Criminal Force to Woman with Intent to Outrage Her Modesty S.509: Word, Gesture Or Act Intended To Insult The Modesty Of A Woman.

These are sections under the Indian penal code for sexual harassment

And one more act was passed The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act was passed in 2013, defining sexual harassment, laying down the procedures for a complaint and inquiry, and the action to be taken.

-The effect of this law is threefold

1)prevention of hostile work environment

2)understanding unwelcomed behaviour

3)Quid pro quo harassment:- when demand for sexual favour is requested in exchange for a job, the person is at higher authority e.g.:- boss of a firm, company

There are many more cases, acts, guideline, and case laws for sexual harassment in the workplace but these were few mentioned above

Conclusion:-

Through this article I would like to take a sight at sexual harassment and discrimination in the workplace with the emergence of law, law has empowered women as well as men and given them a platform to raise their voice consequence addressing the problem to promote and incite a safe and healthy work environment and if someone is sexually harassed at the workplace

1)Get Informed

2)Keep a record. Write a detailed description of the incident(s) including what happened, where it occurred, when it took place and if there were any witnesses.

3)Ask them to stop

4)Address it.

5)Contact emergency services

NEHA HARJPAL

BA LLB

Kalinga University

WRESTLER'S PROTEST: WRESTLERS ARE SEEKING ARREST OVER AN ALLEGATION OF SEXUAL HARASSMENT AGAINST BRIJ BHUSHAN CHARAN SINGH.

On 18 January Wrestlers gathered at the kick point in Jantar Mantar and positioned allegations of sexual importunity against WFI principal Singh. Bajrang Punia said that he hovered to not contend in any transnational competition unless Brij Bhushan is removed from his post. The confederation is being run arbitrarily, Punia said. He also said that there are videos of Brij Bhushan abusing wrestlers. "While we are denied help and support of foreign trainers, the chairman has hired a foreign trainer for his own academy in Gonda," he said.

The sports ministry on 18 January (Wednesday) took cognizance of the sexual assault allegations brought by top wrestlers of the country against the Wrestling Foundation of India and asked the wrestling body to reply in 72 hours to the charges. Else, the ministry will do to imitate action against the confederation in terms of the vittles of the National Sports Development Code, 2011, the statement issued by the ministry said.

On 19 January BJP member and former wrestler Babita Phogat met the wrestlers and said she will speak to the government. Wrestlers meet Sports Minister Anurag Thakur at his hearthstone. The meeting lasts nearly five hours ending in the atomic hours but no result is set up.

On 20 January Wrestlers continued their kick, writing a complaint letter to the Indian Olympic Association chairman PT Usha. They again demanded WFI president Brij Bhushan Singh's abdication, demanded new trainers and physios for unborn training and asked for the training centre to be moved to Delhi and they also demanded fiscal support.

IOA constituted an oversight commission of a seven-member panel and made Mary Kon president of the Sports Ministry's Oversight Committee to interrogate allegations against the WFI chairman. So, the wrestlers decided to end their kick.

Anurag Thakur assured the wrestlers that their sweat would be fruitful but their kick wasn't taken further and was limited to paperwork only.

So they again started protesting on 23 April Wrestlers, including Punia, Vinesh Phogat and Sakshi Malik, returned to the kick point at Jantar Mantar. They said seven women's wrestlers, including a minor, filed complaints of sexual importunity and felonious intimidation against WFI president and BJP MP Singh on April 21 at the Connaught Place Police Station but when the police did not train FIRs, the wrestlers were impeached over the Supreme Court. Later, the police filed two FIRs, one under the POCSO Act and an alternate grounded on the complaints of adult women wrestlers.

The relaters, including Olympic losers Bajrang Punia and Sakshi and World Championship semi-finalist Vinesh Phogat, are leading the kick at Jantar Mantar. They have clung to their stage that the kick will only end when Singh is arrested under applicable sections.

Several Khab leaders, the planter union joined hands with protesting wrestlers and set May 21 deadline for progress in the case against Brij Bhushan Charan Singh.

The top growers body the Samyukta Kisan Morcha has blazoned a civil kick including in Delhi to support the protesting wrestlers. Farmer bodies SKM Morcha from Punjab, Haryana, Delhi, and Uttar Pradesh are anticipated to visit the kick at Jantar Mantar extending their support to the protesters.

They renewed the kick on 23 April and invited several Political Parties to join, several Political Parties have extended their support from Aam Aadmi Party to Congress leaders like Navjot Singh Siddhu, Jaen Chaudhary of the RLD, Arvind Kjarawal, Priyanka Gandhi all extended their support to the protesters. Sports personalities also support wrestlers.

On 7 May Protesting Wrestlers and others took out a night March at Jantar Mantar in New Delhi.

While demurrers can be an important way for people to express their opinions and bring attention to important issues, there can also be negative issues associated with them. Some possible negative issues of a kick include

1. Violence and property damage demurrers can occasionally escalate into violent clashes with law enforcement or counter-protesters, leading to injuries, property damage, and destruction of public and private property.
2. Dislocation of diurnal life demurrers can disrupt business and businesses, making it delicate for people to get to work or carry out their diurnal conditioning.
3. Apprehensions and legal consequences Protesting can occasionally affect apprehensions, forfeitures, or other legal consequences, which can have long-term effects on individuals' lives.
4. Counter reaction and polarization demurrers can occasionally induce a counter-reaction from those who differ with Page 1 of 2 the cause, leading to increased polarization and divisions within communities.
5. Ineffectiveness occasionally demurrers may not lead to the asked issues, similar as changes in policy or laws, and may not have a continuing impact on the issue being protested. It's important to note that not all demurrers have negative issues, and numerous successful social and political movements throughout history have been driven by demurrers and demonstrations. Still, it's important for protesters to be apprehensive of the implicit pitfalls and take a way to minimize the negative impacts of their conduct.

THE KERALA STORY

A tragic tale involves a group of Keralan women who joined the Islamic State of Iraq and Syria (ISIS) after converting to Islam. It emphasizes the risks of radicalization and the demand for more information and instruction on the subject.

All of the women, who were in their 20s, were from various regions of Kerala. In recent years, they had converted to Islam and were becoming more and more radicalized. They were drawn to the ideology of ISIS because it offered them a society based on Islamic ideals that were utopian. They travelled from India to Syria in 2016 and joined ISIS there. They were sent to fight for the terrorist organization after receiving training in combat and weapon handling. However, when they witnessed life under ISIS, their visions of an ideal society were dashed. They saw gruesome acts of violence, such as beheadings and executions. They observed how women were treated as inferiors and coerced into getting married to ISIS fighters against their will. They witnessed the brainwashing of kids into carrying out suicide bombings. The women remained committed to ISIS in spite of this. They had the conviction that they were defending a just cause and a better future for Muslims worldwide as a result of their actions.

However, when they observed that ISIS was gaining ground in Syria, their loyalty was put to the test. The coalition forces were retaking territory from the group, which was also being pushed back. The women started to fear for their lives because they were aware that they would suffer harsh punishment if they were captured by coalition forces.

The women turned themselves into Kurdish forces in Syria in 2019. They were detained and returned to India, where they had to stand trial for their affiliation with ISIS. India has been shocked by their story, which has led to concerns about the radicalization of young people there. Additionally, it has brought attention to the necessity of raising awareness of the risks posed by extremist ideologies.

The dearth of opportunities and education in these women's communities was one factor in their radicalization. They came from underprivileged backgrounds and had little access to jobs and education. They were more open to the false information spread by extremists that promised them a better life as a result.

The impact of social media was another factor. ISIS has been very successful at spreading its message and enlisting new members through the use of social media. The women were exposed to ISIS propaganda on social media, which led them to believe that joining the organization was the right decision.

To stop radicalization in the state, the Keralan government has taken action. It has introduced a program called "Jagratha" with the goal of educating people about the perils of extremism and fostering tolerance and harmony in society.

For children, teachers, and community leaders, the program includes workshops, seminars, and training sessions. In order to inform young people about the dangers of extremist ideologies, it also involves outreach programs in schools and colleges.

The Keralan government has also established a specialized unit to track social media activity and spot those spreading extremist ideas. To stop radicalization and take action against those who support extremism, the cell closely collaborates with law enforcement agencies.

The tale of these women from Kerala serves as a warning about the risks associated with radicalization. It emphasizes the need for greater knowledge of the problem and increased efforts to stop young people from being attracted to extremist ideologies.

We must understand that radicalization can occur anywhere, regardless of race or religion. To promote tolerance, comprehension, and respect for all cultures and religions, society as a whole must cooperate. The availability of education, employment opportunities, and positive role models who can direct our youth toward a fruitful future are other important considerations.

AARTI CHAUHAN

BA LLB

Kalinga University

GODDESS KALI POSTER - LEENA MANIMEKALAI

The Indian high commission appealed a case after the poster of a documentary directed by filmmaker Leena Manemalkai. She hurt religious sentiments for its depiction of the goddess Kali.

The Indian high commission has urged the Canadian authorities to withdraw the disrespectful depiction of Hindu gods. She is shown in the documentary film poster depicting goddess Kali as a smoking woman the poster also showed goddess Kali holding an LGBTQ community flag in the background of the poster. Many of the Hindu groups approached authorities in Canada to take action.

Meanwhile, filmmaker Leena Manemalkai has been in legal trouble after a police complaint was filed against her for hurting religious sentiments through a film poster of her documentary goddess Kali. A lot of people demand strict action against her and the #Arrest LeenaManemalkai is trending on Twitter.

Activist Rahul Eshwar has called it a hate poster and said that this is spreading hate against the Hindu community and defaming our deities.

Eshwar said Liberty comes along with sensitivity, freedom comes along with responsibility, can we live in the world without being sensitive, respectful, and responsible? What happened with the Kali poster is that Leena Manemalkai created a head poster against the Hindu community. She is disrespecting the Hindu goddess, Kali Maa.

Also, the Bhartiya Janata Party leader Shivam Chhabra filed a complaint against Leena Manemalkai for hurting the sentiments of the Hindu religion. Also, a complaint was filed with Amrutha Guguloth deputy commissioner of Delhi district police.

The complaint demanded punishment against Leena Manemalkai by taking strict action under section 295A of the Indian penal code, section 79 of IT Act 2000 and the Prohibition of indecent representation of Women Act 1986.

The Supreme Court transferred to the Delhi Police all criminal complaints registered against filmmaker Leena Manimekalai over her depiction of Goddess Kali smoking in a poster of her documentary film.

Transferring FIRs registered in different States to Delhi Police, a bench of Chief Justice DY Chandrachud, Justice Pamidighantam Sri Narasimha and Justice JB Pardiwala allowed Manimekalai to approach the Delhi High Court for quashing the FIRs registered against her.

“We order and direct that all the FIRs shall be transferred to the IFSO unit special cell, Delhi. The ad-interim protection, which was granted to protect the petitioner from coercive steps, shall continue to operate in relation to present or future FIRs. The Petitioner is at liberty to move the Delhi High Court to file a Section 482 plea,” the bench said in its order.

While giving her protection from coercive action, a Bench led by Chief Justice of India DY Chandrachud issued notices to the Centre and governments of Delhi, Madhya Pradesh, Uttar Pradesh and Uttarakhand on her petition.

“No coercive action should be taken against the petitioner in respect of the FIRs lodged against her. At this stage, it may be noted that lodging FIRs in multiple cases may be of serious prejudice. We are inclined to issue notice so that all FIRs can be consolidated in one place in accordance with the law,” the Bench said, noting that a lookout circular has been issued against her.

Her counsel Kamini Jaiswal submitted that there was no intention to hurt the religious feelings of people.

The filmmaker contended she has faced death threats and open calls for beheading after she tweeted the poster of her film. She has said the multiple FIRs against her amount to harassment and an infringement of her right to freedom of speech and expression.

She has also sought clubbing of the FIRs registered against her in Delhi, Uttar Pradesh, Madhya Pradesh and Uttarakhand over the poster. The filmmaker has urged the top court to stay the criminal proceedings emanating from these FIRs.

Manimekalai has said her attempt as a creative filmmaker was not to offend the religious sentiment of anyone but to depict the image of a radically inclusive goddess. She has said her documentary film shows the broadminded traits of the Goddess.

SWATI SINGH

BA LLB

Kalinga University

HARASSMENT THROUGH PHONE CALLS

Nowadays harassment through phone calls has become very common and people are receiving harassing phone calls. These calls include threats, humiliation, foul language or words that hurt other people. It goes very seriously because the person on the other side of the phone is a complete stranger.

These types of calls are considered a criminal offence in India, therefore there is a need to make people aware of it and to report that type of case as soon as possible.

A report of 2020 from Truecaller says that 'It has been noticed that in India, 8 out of 10 women receive inappropriate or harassment calls at least once in every week, and New Delhi, Kolkata, Chennai and Pune were top listed. At public places, restaurants or shopping centres, women usually give their mobile numbers to the counter boy which can be misused. With regards to taking action towards it, only 12% of women report such to the police authorities while the rest of 82% simply block the number but that is not the solution to it.

Blank calls also constitute harassment. These are made with the intention of just bothering the person.

What Is Harassment?

Harassment is something that people often get confused about while understanding. Any kind of virtual or physical act that disturbs or mortifies another person, or threatens one in any manner constitutes harassment. It is to be kept in mind that hurting someone like this is wrong and people must try not to commit such wrong.

Persons committing harassment can be made liable for both civil and criminal offences. The court takes into consideration several factors such as one's previous record, before deciding what charges should the defendant be charged with.

Identification Of Harassing Phone Calls

Not all undesirable phone calls come under the definition of harassment.

The following are the conditions under which an undesirable phone call constitutes the offense of harassment:-

- ☒ Somebody annoys or threatens you by continuously calling you.
- ☒ Making statements, comments or proposals that are offensive.
- ☒ Showing abusive telephone behaviour.
- ☒ Continues to converse without revealing actual identity.

EFFECT OF HARASSING PHONE CALLS

Unwanted harassment calls have a long list of consequences. Sometimes the harasser is a person you already know. Like a report of a survey, we can say that harassment phone calls in men and the harasser for men are mostly unknown but for women the harasser is mostly known as the one who already knows you but then also, they are harassing you trying to hurt you, disturb you. It is a feeling of humiliation and many people get irritated, depressed because of it.

A survey was conducted by Truecaller in 2019 on 2150 women aged between 15 to 35 years where they get to know in that report, the Report showed that 4 out of 5 women described that they feel irritated or they were in pain through these phone calls. And 1 out of 3 women reported that it left a psychological impact on their health. They feel ill most of the time. And this crime and the number of victims are rising yearly.

REMEDIES IN INDIA

For any bad thing that happens to you, the first thing that comes to your mind is to go to the nearest police station and file a complaint against the harasser. And as proof and for information such as recording the voice, time and date of the phone calls work as good support to the police for catching the harasser. And the FIR must be submitted by the victim on receiving phone calls over a long period.

Several provisions are made under statutes in India so as to punish the accused and provide justice to the victim.

THE LIST OF PROVISIONS:-

Section 354A of the Indian Penal Code [1].

Under this law, any person who asks for sexual favour or makes expensive sexual comments shall be held guilty of the offence of sexual harassment and will be punished with imprisonment up to 3 years or fine, or both.

Section 353D of Indian Penal Code:-

It states that if a person often proceeds towards a woman for a sexual relationship despite her being disinterested shall be punished with imprisonment of 3 years with a fine.

Section 506 of the Indian Penal Code:-

The clause states that if a person is guilty of the offence of criminal intimidation shall be subjected to 7 years imprisonment along with a fine.

Section 507 of the Indian Penal Code:-

Anyone who attempts to frighten or terrify a woman through unidentified communications will be punished with 2 years imprisonment in addition to the punishment given under Section 506.

Section 509 of the Indian Penal Code:-

It states that if anyone insults your humility on a phone call, then in such a case he will be punished with imprisonment of 1 year along with a fine.

CONCLUSION

Harassment through phone calls is a day by day rising issue where people are going through it and getting irritated, sometimes hurt by it and for some people it is like an ongoing pain and they don't feel safe they feel harassed by a stranger and for the problems various provisions are there and it's better to keep everyone safe and the harasser and support victims.

SAMRIDDHI SHUKLA
BA LLB
Kalinga University

RIGHT TO INFORMATION UNDER THE CONSTITUTION

According to the Indian Constitution, the right to information, the right to know, or even the freedom of information, is not a fundamental right. The right to read, listen to, and receive speech is also guaranteed by Article 19 (1) (a) of the Indian Constitution, but it is subject to restrictions set forth in Article 19 (2), which gives the State the authority to impose "Reasonable Restriction." These limitations include those pertaining to national security, friendly relations with other countries, public order, morality, decency, and defamation as well as the integrity and sovereignty of the nation.

Freedom of expression and speech as provided under the Constitution is aimed to achieve the following purposes (1) It provides an individual to achieve a sense of self-fulfilment (2) It helps in the discovery of facts (3) It develops the capacity of a person in decision making and (4) It helps in establishing a reasonable and proper balance between social change and stability.

All individuals in a society or the public at large should be able to form and follow their own beliefs and develop free communication among them. In a democratic society, the People's right to know has received generous support from administrators, rulers and from the public at large.

The Universal Declaration of Human Rights, 1948 Article 19 provides that everyone has the right to freedom of opinion and expression. This right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of priorities. International comment on civil and political

rights specifically provides this right that everyone shall have the right to hold their opinions without interference.

Everyone has the right to freedom of expression. This right includes the right to information and ideas orally, in writing, in print or through other media such as electronic or print media.

The right to information must apply not only to states but also to universities, insurance companies, finance, transport, etc. According to P.B. Justice, chairman of the Indian Press Council, according to Sawant, the main cause of corruption in society is information barriers disguised as the Official Secrets Act of 1923 and the Commission of Inquiry Act of 1952. In recent years, numerous cases of arbitrary decisions, secret dealings, and embezzlement of public funds have been identified.

The transparency of government work and its dealings is not open to the public, and this only adds to the level of corruption in public life. "Sunlight is the best disinfectant" and the right to information proving effective disinfectants.

The Right to Information in the U.S.A. and U.K.

The Freedom of Information Act, of 1966 of the USA has been introduced with the object to provide the right to information to any person, corporation or association who can seek and would have access to information. However, such freedom of information as a right is limited to the executive branch of the government and the Central agencies. But the Congress, the Federal Court or units in the executive office of the President do not come within the ambit of the said Act.

In 1994, the United Kingdom introduced a Code of Practice, under which one can have access to Official Information which provides the publication of certain official information as mandatory.

Right to Information in India

The Supreme Court has in a number of cases upheld that the right to information and freedom of the press are the most important substances in a democratic country like India.

In *M.S.B. Secy, & Higher Education v. Panitosh* the Supreme Court overruled the judgment of the Bombay High Court and held that an examiner has the right to access his answer book.

The State of Tamil Nadu has become the flag bearer State to pass a Right to Information Act, 1997 and under the Act, the public has been provided a statutory right to know in detail about the schemes of the government.

CHANGED SCENARIO

The Right to Information Act, 2005 Purpose. An act to give for setting out the practical governance of the right to information for citizens to secure a class to information under the control of public authorities, in order to promote translucency and responsibility in the working of every public authority, the constitution of a Central Information Commission and State Information Commission and for matters connected therewith or incidental thereto. Whereas the Constitution of India has established popular democracy, a republic requires an informed populace and translucency of information which are vital to its functioning and also to contain corruption and to hold the Government and their agents responsible to the Governed. The right to information as proffered in the Right to Information Act, of 2005 is the capstone of a stage in the advancement of mortal civilization. It's the personification of one of nature's facades in the republic flourishing in the country. This right is also an indicator of the growth of mortal rights and liberties in their vital pulsations, spontaneously, flowing from the popular credentials of the country. In India, the Right to Information Act, 2005 has been legislated with effect from 15th June 2005.

It is true that after enforcement of the present Right to Information Act, 2005 the entire scenario of functioning of the public authority, government and non-government body is subjected to public scrutiny at large.

MASOOD AHMED

LLB

Kalinga University

RIGHT TO PRIVACY WITHIN THE AMBIT OF THE CONSTITUTION

The Indian Constitution doesn't specifically give the "right to sequestration" as one of the abecedarian rights guaranteed to the Indian citizen; still, this right is defended under the Indian Penal Code and Indian Substantiation Act. The "right to sequestration" is an important natural need of every human being as it creates boundaries around an existence where the other person's entry is confined. The right to sequestration prohibits hindrance or intrusion in others' private life. A hindrance in the sequestration of a person endangers his particular liberty in the matters of family affairs, marriage and coitus which need unrestricted door treatment. If the right to sequestration isn't guaranteed as an abecedarian right of an individual the veritable purpose of particular liberties which are handed and guaranteed by the Indian Constitution will be a mockery. According to Composition 21 of the Constitution "no person shall be deprived of his life, particular liberty except according to procedure established by law" The Apex Court has proffered and considered the right to sequestration on a number of occasions. The Apex Court has easily affirmed in its judicial pronouncements that the "right to sequestration" is veritably much a part of the abecedarian right guaranteed under Composition 21 of the Indian Constitution. In *Kharah Singh v. State of U.P.*, the Court has held that the expression "life" under Article 21 of the Constitution isn't confined to physical restraint to capture only. The Apex Court further held that the domiciliary visits of the police were an irregularity in a person's particular liberty. An unauthorised hindrance or intrusion into a person's home and the disturbance caused to him is the violation of the particular liberty of an existent which has been guaranteed by the Constitution.

The expression "life" as used in Article 21, means something more than mere animal existence.

In another case, **Maneka Gandhi v. Union of India**, the Apex Court has widened the scope of the expression "Personal liberty" and observed "The expression personal liberty in Article 21 is of the widest amplitude and it covers a variety of rights which go to constitute the personal liberty of man and some of them have been raised to the status of fundamental rights and given additional protection under Article 19.

In **Govind v. State of Madhya Pradesh**," the Apex Court observed that "The Right to personal liberty, the right to move freely and the freedom of speech create an independent right of privacy as an emanation from them which can be characterised as a fundamental right. The "right to privacy" would necessarily have to go through a process case by case development.

In **State of Maharashtra v. Madhuker Narain Mardikar**. The Supreme Court has held that "Even a woman of easy virtue is entitled to privacy and no one can invade her privacy as and when he likes. In view of Apex Court's judgment, no person is authorised to violate or to make an intrusion.

In **People's Union of Civil Liberties v. Union of India**, the Apex Court has said that telephone tapping is a serious invasion of an individual's privacy. With the growth of highly sophisticated communication technology, the right to hold conversations, in the privacy of one's home or office without interference, is increasingly susceptible to abuse. Telephone tapping would attract Article 21 unless it is permitted under the procedure established by law.

The right to privacy is a human right which has been recognised in Article 8 of the European Convention on Human Rights, 1950, which reads as follows: "Everyone has the right to respect for his private and family life, his home and his correspondence.

According to Article 8 (2) of the Convention, there shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interest of national security, public safety or economic well-being of the country, for the prevention of disorder or crime, for the protection of wealth or morals or for the protection of the rights and freedom of others.

In the USA. The right to privacy has been upheld by the Supreme Court in a number of cases. In the U.K. the right to privacy was initially recognised in *Prince Albert Strange* This right has been extended to private communication between husband and wife.

In the view of the Apex Court "right to privacy" is a part of fundamental right under Article 21 of the Indian Constitution, However, its extent and scope are not clearly elaborated. A right without proper elaboration is a right without protection. Therefore, conceptual ambiguity and uncertainty deserve to be removed so that the "right to privacy" is exercised and recognised in its real sense. The right to privacy" should be provided under the Indian Constitution as a part of the fundamental right. It may be possible by way of a Constitutional Amendment, whereby the "right to privacy" either be added in Article 21 of the Constitution or a new clause may be added in Article 19 of the Indian Constitution. However, to maintain a reasonable balance between an individual's privacy and social exposure subject to judicial control is necessary. The right to privacy" is the most essential right which is also regarded as a human right.

ASNA JABI
BA LLB
Kalinga University



CURRENT AFFAIRS

- 1) On March 1, 2022, the National Commission for Protection of Child Rights (NCPCR) marked its 17th Foundation Day.
- 2) The Union government amended the 2002 Flag Code of India, to allow the manufacture and import of machine-made polyester national flags.
- 3) On 5th March 2022, the Haryana government introduced the “Haryana Prevention of Unlawful Conversion of Religion Bill, 2022” in the Vidhan Sabha (State legislative assembly).
- 4) The 73rd and 74th amendments provided compulsory reservation for SCs, STs, and women in Panchayats and Municipalities.
- 5) Dubai has introduced crypto asset regulation, joining the ranks of Singapore, the United States, the United Kingdom, El Salvador, and other countries that have enacted cryptocurrency laws.
- 6) The Centre decided to table the Constitution (Scheduled Tribes) Order (Amendment) Bill in the Lok Sabha during the Second part of the Budget Session of Parliament.
- 7) On 15th March a three-judge Bench of the Karnataka High Court (HC) gave a verdict on the petitions related to banning Hijab (headscarf) in Karnataka's educational institutions. The high court ruled that wearing hijab by Muslim women is not a part of essential religious practices in Islam.

- 8) The Assembly of Haryana has passed the “Haryana Prevention of Unlawful Conversion of Religious Bill, 2022.” According to the government of Haryana, this Bill is aimed to prevent religious conversions through force.
- 9) The government has initiated the process of amendment to laws such as the Code of Criminal Procedure, the Indian Penal Code, and the Indian Evidence Act with the aim of making comprehensive changes in the criminal laws of the country.
- 10) On 23rd March 2022, the Supreme Court announced that states are eligible to tax lottery schemes that are operating within the territories of the state as it falls under the activity of betting and gambling which comes under taxation covered under the State List.
- 11) The Lok Sabha has passed the Delhi Municipal Corporation (Amendment) Bill so that three municipal corporations of Delhi (MCD) can be merged into a single and integrated entity so that a robust mechanism can be implemented for ensuring optimal utilization of resources and strategic planning.
- 12) Joe Biden, the president of the US has signed a law that makes lynching a hate crime in the United States of America. The bill for this was earlier passed by the Senate of the US in March 2022.
- 13) The Indian government has introduced the Indian Antarctic Bill-2022, around 40 years after the country had first signed the Antarctic Treaty. This bill has been introduced to monitor and regulate activities at its research stations that are located in Antarctica.
- 14) The Lok Sabha has passed the Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Amendment Bill, 2022.
- 15) On 10th April 2022, Imran Khan's term as Pakistan's Prime Minister ended after days of constitutional chaos in Pakistan that left him with no choice but to be voted out of office or to resign.
- 16) The European Union finalized new legislation that will require the world's big tech companies to remove harmful content. This is the latest move of the union to regulate the world's online giants.
- 17) The Delimitation Commission on Jammu and Kashmir signed its final order redrawing the Jammu and Kashmir assembly constituencies.

- 18) The Unique Identification Authority of India (UIDAI) has told the Delhi High Court that fingerprints found at a crime scene cannot be matched against the Aadhaar database to identify criminals.
- 19) The Delhi High Court (HC) recently scrapped a proposed scheme of the Delhi cabinet. The scheme was to supply rations at the doorstep of beneficiaries through government-empanelled direct-to-home delivery agencies.
- 20) The Supreme Court passed an order recognizing sex work as a “profession” and said that its practitioners across the country are entitled to equal protection as well as dignity under the law of the nation.





**KALINGA
UNIVERSITY**



Kotni, Near Mantralaya, Naya Raipur,
Chhattisgarh - 492101, India



www.kalingauniversity.ac.in