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Intellectual Property Rights in The Indian Entertainment Industry: Emerging Issues in Music, Cinema and OTT Platforms

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Abstract

India's entertainment economy increasingly depends upon digital circulation, platform licensing and data-driven distribution. Music is consumed through streaming services, films move rapidly from theatres to online platforms, and over-the-top services commission, acquire and exploit content across multiple territories. These developments have expanded audiences and created new markets, but they have also exposed structural weaknesses in the protection and administration of intellectual property rights. This article examines emerging copyright and related-rights issues affecting music, cinema and OTT platforms in India. It adopts a doctrinal and analytical method, relying on the Copyright Act, 1957, the Copyright (Amendment) Act, 2012, the Information Technology Act, 2000, the Cinematograph Act, 1952 as amended in 2023, relevant rules, international instruments and judicial decisions. The article argues that the principal difficulty is not the absence of rights, but the fragmentation of ownership, licensing and enforcement. A single song or film may contain separate rights in lyrics, composition, sound recording, screenplay, performance, artwork and the audiovisual work itself. Digital exploitation further divides these rights by territory, language, duration, device, subscription model and mode of communication. Disputes therefore arise over royalty sharing, statutory licensing, online streaming, platform liability, piracy, synthetic performances, voice cloning and the commercial use of celebrity identity. Indian courts have responded through intermediary-liability principles, dynamic injunctions and personality-rights remedies, yet the legal position remains uneven in relation to generative artificial intelligence, transparent royalty accounting and cross-platform licensing.

The article recommends clearer digital licensing standards, auditable royalty systems, stronger collective management, proportionate notice-and-action procedures, technologically informed anti-piracy remedies and a consent-based framework for artificial intelligence uses of voice, likeness and performance. A coherent approach must protect creators and performers without imposing indiscriminate liability on legitimate intermediaries. Such balance is necessary to sustain cultural production, promote lawful digital markets and preserve public access to diverse entertainment in India.

Keywords: *Intellectual property rights, copyright, music industry, cinema, OTT platforms, digital piracy*

Introduction

Transformation of the Indian Entertainment Industry

The Indian entertainment industry has undergone a fundamental transformation during the last two decades. Traditionally, music was commercially distributed through physical records, cassettes and compact discs, while films were primarily exhibited in cinema theatres and subsequently broadcast on television. Digital technology has disrupted this linear model. Songs are now streamed through subscription services, films are licensed to over-the-top platforms, and promotional material circulates through social media and audience's access content through multiple devices. This transformation has expanded the commercial value of intellectual property. Copyright is no longer relevant only at the stage of producing a song or film. It determines how that content may be streamed, downloaded, reproduced, dubbed, subtitled, adapted, sampled, remixed, promoted and commercially exploited across territories. The Copyright Act, 1957 protects original literary, dramatic, musical and artistic works, cinematograph films and sound recordings, while also recognizing rights relating to performances and broadcasts. [1] Entertainment content, however, does not ordinarily consist of one indivisible intellectual property right. A song incorporated into a film may involve copyright in the lyrics, musical composition and sound recording, along with the performer's rights of singers and musicians. A film may contain a screenplay, dialogue, music, choreography, artistic works, costumes, performances and an independently protected cinematograph film.

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Consequently, legal permission from the owner of one component does not automatically authorize the exploitation of every other component.

Statement of the Research Problem

Indian copyright law formally recognizes several categories of works and exclusive rights. Nevertheless, digital entertainment markets continue to experience disputes involving ownership, royalty sharing, unauthorized streaming, platform liability, online piracy, sampling, remakes, and voice cloning and artificial intelligence-generated performances. **The central problem is therefore not simply whether copyright exists. The more difficult questions concern:**

i. who owns each right;
ii. whether the right was validly assigned or licensed;
iii. whether the contract covers new forms of digital exploitation;
iv. whether authors and performers remain entitled to royalties;
v. whether an online platform is a direct exploiter, publisher or intermediary;
vi. what remedies are proportionate against online infringement; and
vii. How existing law should address synthetic voices, digital replicas and generative artificial intelligence.

The absence of transparent licensing and royalty information can place lyricists, composers, singers, screenwriters and other individual creators in a comparatively weak bargaining position. At the same time, excessive or indiscriminate enforcement may interfere with lawful criticism, review, parody, technological innovation and the legitimate operation of online intermediaries.

Objectives of the Study

This article has the following objectives:

1) To examine the intellectual property framework governing the Indian music, cinema and OTT industries.
2) To identify emerging copyright and related-rights disputes resulting from digital distribution.
3) To analyze the rights of authors, producers, performers, broadcasters and online platforms.
4) To evaluate judicial responses to streaming, piracy, intermediary liability and personality-right violations.
5) To examine the legal implications of artificial intelligence, deep fakes and voice cloning.
6) To recommend reforms that balance creative protection, technological development and public access.

Research Methodology

The study follows a doctrinal and analytical research methodology. Primary materials include the Copyright Act, 1957, the Copyright Amendment Act, 2012, the Information Technology Act, 2000, the Cinematograph Act, 1952 as amended in 2023, the Information Technology Rules and relevant judicial decisions. International instruments, particularly the WIPO Performances and Phonograms Treaty and the Beijing Treaty on Audiovisual Performances, have also been considered. These instruments are relevant because entertainment content is routinely transmitted across national borders and because performers' economic and moral interests extend beyond conventional copyright ownership.[2] (WIPO)

Intellectual Property Framework Governing Entertainment Content

Copyright as a Collection of Distinct Rights

Copyright is not a single permission controlling every possible use of a work. It is a collection of exclusive rights that may include reproduction, communication to the public, adaptation, translation, distribution and the making of copies. The scope of protection depends upon the category of work involved.[3] For example, a musical composition and the sound recording embodying that composition is legally distinct. A producer who owns the sound recording does not necessarily own the underlying lyrics or composition. Similarly, copyright in a film does not automatically extinguish the independent legal interests of the screenplay writer, lyricist, composer or performer. This distinction is crucial for digital entertainment transactions. An OTT platform acquiring the right to stream a film must ensure that the producer possesses sufficient rights over the music, performances, artwork, archive footage and other incorporated material. A defect in any part of the chain of title may expose both the producer and the platform to infringement proceedings.

First Ownership and Contractual Allocation

Section 17 of the Copyright Act establishes rules concerning the first ownership of copyright, subject to statutory exceptions and contractual arrangements. In the entertainment industry, ownership is frequently reorganized through employment contracts, commissioning agreements, production agreements, assignments and licenses.[4] Historically, producers and music companies often obtained extensive assignments from individual creators. In Indian Performing *Right Society Ltd. v. Eastern Indian Motion Pictures Association*, the Supreme Court considered the relationship between film producers and authors of musical and literary works incorporated into films. The decision reflected the production structure prevailing before the significant statutory changes introduced in 2012.[5] The Copyright Amendment Act, 2012 sought to correct aspects of this imbalance. Sections 18 and 19 now protect the right of authors of literary and musical works incorporated into cinematograph films and sound recordings to receive royalties in specified circumstances. The statutory right to receive an equal share of royalties cannot ordinarily be assigned or waived contrary to the legislative safeguards, except in favour of legal heirs or a copyright society established for collection and distribution.[6] These protections are particularly significant for lyricists and composers because a work created for one film may continue to generate income through radio broadcasts, streaming services, public performances, ringtones, short-video platforms and later technological formats.

Assignment and New Modes of Exploitation

Section 19 requires an assignment to identify the work, rights assigned, duration, territorial extent and royalty or consideration. It also addresses modes of exploitation that did not exist or were not commercially used when the assignment was executed.[7] This requirement has practical importance in the transition from physical distribution to digital streaming. A contract drafted when music was sold mainly through cassettes or compact discs may not clearly authorize subscription streaming, algorithmic playlists, ad-supported services, interactive listening or use in short-form videos. Courts must then determine whether broad contractual expressions such as "*all media*" and "*all formats*" genuinely cover the later technology. Contracts should therefore avoid vague and perpetual transfers. Digital rights should be identified by service, territory, language, term, business model and permitted mode of exploitation. Separate provisions should address future technologies, artificial intelligence use, metadata, and reporting and royalty audits.

Rights of Performers

Performers are not merely the physical means through which an author's work is communicated. Their voice, interpretation, expression and reputation may possess independent economic value. Sections 38, 38A and 38B of the Copyright Act recognise performers' rights, including economic rights and moral interests concerning attribution and prejudicial distortion.[8] (Copyright Office India) The WIPO Performances and Phonograms Treaty similarly protects performers and producers of phonograms in the digital environment. It addresses reproduction, distribution, rental, making available, technological protection measures and rights-management information. The Beijing Treaty extends international recognition to performers in audiovisual productions.[9] (WIPO) These protections have acquired renewed significance because technology can now extract, reproduce and synthesis the characteristics of a performance without recording a new human performance.

Emerging Intellectual Property Issues in the Music Industry

Fragmented Ownership of Musical Content

A commercially released song may involve at least four different legal interests:

1) copyright in the lyrics;
2) copyright in the musical composition;
3) copyright in the sound recording; and
4) Rights of the singer and other performers.

Where the song forms part of a film, the producer may also possess copyright in the cinematograph film. Music labels, publishers, collecting societies, performers and digital platforms may therefore hold or administer different rights in the same commercial track. Fragmentation becomes particularly complicated when a platform offers a catalogue containing thousands or millions of songs. The platform must identify the applicable owners, territories, periods, royalty structures and permitted uses. Inadequate ownership records may result in duplicate claims, unpaid royalties or the temporary removal of content.

Streaming Services and Statutory Licensing

Section 31D of the Copyright Act permits a broadcasting organisation, subject to statutory conditions, to communicate published literary and musical works and sound recordings to the public under a statutory licence.[10] (Copyright Office India) A major controversy has been whether an interactive internet-streaming service qualifies as a broadcasting organisation for this purpose. In *Tips Industries Ltd. v. Wynk Ltd.,* the Bombay High Court held that the statutory licence under Section 31D was not available to the defendant's on-demand internet-streaming and download service. The Court distinguished conventional broadcasting from an interactive service in which users select particular recordings at their preferred time.[11] (Indian Kanoon) The decision illustrates the difficulty of applying statutory terminology developed around traditional broadcasting to digital platforms. Streaming services differ from radio because users exercise greater control over what they hear, when they hear it and whether the recording is temporarily or permanently stored.

A future legislative clarification should distinguish among:

1) non-interactive internet radio;
2) personalized but non-selectable streams;
3) fully interactive on-demand streaming;
4) temporary offline access; and
5) Permanent digital downloads.

Treating all these services identically would overlook their different commercial effects upon copyright owners.

Copyright Societies and Royalty Transparency

Copyright societies perform an important role where individual licensing would be inefficient. Sections 33 to 35 regulate the registration, administration and control of copyright societies, including their relationship with authors and rights holders.[12] Collective administration can reduce transaction costs by allowing broadcasters, venues and digital services to obtain licenses covering large repertoires. However, its legitimacy depends upon accuracy and transparency. Authors must **be able to understand:**

1) which works are registered;
2) which users have paid licence fees;
3) how usage has been measured;
4) which deductions have been made;
5) how unclaimed royalties are handled; and
6) When payment will be distributed.

Digital music services already generate detailed data concerning streams, territories, listener activity and subscription categories. Royalty systems should use this data to create verifiable distribution statements. A creator should not be expected to accept an unexplained consolidated payment when work-level information is technologically available.

Cover Versions, Remixes and Sampling

Section 31C provides a statutory framework for cover versions, subject to prescribed conditions.[13] (Copyright Office India) However, contemporary musical practices frequently extend beyond conventional cover recordings. Producers may sample a few seconds of an earlier recording, reconstruct a

well-known melody, alter the tempo of a song, create a mash-up or incorporate a recording into a short promotional clip. Sampling may implicate both the underlying composition and the sound recording. The fact that a sample is brief does not automatically make the use lawful. The legal analysis should consider whether a protectable portion has been reproduced, whether the use falls within a statutory exception, and whether the resulting work substitutes for or commercially exploits the original. Remixes also raise questions about the author's and performers moral interests. A technically altered version may remain commercially successful while presenting the original contribution in a distorted or reputationally harmful manner.

User-Generated Content and Short-Video Platforms

Short-video and social-media platforms have made songs central to user-generated content. Individuals use commercially released music in dance videos, memes, advertisements, political communication and influencer promotions. Some uses may be licensed through platform-level arrangements, while others may fall outside the platform's licensed catalogue or territorial permissions. The legal consequences should not depend solely upon the duration of the clip. A short use may still reproduce the most recognizable and commercially valuable part of a song. Conversely, rigid enforcement against every incidental or transformative use could suppress commentary, parody and cultural participation. Section 52 recognizes specified acts that do not constitute infringement, including fair dealing for purposes such as private or personal use, criticism, review and reporting current events.[14] It also contains provisions addressing certain forms of transient or incidental storage. These exceptions must be applied according to the purpose and context of the use rather than through an automatic numerical formula based on seconds or percentage.

Artificial Intelligence and Voice Cloning

Artificial intelligence tools can now imitate the voice of a singer, transform one voice into another and generate new songs resembling the style of an established performer. These activities raise overlapping questions concerning copyright, performers' rights, personality rights, passing off, privacy and consumer deception. A person's voice is not necessarily protected as a conventional copyright work in isolation. Nevertheless, an unauthorized synthetic reproduction may exploit the commercial identity and reputation associated with that voice. It may also involve the use of protected recordings as training material or source input. In *Arijit Singh v. Codible Ventures LLP*, the Bombay High Court granted protection against unauthorized commercial exploitation of the singer's personality attributes, including his voice, name, image and likeness in the context of artificial intelligence and digital uses.[15] WIPO has discussed the dispute as an important illustration of the legal challenges created by AI voice cloning. (latestlaws.com). The problem cannot be resolved only through traditional copyright ownership. A producer may own a particular sound recording without possessing an unlimited right to create an artificial replica of the singer for unrelated future performances. Contracts should separately address digital simulation, voice models, synthetic performances, posthumous uses and the training of artificial intelligence systems.

Emerging Intellectual Property Issues in Cinema

Composite Nature of Cinematograph Films

A cinematograph film is both an independent copyright work and a collection of underlying contributions. The producer usually coordinates financing, commissioning, production and distribution. Nevertheless, the film may incorporate protected material contributed by screenwriters, dialogue writers, composers, lyricists, performers, choreographers, photographers and designers. The legal distinction between an idea and its expression is especially important in cinema. In *R. G. Anand v. Deluxe Films*, the Supreme Court held that copyright does not protect an abstract idea, theme or subject matter, but it may protect the particular form in which that idea is expressed.[16] Consequently, two films may lawfully address the same general social issue while differing substantially in plot, characters, sequence and treatment. At the same time, reproducing a substantial and recognizable arrangement of another screenplay cannot be defended merely by identifying minor differences.

Chain of Title and OTT Acquisition

Before acquiring a film, an OTT platform should verify the producer's chain of title. This involves more than obtaining a **declaration that the producer owns the film. The platform must review agreements concerning:**

1) screenplay and dialogue;
2) adaptation or remake rights;
3) music and background scores;
4) performances;
5) archive footage and photographs;
6) brands and artistic works appearing on screen;
7) dubbing and subtitling;
8) publicity and merchandising; and
9) Territorial and digital distribution rights.

A platform may acquire exclusive streaming rights without acquiring theatrical, satellite, airline, music, remake or merchandising rights. The licence should therefore specify the exact rights granted and the rights expressly reserved. The contract should also clarify whether the platform may edit the film, produce trailers, create clips, generate thumbnails, prepare dubbed versions, use still images for promotion and make the content available through third-party distribution partners. These operational uses should not be left to implication.

Digital Release Windows and Territorial Restrictions

The commercial exploitation of films traditionally followed sequential windows: theatrical exhibition, home video, satellite television and later digital availability. OTT platforms have altered this structure

by commissioning direct-to-digital films and negotiating shorter theatrical windows. Windowing disputes can arise where one distributor releases content before another licensee's exclusive period has expired. Territorial restrictions are similarly difficult to enforce because virtual private networks, account sharing and cross-border access may allow users to circumvent geo-blocking. Licenses should define territory not only by the subscriber's registered address but also by the location of access, payment instrument and technical availability. Nevertheless, platforms must avoid disproportionate surveillance of viewers. Copyright enforcement should remain consistent with privacy, data-protection and consumer-protection principles.

Film Piracy and Camcording

Film piracy may occur through camcording in theatres, leaked pre-release copies, credential theft, screen recording, unauthorized restreaming and pirate websites. A single unlawful high-quality copy can be reproduced globally within hours. The Cinematograph Amendment Act, 2023 introduced Sections 6AA and 6AB, addressing unauthorized recording and exhibition of films. Contravention may attract imprisonment ranging from three months to three years and a fine extending from ₹300,000 to five per cent of the audited gross production cost of the film. The amended legislation also preserves remedies available under copyright and information-technology law.[17] (India Code) Criminal penalties may deter organized piracy, but enforcement should distinguish commercial pirate operations from minor, non-commercial acts. A proportionate system should prioritize those who obtain, upload, sell or systematically distribute infringing copies.

Dynamic Injunctions Against Rogue Websites

Conventional injunctions become ineffective when a pirate website changes its domain name, mirror address or technical location after being blocked. In *UTV Software Communication Ltd. v. 1337X.*to, the Delhi High Court recognised the use of dynamic injunctions against rogue websites. The remedy allows substantially identical mirror or redirects sites to be brought within the blocking order without requiring the copyright owner to commence a completely new suit for each domain.[18] Indian courts continue to rely upon dynamic and modified dynamic injunctions in online piracy proceedings. The approach has strengthened enforcement against organized infringement, although blocking orders should contain safeguards to prevent lawful domains and non-infringing content from being disabled. (Indian Kanoon) A balanced **blocking order should provide:**

1) precise identification of the infringing location;
2) evidence that the site is primarily engaged in infringement;
3) a process for adding genuine mirror sites;
4) a mechanism for affected third parties to seek correction;
5) periodic review; and
6) Restoration where the infringing material has been removed.

Performers, Deep fakes and Digital Replicas

Cinema performers face risks extending beyond unauthorized reproduction of films. Deepfake technology can place an actor's face in a fabricated scene, imitate speech, create false endorsements or generate entirely synthetic performances. In *Anil Kapoor v. Simply Life India*, the Delhi High Court restrained unauthorized commercial exploitation of the actor's name, image, likeness, voice and other personality attributes. The order reflected judicial recognition that digital technology can misappropriate identity even where the dispute does not fit neatly within conventional copyright categories.[19] (Indian Kanoon) Personality rights should not, however, become an unlimited power to prevent criticism, satire, news reporting or legitimate artistic reference. Protection should focus upon deceptive endorsement, commercial appropriation, reputational harm and unauthorized synthetic substitution.

Intellectual Property Challenges for OTT Platforms

Multiple Legal Roles of OTT Services

An OTT service may perform several legal roles simultaneously. It may:

1) commission original productions;
2) acquire exclusive or non-exclusive licenses;
3) publish and curate audiovisual content;
4) provide technical hosting or distribution;
5) produce trailers and promotional material;
6) collect user data and recommend content; and
7) Distribute its service through telecommunications or device partners.

Its liability depends upon the function involved. A platform that commissions and publishes an original series cannot ordinarily characterize itself as a passive intermediary for that content. Conversely, where it merely stores material uploaded by independent users, intermediary-liability principles may become relevant.

Licensing of Original and Acquired Content

OTT contracts frequently grant rights through expressions such as "digital rights," "new-media rights" or "all electronic media." Such expressions may be insufficient where the parties later dispute whether the licence included downloads, mobile exhibition, educational screening, airline use, interactive content or artificial intelligence applications.

A comprehensive OTT licence should specify:

1) exclusive or non-exclusive character;
2) licensed territory;
3) languages;
4) subscription, advertising and transactional models;
5) permitted devices;
6) streaming and download rights;
7) term and renewal;
8) promotional use;
9) editing, dubbing and subtitling;
10) accessibility versions;
11) sublicensing and distribution partners;
12) artificial intelligence use;
13) reporting and audit rights; and
14) post-expiry removal procedures.

Broad drafting should not be used to conceal unequal bargaining power. Creators should understand the commercial consequences of assigning worldwide, perpetual and transferable rights.

Intermediary Liability and Safe Harbour

Section 79 of the Information Technology Act provides conditional protection to intermediaries in relation to third-party information, provided they satisfy statutory requirements and observe due diligence. Safe harbour does not provide automatic immunity for an entity that actively selects, modifies or commercially exploits infringing content. In *MySpace Inc. v. Super Cassettes Industries Ltd.*, the Delhi High Court examined the relationship between copyright enforcement and intermediary liability. The decision rejected an impracticable expectation that intermediaries must independently identify every possible infringement in advance, while recognizing obligations following sufficiently specific knowledge of infringing material.[20] The principles concerning "actual knowledge" were also shaped by the Supreme Court's interpretation of intermediary obligations in *Shreya Singhal v. Union of India*. Notice-and-action systems should identify the exact work and location alleged to be infringing. General demands to prevent all present and future infringements of a large catalogue may result in excessive filtering and removal of lawful material. (Indian Kanoon)

Fair Dealing, Reviews, Memes and Fan Content

OTT content is frequently used in video essays, reviews, reaction videos, classroom discussions, parody, memes and fan edits. Not every use of a film clip constitutes infringement. Section 52 protects specified fair-dealing purposes, including **criticism, review and reporting current events.[21] The inquiry should consider:**

1) the purpose of the use;
2) the quantity and qualitative importance of material taken;
3) whether the use is transformative;
4) whether acknowledgement was provided where appropriate;
5) whether the use competes with the original; and
6) Its effect on the potential market.

A reviewer may need to show portions of a film to analyze its direction, acting or social message. By contrast, uploading a sequence of lengthy clips that effectively substitutes for viewing the original would be difficult to justify as criticism or review. Automated content-identification systems should therefore provide a meaningful process for disputing wrongful removal. A purely automated decision cannot reliably determine satire, criticism, contextual transformation or the public-interest value of a use.

Technological Protection and Rights-Management Information

Digital entertainment services commonly use encryption, access controls, watermarking and digital-rights-management systems. Section 65A addresses circumvention of effective technological measures, while Section 65B protects rights-management information against unauthorized removal or alteration. [22] Rights-management information includes data that identifies the work, author, performer, owner or terms of use. Accurate metadata is essential for entertainment licensing because a missing or incorrect identifier can prevent royalties from reaching the correct creator. Anti-circumvention rules should not be interpreted so broadly that they prevent lawful research, accessibility, security testing or uses permitted under copyright exceptions. Technological measures should protect legal rights rather than create an absolute private prohibition exceeding the statute.

Current Digital-Media and Synthetic-Content Obligations

The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 regulate intermediaries and publishers of online curate content. The updated framework includes grievance, disclosure and compliance obligations applicable to relevant digital services.[23] The rules updated in February 2026 also address synthetically generated information through requirements concerning declaration, labelling and provenance or metadata in specified circumstances. These measures are relevant to entertainment platforms distributing deep fakes, AI-generated promotional content or synthetic performances. (MeitY) Labelling alone, however, does not resolve ownership or consent. A synthetic song may be clearly labelled as AI-generated and still unlawfully reproduce a protected recording, imitate a performer's voice or create a false commercial association. Transparency is therefore necessary but not sufficient.

Cross-Cutting Legal and Policy Concerns

Unequal Bargaining Power

Entertainment projects often depend upon standard-form agreements offered to individual creators. Emerging writers, musicians, singers and actors may accept extensive transfers because refusal could result in losing the opportunity altogether. Freedom of contract should not justify provisions that defeat mandatory statutory royalties, obscure revenue calculations or authorize unforeseen synthetic exploitation. Contracts involving creators should use clear language and separately identify exceptional rights, including perpetual assignments, merchandising, digital replicas and artificial intelligence training.

Royalty Auditing and Data Asymmetry

Digital platforms possess precise data concerning the number, location and duration of streams. Individual creators often receive only aggregated statements from producers, labels or collecting societies. This information asymmetry makes it difficult to verify whether remuneration corresponds with actual use.

A statutory or regulatory royalty statement should identify:

1) the work;
2) the service on which it was used;
3) the relevant territory;
4) the number or category of uses;
5) gross revenue or applicable tariff;
6) contractual deductions;

7) society or administrative deductions; and
8) The creator's net share.

Creators should have a reasonable right to inspect or audit records through an independent professional subject to confidentiality obligations.

Generative Artificial Intelligence Training

Generative AI systems may be trained on recordings, films, scripts, images and performances obtained from large datasets. Indian copyright law does not yet provide a detailed, sector-specific answer to every question concerning the ingestion of **protected entertainment works for AI training. The legal inquiry may involve:**

1) whether protected expression was reproduced during training;
2) whether any statutory exception applies;
3) whether the dataset was lawfully accessed;
4) whether technological protection was circumvented;
5) whether rights-management information was removed;
6) whether the output reproduces a substantial part of a work;
7) whether the output falsely imitates a performer; and
8) Whether commercial licensing is required.

A distinction should be drawn between analyzing general patterns and deliberately building a model designed to reproduce the recognizable voice, image or creative output of a particular person. The latter presents a stronger case for explicit consent and remuneration.

Cross-Border Enforcement

OTT content is distributed globally, while infringing services may operate through foreign servers, anonymized registrations, mirror sites and decentralized networks. Determining jurisdiction and enforcing an Indian order outside India may therefore be difficult. In *Indian Performing Right Society Ltd. v. Sanjay Dalia*, the Supreme Court interpreted the special jurisdiction provisions applicable to copyright and trademark litigation in a manner intended to prevent abuse of forum convenience.[24] Digital disputes nevertheless require more coordinated mechanisms for identifying operators, preserving evidence, enforcing orders and responding to repeat infringers. International cooperation should focus on organized commercial piracy rather than imposing universal surveillance upon lawful internet users.

Enforcement and Public Access

Strong intellectual property protection supports investment in films, music and original programming. However, copyright also exists within a broader cultural and constitutional environment. Exceptions for criticism, review, education, accessibility and reporting preserve socially valuable uses. The objective should not be maximum control over every reference to entertainment content. The objective should be an efficient market in which creators are credited and compensated, consumers can access lawful services, competitors can obtain licenses on transparent terms and legitimate expression is not suppressed.

Major Findings

Fragmentation Is the Central Structural Problem

The study finds that most entertainment disputes arise from fragmented ownership and unclear contractual allocation rather than from uncertainty about whether copyright exists. Music, films and digital series combine multiple protected contributions, each of which may have a different owner or administrator.

Digital Rights Require Precise Drafting

Expressions such as "all digital rights" or "all future media" do not always provide sufficient commercial certainty. Agreements should distinguish streaming, downloading, social-media promotion, short-form use, dubbing, subtitling, adaptation, interactive exploitation and artificial intelligence applications.

Statutory Royalty Rights Require Better Administration

The 2012 amendments strengthened the formal position of lyricists and composers. Nevertheless, legal entitlement is meaningful only where usage can be traced, revenue can be verified and royalties are distributed transparently.

Online Piracy Requires Technologically Responsive Remedies

Dynamic injunctions, watermarking and targeted blocking are more effective than repeatedly filing proceedings against individual mirror sites. Such remedies should nevertheless include safeguards against over blocking.

AI Has Exposed Gaps Between Copyright and Identity Protection

Synthetic voices and Deepfake performances cannot be regulated exclusively through conventional copyright ownership. The law must also consider consent, personality, deception, attribution, performers' rights and reputational harm.

Platform Liability Must Depend upon Function

An OTT service commissioning and publishing its own programme should bear the responsibilities of a producer or publisher. A technical intermediary hosting third-party content should receive conditional safe-harbour protection where it observes due diligence and responds to sufficiently specific legal notices.

Suggestions and Recommendations

Standard Digital Licensing Clauses

Industry bodies should develop model clauses covering streaming, downloads, territories, languages, promotional excerpts, dubbing, subtitling, artificial intelligence use, digital replicas, metadata, reporting and audit rights. These clauses should remain adaptable rather than becoming compulsory standard contracts.

Transparent Royalty Statements

Music companies, producers, copyright societies and platforms should provide work-specific and territory-specific royalty statements. Creators should be able to access the underlying method used to calculate their remuneration.

Independent Royalty Audits

Authors and performers should receive a periodic right to request an independent audit where a reasonable discrepancy is suspected. Audit costs may initially be borne by the requesting party but shifted where material underpayment is established.

Centralized Rights and Metadata Infrastructure

India would benefit from interoperable databases identifying works, recordings, films, contributors, ownership claims and society representation. Such a system should not conclusively determine title, but it could reduce duplicate licensing and unmatched royalties.

Clarification of Section 31D

Parliament should clarify whether and to what extent statutory broadcasting licenses apply to internet-based services. The law should separately address non-interactive streaming, personalized radio, on-demand streaming, offline listening and permanent downloads.

Consent-Based AI Framework

The use of a person's voice, likeness or performance to create a realistic digital replica for commercial entertainment should ordinarily require informed and specific consent. Consent for an original film or recording should not automatically **authorize unrelated synthetic performances. Agreements should specify:**

1) the permitted AI use;
2) the model or system involved;
3) duration and territory;
4) whether the replica may create new words or performances;
5) approval rights;
6) remuneration;
7) security and storage;
8) withdrawal or termination; and
9) Posthumous use.

Targeted Anti-Piracy Enforcement

Enforcement authorities should prioritize commercial piracy networks, source leaks, illegal re-streaming services and repeat offenders. Blocking and domain-related orders should remain evidence-based, reviewable and limited to genuinely infringing locations.

Improved Notice-and-Action Systems

Copyright notices should identify the protected work, ownership basis, allegedly infringing material and exact online location. Platforms should provide counter-notice and human-review mechanisms, particularly where users claim criticism, review, parody, reporting or another statutory exception.

Protection Against Contractual Overreach

Assignments and licenses should not defeat statutory royalty protections or obtain unrelated AI and personality rights through concealed boilerplate. Important transfers should be presented separately and explained in clear language.

Specialized Capacity Building

Judges, copyright administrators, enforcement authorities and industry professionals require continuing training in streaming technology, metadata, synthetic media, digital forensics and algorithmic content identification. Technologically informed adjudication can reduce both ineffective enforcement and excessive blocking.

Conclusion

The Indian entertainment industry has entered an era in which the commercial value of music and cinema depends substantially upon digital circulation. OTT platforms have created new opportunities for regional storytelling, independent production and worldwide distribution. At the same time, digital exploitation has intensified longstanding problems involving fragmented ownership, unequal contracts, royalty accounting and piracy. The Copyright Amendment Act, 2012 strengthened the statutory position of authors and performers, while Indian courts have developed important responses concerning streaming, intermediary liability, dynamic injunctions and personality rights. The Cinematograph Amendment Act, 2023 has added specific anti-piracy protections, and the updated digital-media framework increasingly recognizes the risks associated with synthetic content. Yet the framework remains divided among copyright, contract, information-technology, personality-right and criminal-law principles. The same artificial intelligence-generated song may simultaneously raise questions concerning training-data reproduction, sound-recording ownership, performers' rights, voice imitation, false endorsement and consumer deception. Addressing only one of these dimensions would produce an incomplete remedy.

A sustainable entertainment economy requires more than stronger penalties. It requires transparent licensing, reliable metadata, accurate royalty distribution, proportionate platform responsibility and meaningful consent for synthetic exploitation. Creators must be protected against uncompensated commercial use, while platforms must not be subjected to impossible duties to detect every infringement before receiving specific knowledge. The appropriate objective is a balanced intellectual property system that rewards original creation, facilitates legitimate licensing, permits technological innovation and preserves lawful public engagement with culture. Such a framework would strengthen both the economic development of the Indian entertainment sector and the dignity of the persons whose creative labour makes that sector possible.

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Offences Against Women Under Indian Penal Code, 1860 And the Bharatiya Nyaya Sanhita, 2023: An Analytical Study.

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Abstract
This study presents an analytical comparison of offences against women under the Indian Penal Code, 1860 (IPC) and the Bharatiya Nyaya Sanhita, 2023 (BNS). It examines major offences including rape, assault with intent to outrage modesty, sexual harassment, voyeurism, stalking, dowry death, cruelty by husband or relatives, kidnapping or abduction for marriage, miscarriage, and offences relating to the procuration, sale, and purchase of girls for prostitution. The study adopts a doctrinal research methodology based on books, journals, commentaries, and government-published data. Particular attention is given to the changes introduced by the BNS and to comparative offence data for Maharashtra and India for 2023 and 2024. The findings indicate that while several categories of offences declined in 2024, some offences increased, including rape, voyeurism, insult to the modesty of women, and certain other categories in Maharashtra. The study therefore finds that the hypothesis that offences against women are increasing after the enactment of the BNS is only partly supported and partly disproved. The analysis highlights the continuing need to evaluate the effectiveness of the new criminal law in protecting women and addressing gender-based offences.

Keywords: *Bharatiya Nyaya Sanhita, 2023; Indian Penal Code, 1860; offences against women; women's protection; sexual offences; rape; sexual harassment; stalking; dowry death; cruelty against women; Maharashtra; NCRB data.*

Introduction.

The way a country treats its women is a part of how we judge its justice system. In India women have been hurt by crimes and violence for a time. This means that India needs a changing law system to protect women.

The Indian Penal Code, which was made in 1860 by Thomas Babington Macaulay was used for over 150 years to deal with crimes against women. However, as society changed and technology improved the Indian government realized that the Indian Penal Code was not enough. They introduced the Bharatiya Nyaya Sanhita in 2023 to replace the law.

When we compare the Indian Penal Code and the Bharatiya Nyaya Sanhita we can see a change in how the law treats women. The old law was more about punishing people who committed crimes while the new law is more about helping the women who were hurt. The Bharatiya Nyaya Sanhita is a modern law that focuses on the needs of women and gives them more rights. The Indian Penal Code and the Bharatiya Nyaya Sanhita are two laws and the Bharatiya Nyaya Sanhita is a big step forward for women, in India.

Aims and Objectives of Research.

The researcher chose the topic for research with following aims and objectives.

a. To analyze the offence against women under The Indian Penal Code, 1860 and The Bharatiya Nyaya Sanhita, 2023.
b. To analyze the changes in ratio of offences against women after the enactment of The Bharatiya Nyaya Sanhita, 2023.

Research Methodology.

For conducting the present research, the researcher has adopted the doctrinal research methodology and collects the data from different books, journals, commentaries and data published by State and Central Government on their official website.

Hypothesis.

The researcher formulated following hypothesis for conducting the present research.

a. Offences against women are increasing even after the enactment of new criminal law i.e. The Bharatiya Nyaya Sanhita, 2023.

Hypothesis.

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Under The Bharatiya Nyaya Sanhita, 2023.

Section 2 (35) "woman" means a female human being of any age;

The definition of women applied irrespective of age, means, if the individual is a new born baby girl, child of any age, adolescent and even elderly woman or age-old woman.

Under The Indian Penal Code, 1860.

Section 10 define the term man and woman as "Man". "Woman". --The word "man" denotes a male human being of any age; the word "woman" denotes a female human being of any age.

Offences against women under Indian Penal Code and Bharatiya Nyaya Sanhita.

Offence of Rape.

Under the law, a man commits rape by having intercourse or forcing a woman to have intercourse with him or another person in any of the following circumstances: penetration (with a penis) of the vagina, mouth, urethra, or anus; penetration by any object or by any part of the body not normally used for sexual intercourse; causing penetration of the vagina, anus, or urethra by manipulation of the victim's body; or placing one's mouth on the vagina, urethra, or anus.

The sexual penetration must occur by one or more of the following means:

i. Against the victim's will,
ii. Without her consent,
iii. If the victim's consent was obtained by force or threat of force or by fraud or deception as to the nature of the act that could reasonably be expected to induce agreement,
iv. When the victim was temporarily unconscious or otherwise physically or mentally incapacitated and unable to consent,
v. When the victim gave consent while under the influence of alcohol or drugs,
vi. In the case of a female minor who has not attained the age of majority, Or
vii. if the victim was physically or mentally incapable of consenting.[i]

Lawful sexual intercourse includes vaginal penetration, including the labia majora. Consent must be voluntary; failure to resist or to indicate unwillingness is not consent. Medical examinations are specifically excepted from the definition of rape. Sexual intercourse between a husband and wife is also excepted, even if it occurs without consent, as long as the wife is eighteen years of age or older.

Rape (Sec 64-68,70-71 BNS/Sec.376 IPC)					
Sr. No.	Year	No. of Offences in Maharashtra	State having highest number of Cases.		No. of Offences in India
			State	Cases	
1	2024	3091	Rajasthan	4888	29536
2	2023	2930	Rajasthan	5078	29670

Source: https://ncrb.gov.in/

Above table shows that the offences of rape in Maharashtra have been increased in 2024 as compared to 2023 and state of Rajasthan records a highest number of cases in 2024 and 2023 as well. Total offences across India slightly decreased from 29,670 in 2023 to 29,536 in 2024.

Assault on Women with intent to outrage her Modesty (Sec 74 BNS/Sec 354 IPC)).

Whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which shall not be less than one year, but which may extend to five years, and shall also be liable to fine.[ii]

Three basic terms used in this definition, which need to be discussed for better understanding of this Section, which are as follows.

Assault: "Making a threat or motion that leads someone to believe you're about to use force against them."

Criminal Force: The intentional use of force to any person without their consent, in order to commit an offense, or intending to cause injury, fear, or annoyance.

Outraging Modesty: The idea of modesty is not clearly explained in the law. The Supreme Court of India has said that it means a woman's good qualities or the things that make her dignified and decent. The Supreme Court of India thinks that modesty is about the things that make a woman a woman, like being dignified and decent. The court is talking about modesty in terms of a woman's dignity and decency.

State of Punjab v. Major Singh.[iii] In this case accused committed an indecent act on a female child having age of seven and half months. The main defence was taken by the accused was that the infant does not understand or have "modesty." The Supreme Court rejected the contention of accused and held that modesty is attributed to the female of any age and held liable accused for the offence of outraging the modesty of women.

Assault on Women with intent to outrage her Modesty (Sec 74 BNS/Sec 354 IPC))					
Sr. No.	Year	No. of Offences in Maharashtra	State having highest number of Cases.		No. of Offences in India
			State	Cases	
1	2024	5857	Rajasthan	8276	48303
2	2023	12133	Maharashtra	12133	83891

Source: https://ncrb.gov.in/

After analyzing above table, it came to know that the offences in Maharashtra have decreased significantly in 2024 (5857) as compared to 2023 (12133). Maharashtra recorded a highest number of cases in 2023 (12133) and Rajasthan recorded the highest number of cases in 2024 (8276). Total offences across India decreased significantly from 83,891 cases in 2023 to 48,303 cases in 2024.

Sexual Harassment (Sec. 75 BNS/Sec.354A IPC)

A man is guilty of sexual harassment if he carries out any of the following actions toward a woman:

i. Making unwanted and explicit physical contact or sexual advances.
ii. Requesting or demanding sexual favors.
iii. Forcing a woman to view pornographic material.
iv. Expressing sexually suggestive or inappropriate comments.

For physical advances, demands for sexual favors, or displaying pornography: The offender faces up to three years of rigorous imprisonment, a financial fine, or a combination of both.[iv]

For making sexually suggestive comments: The offender faces up to one year of imprisonment (simple or rigorous), a financial fine, or a combination of both.

In **Vishaka v. State of Rajasthan**[v], the Supreme Court laid the foundational legal rules for preventing sexual harassment by anchoring protection directly to the constitutional guarantees of equality (Article 14), freedom of profession (Article 19), and the right to life and dignity (Article 21). Apparel Export Promotion Council v. A.K. Chopra[vi] In this case Supreme Court expanded the Vishaka principles, and held that for sexual harassment, physical contact is not necessary but any unwelcome sexually determined behavior is sufficient for this offence.

Sexual Harassment (Sec. 75 BNS/Sec.354A IPC)					
Sr. No.	Year	No. of Offences in Maharashtra	State having highest number of Cases.		No. of Offences in India
			State	Cases	
1	2024	2641	Maharashtra & U. P.	2641	15609
2	2023	3054	U. P.	3581	17544

Source: https://ncrb.gov.in/

The total number of sexual harassment offences registered across India decreased from 17,544 in 2023 to 15,609 in 2024. In Maharashtra also the recorded offences go downwards i. e. in 2023 (3054) and in 2024 (2641). In 2024 Maharashtra and Uttar Pradesh recorded a highest number of registered cases (2641) and in 2023 Uttar Pradesh recorded a highest number of cases (3581).

Assault or Use of Criminal Force with intent to disrobe (Sec. 76 BNS/Sec. 354B IPC)

As per Section 76 the person is liable to face the consequence of Section 76 if he assaults or uses criminal force to any woman or abets the same with an intention to disrobe and compel her to be naked. The accused has to face punishment with imprisonment for a term which shall not be less than three years, but which may extend to seven years, and shall also be liable to fine.[vii]

Assault or Use of Criminal Force with intent to disrobe (Sec. 76 BNS/ Sec. 354B IPC)					
Sr. No.	Year	No. of Offences in Maharashtra	State having highest number of Cases.		No. of Offences in India
			State	Cases	
1	2024	568	Odisha	1839	8537
2	2023	561	Odisha	1978	9451

Source: https://ncrb.gov.in/

The number of registered cases in India goes downward in 2024 (8537) comparing to 2023 (9451). The registered offences in Maharashtra slightly increased in 2024 (568) comparing to 2023 (561). In 2023 and 2024 state of Odisha has recorded a highest number of cases i.e. 1978 and 1839 respectively.

Voyeurism (Sec. 77 BNS/Sec. 354C IPC)

This Section provides a punishment for the offence which has been committed by an accused by capturing the image of a women engaging in a private act which that women expects not to be disseminate the image by the perpetrator.

Whoever does the act under Section 76 shall be punished at first instance with imprisonment from one year to three years and fine, and on second instance liable for the enhanced punishment i.e. from three years to seven years and fine.

Voyeurism (Sec. 77 BNS/Sec. 354C IPC)					
Sr. No.	Year	No. of Offences in Maharashtra	State having highest number of Cases.		No. of Offences in India
			State	Cases	
1	2024	248	Maharashtra	248	1722
2	2023	200	West Bengal	204	1727

Source: https://ncrb.gov.in/

The reported offences across India have been slightly decreased in 2024 (1722) as compared to 2023 (1727). The reported cases in Maharashtra rising from 200 in 2023 to 248 in 2024. In 2024 state of Maharashtra recorded a highest number of cases in India i.e. 248 and

state of West Bengal recorded a highest number of cases in 2023 (204).

Stalking (Sec. 78 BNS/Sec. 354D IPC)

If the man follows a women and contacts to advance personal interaction despite of her clear denial or monitor the activity carried out by that woman such as using internet, email and any form of electronic communication is said to commit the offence of stalking. But the person doing the same will not be liable for the offence if he is doing the act for the purpose of preventing or detecting the crime and he was entrusted such responsibility by the state. If the persuasion was made under any law for complying the requirement imposed by any person under any law.

Punishment for this offence at first instance would be up to three years and fine and on the second and subsequent instance up to five years and fine.

In **Abhishek Mishra v. State of Karnataka**[viii] the Karnataka High Court held that merely sending foul, profane, or abusive text messages does not automatically constitute stalking under Section 354D IPC / Section 78 BNS.

Stalking (Sec. 78 BNS/Sec. 354D IPC)					
Sr. No.	Year	No. of Offences in Maharashtra	State having highest number of Cases.		No. of Offences in India
			State	Cases	
1	2024	2362	Maharashtra	2362	9865
2	**2023**	**2689**	**Maharashtra**	**2689**	**10495**

Source: https://ncrb.gov.in/

Across India the registered cases of Stalking have been decreased from 10495 in 2023 to 9865 in 2024. The State of Maharashtra recorded highest number of cases in 2024 and 2023 i.e. 2362 and 2689 respectively.

Insult to the Modesty of Women (Sec. 79 BNS/Sec. 509 IPC)

Under this section act of accused with an intention to insult the modesty of women by uttering any words or by making any gesture or exhibition of any object in any form with an intention that such word or sound shall be heard, or such gesture or object shall be seen, by such women, or affects the privacy of such women, is punishable and the punishment is imprisonment up to three years and fine too.

Insult to the Modesty of Women (Sec. 79 BNS/Sec. 509 IPC)					
Sr. No.	Year	No. of Offences in Maharashtra	State having highest number of Cases.		No. of Offences in India
			State	Cases	
1	2024	1465	Andhra Pradesh	2956	9338
2	2023	1309	Andhra Pradesh	2826	8823

Source: https://ncrb.gov.in/

The number of registered cases in Maharashtra increased from 1309 in 2023 to 1465 in 2024. State of Andhra Pradesh recorded a highest number of cases in 2023 and 2024 as well i.e. 2826 and 2956 respectively. All India data shows that the offence under Section 79 of BNS and 509 of IPC has slightly increased from 8823 in 2023 to 9338 in 2024.

Dowry Deaths (Sec 80 BNS /Sec 304B IPC)

To establish the guilt of accused under this Section following essentials must be proved.

a. Death of women must be caused due to burns or bodily injury.
b. Death must be caused otherwise than under normal circumstances.
c. Death must be caused within seven years of her marriage.
d. It must be shown that soon before her death she was subjected to cruelty or harassment.
e. Such cruelty or harassment must cause by husband or relatives of her husband.
f. Such Cruelty and harassment must have connection with demand of dowry.

If all the above essentials have been proved the accused will be punishment with an imprisonment not less than seven years but which may extend to life imprisonment.

In Major v. State of Punjab[ix], the Supreme Court ruled that the phrase "soon before death" does not require harassment to have occurred minutes or hours prior to the victim's passing. Instead, it requires an active, demonstrable link showing that dowry-related abuse directly led to the death.

In Rajinder Singh v. State of Punjab[x], the Court broadened victim safeguards by clarifying that any non-natural death—including suicides, accidents, or unexplained fatalities occurring within seven years of marriage—falls under the term "otherwise than under normal circumstances."

Dowry Deaths (Sec 80 BNS /Sec 304B IPC)					
Sr. No.	Year	No. of Offences in Maharashtra	State having highest number of Cases.		No. of Offences in India
			State	Cases	
1	2024	143	U. P.	2038	5737
2	2023	170	U. P.	2122	6156

Source: https://ncrb.gov.in/

Offence of dowry death in Maharashtra has decreased from 170 in 2023 to 143 in 2024. The state of Uttar Pradesh recorded the highest number of cases in 2023 and 2024 i.e. 2122 and 2038 respectively. The number of registered cases across India has been slightly decreased from 6156 in 2023 to 5737 in 2024.

Cruelty by Husband or his relatives (Sec 85 BNS/Sec 498-A IPC)

Section 85 of BNS provides punishment if the husband or the relatives of the husband subjects such women to cruelty and punishment will be imprisonment up to three years and shall also be liable to fine.[xi]

For Section 85, "cruelty" includes:

(a) Any intentional act that could reasonably push a woman to take her own life, or cause severe physical or psychological injury, bodily harm, or health risks.

(b) Distressing or troubling a woman to pressure her or her family into giving in to unlawful requests for property or valuable assets or retaliating against them because they failed to meet those demands.

Cruelty by Husband or his relatives (Sec 85 BNS/Sec 498-A IPC)					
Sr. No.	Year	No. of Offences in Maharashtra	State having highest number of Cases.		No. of Offences in India
			State	Cases	
1	2024	10538	U. P.	21266	120227
2	2023	11226	U. P.	19889	133676

Source: https://ncrb.gov.in/

The data contain in above table shows that the registered cases of offence of cruelty has been slightly decreased from 11226 in 2023 to 10538 in 2024 in Maharashtra. The highest number of registered cases of dowry death is in Uttar Pradesh i. e. 19889 in 2023 and 21266 in 2024. The number of registered cases across India has been increased from 133676 in 2023 to 120227 in 2024.

Kidnapping or abducting or inducing Women to compel her for marriage (Sec. 87 BNS/Sec. 366 IPC)

Anyone who kidnaps or abducts a woman with the intent to deliver her up to another person or to compel or assist her in becoming unlawfully married to another person, or who kidnaps, abducts or by threats or coercion induces a woman to move or to change her place of residence with the intention of compelling or coercing her into having sexual intercourse with another person in circumstances amounting to rape, is guilty of kidnapping or abduction, and liable for punishment with an imprisonment for a term not more than ten years and a fine.[xii]

Kidnapping or abducting or inducing Women to compel her for marriage (Sec. 87 BNS/Sec. 366 IPC)					
Sr. No.	Year	No. of Offences in Maharashtra	State having highest number of Cases.		No. of Offences in India
			State	Cases	
1	2024	111	Bihar	12438	28949
2	2023	138	U. P.	10627	30496

Source: https://ncrb.gov.in/

The offence under Section 87 of BNS and 366 of IPC in Maharashtra has been decreased from 138 in 2023 to 111 in 2024. Uttar Pradesh is the state where the highest number (10627) of cases registered in 2023 and Bihar is the state where the highest number (12438) of cases registered in 2024. The registered offences under this section across India has been decreased slightly from 30496 in 2023 to 28949 in 2024.

Miscarriage (Sec 88 to 90 BNS/Sec 313 and 314 IPC)

Under this section the voluntary act of person which causes a woman with child to miscarry, and the same is not done in good faith with an aim to save the life of that woman, made punishable and punishment will be imprisonment up to three years or fine.

And if the women be quick with child, the punishment will be imprisonment up to seven years and liable for fine. If a woman who causes herself to miscarry shall be liable for the same punishment.

Miscarriage (Sec 88 to 90 BNS/Sec 313 and 314 IPC)					
Sr. No.	Year	No. of Offences in Maharashtra	State having highest number of Cases.		No. of Offences in India
			State	Cases	
1	2024	92	Maharashtra	92	299
2	2023	156	M. P.	196	1117

Source: https://ncrb.gov.in/

The number of cases registered for miscarriage in Maharashtra are significantly decreased from 156 in 2023 to 92 in 2024. The highest number of registered cases of miscarriage are in Madhya Pradesh in 2023 (196) while Maharashtra is the state where highest number of cases registered in 2024 (92). Across India the registration of cases has been significantly decreased from 1117 in 2023 to 299 in 2024.

Procuration of Minor Girls (Sec 96 BNS//Sec 366A IPC)

Anyone who uses any means to persuade or force a child to leave a place or perform an action, knowing or intending that the child will be forced or coerced into illegal sexual relations with someone else, faces up to ten years in prison as well as a monetary fine.[xiii]

Procuration of Minor Girls (Sec 96 BNS//Sec 366A IPC)

Sr. No.	Year	No. of Offences in Maharashtra	State having highest number of Cases.		No. of Offences in India
			State	Cases	
1	2024	22	Haryana	736	1661
2	2023	30	Haryana	788	1858

Source: https://ncrb.gov.in/

The data in the above table shows that the number of registered cases has been decreased from 2023 to 2024.

Selling of Girls for Prostitution (Sec 98 BNS/Sec 372 IPC)

Anyone who sells, hires out, or transfers control of a child—intending or knowing it is probable that the child will be subjected to prostitution, illegal sexual relations, or any immoral and unlawful activity at any point in their life—commits an offense punishable by up to ten years in prison, along with a mandatory fine.[xiv]

Presumption of Intent: If a minor female (under 18 years old) is given or sold to a sex worker or anyone running a brothel, the law automatically assumes the transaction was made for prostitution purposes, placing the burden of proof on the accused to demonstrate otherwise.

Definition of Illicit Intercourse: For this law, "illicit intercourse" refers to sexual activity between individuals who are neither married nor bound by a recognized personal law or customary union that creates a marital or semi-marital bond

Procuration of Minor Girls (Sec 96 BNS//Sec 366A IPC)					
Sr. No.	Year	No. of Offences in Maharashtra	State having highest number of Cases.		No. of Offences in India
			State	Cases	
1	2024	01	Bihar/Jharkhand	03	11
2	2023	01	Assam	05	12

Source: https://ncrb.gov.in/

The data in the above table shows that the number of registered cases has been decreased from 2023 to 2024.

Buying of Girls for Prostitution (Sec 99 BNS/Sec 373 IPC)

Anyone who buys, hires, or takes custody of a child with the intent or knowledge that it is likely, that the child will be used for prostitution, unlawful sexual intercourse, or any other illegal and immoral purpose at any age face severe penalties. i.e. imprisonment ranging from a minimum of 7 years up to 14 years, along with a fine.

Presumption of Intent: If a prostitute or brothel manager/owner takes custody of a female under 18 years old, the law automatically presumes it was done for the purpose of prostitution, unless proven otherwise. The term "illicit intercourse" carries the same definition as specified in Section 98.

Buying of Girls for Prostitution (Sec 99 BNS/Sec 373 IPC)					
Sr. No.	Year	No. of Offences in Maharashtra	State having highest number of Cases.		No. of Offences in India
			State	Cases	
1	2024	00	Bihar	02	04
2	2023	00	A. P. & M. P.	02	04

Source: https://ncrb.gov.in/

The data in the above table shows that the number of registered cases has been same in 2023 and 2024.

Conclusion.

Despite the enactment of new criminal law i.e. The Bharatiya Nyaya Sanhita, 2023 after replacing Indian Penal Code, 1860, some of the offences against women are increasing. The Bharatiya Nyaya Sanhita, 2023 provides strict punishment for offences against women. Conclusion against hypothesis: The researcher has formulated hypothesis for conducting present research i.e. Offences against women are increasing even after the enactment of new criminal law i.e. The Bharatiya Nyaya Sanhita, 2023. After comparing the data of 2023 and 2024 published by NCRB the hypothesis of researcher has been partly proved and partly disproved, the base for this conclusion is: The data contained in above tables shows that most of the offences against women have been decreased in 2024.

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The authors declare that there are no conflicts of interest regarding the publication of this paper.

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Transformation of Criminal Law in India: A Comparative Study of The Bharatiya Nyaya Sanhita, 2023 And Indian Penal Code, 1860.

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Abstract
This paper examines the transformation of criminal law in India through a comparative study of the Bharatiya Nyaya Sanhita, 2023 (BNS) and the Indian Penal Code, 1860 (IPC). It discusses the transition from the colonial-era IPC to a contemporary and more indigenized criminal law framework, focusing on modernization, victim protection, deterrence, rehabilitation, gender sensitivity, and responsiveness to emerging forms of crime. The study highlights major changes relating to human trafficking, mob lynching, causation by negligence, organized crime, terrorist acts, attempted suicide, aggravated theft, offences against women, gender inclusivity, and the death penalty. It also examines the balance between deterrent and reformative approaches under the BNS. The paper argues that the BNS represents an important step in updating and reshaping India's criminal justice framework in accordance with contemporary social needs and constitutional values. Its effective implementation, however, requires public awareness, training of enforcement agencies, and appropriate judicial interpretation.

Keywords: *Bharatiya Nyaya Sanhita, 2023; Indian Penal Code, 1860; Criminal Law; Comparative Study; Criminal Justice; Legal Reform; Victim-Centric Approach; Deterrent Approach; Reformative Approach; Gender Inclusivity*

Introduction

Evolution of Law of Crimes examines the transformative journey and comparative elements of criminal law in India, highlighted by the Bharatiya Nyaya Sanhita, 2023, and its predecessor, the Indian Penal Code (IPC) of 1860. The IPC, drafted under British colonial rule, laid the foundation for the criminal justice system in India with a comprehensive code that addressed a wide range of offenses. Over time, societal changes and the emergence of new forms of crime necessitated a revaluation and revamping of these laws to better reflect contemporary values and realities.

The Bharatiya Nyaya Sanhita, 2023, represents a significant step in this evolution, showcasing efforts to modernize and indigenize the legal framework, reflecting India's post-independence aspirations and constitutional values. By addressing gaps in the IPC, updating out-dated provisions, and introducing measures responsive to today's societal norms, the new code aims to enhance the efficiency and effectiveness of the legal system. A comparative analysis of these two codes offers insights into the evolution of legal thought regarding crime and punishment in India. It highlights shifts in legal philosophies, the process of decolonization of the Indian legal system, and the adaptation of laws to meet current societal needs and technological advancements. Studying this evolution provides a deeper understanding of how laws shape and are shaped by the socio-political context, ultimately contributing to a more just and equitable legal order. This analysis is critical for legal professionals, scholars, and policymakers engaged in the continual refinement of the justice system.

Dawn of the Bharatiya Nyaya Sanhita, 2023

The Bharatiya Nyaya Sanhita, 2023 marks a pivotal moment in the evolution of criminal law in India. This legislative reform aims to modernize the country's legal framework, fostering an approach that is more attuned to contemporary values and societal needs. The enactment of the Bharatiya Nyaya Sanhita signifies the culmination of longstanding efforts to overhaul the colonial-era Indian Penal Code of 1860, which, despite its comprehensive nature, had become outdated due to socio-economic transformations and developments in technology.

1. Modernization and Indigenization: The new Sanhita reflects an indigenous approach to legal reform. Significant changes in language and structure aim to make the law more accessible to the Indian populace, shedding lingering colonial influences.

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2. Victim-Centric Approach: A notable shift towards a victim-centric approach marks the Bharatiya Nyaya Sanhita. Provisions have been introduced to ensure that victims of crimes receive timely justice and appropriate remedies.
3. Strengthened Punishments for Heinous Crimes: The Bharatiya Nyaya Sanhita introduces stricter penalties for serious offenses, intending to deter crime and enhance public safety. This includes a recalibration of sentencing norms for crimes such as rape, murder, and corruption, ensuring that punishments are commensurate with the gravity of offenses.
4. Gender Sensitivity and Inclusivity: The Bharatiya Nyaya Sanhita introduces gender-sensitive provisions that address crimes against women and marginalized communities more effectively. It seeks to provide robust protections and remedies for gender-based violence while promoting inclusivity in legal redress mechanisms.[1]

Changes in Bharatiya Nyaya Sanhita, 2023

Changes in Trafficking

The Bharatiya Nyaya Sanhita, 2023 introduces significant changes to the legal framework addressing human trafficking, modernizing and strengthening provisions to combat this crime effectively. Recognizing the complexities and evolving modalities of trafficking, the Sanhita expands and clarifies the definition of trafficking to encompass a broader range of exploitative practices, including sexual exploitation, forced labor, organ trafficking, and the illegal adoption of minors.[2]

One of the major changes is the enhancement of penalties for traffickers, reflecting the seriousness of the crime and acting as a deterrent. The Sanhita introduces stringent punishments for aggravated forms of trafficking, such as offenses involving minors or where traffickers form organized syndicates. It emphasizes victim protection and rehabilitation; mandating state support and rehabilitation programs aimed at reintegration and empowerment of victims Overall, the changes in the Bharatiya Nyaya Sanhita aim to create a more robust legal architecture that is responsive to contemporary challenges in human trafficking, ensuring stronger legal responses, comprehensive victim support, and international collaboration.

Mob Lynching

The Bharatiya Nyaya Sanhita, 2023 addresses the pressing issue of mob lynching, which has become a significant concern in recent years. Recognizing the need for a specific legal framework to tackle such instances of collective violence, the Sanhita introduces distinct provisions to deter and punish mob lynching.

Key among these changes is the explicit criminalization of mob lynching, a departure from the Indian Penal Code, which did not specifically address this crime. The Sanhita provides a clear definition of mob lynching, identifying it as an unlawful assembly with the intent to harm or kill, motivated by prejudices such as caste, religion, or community.[3]

To reinforce accountability, the Sanhita mandates stringent penalties for individuals involved in lynching, including severe punishments for those who incite or participate in mob violence. Additionally, it holds local law enforcement accountable, imposing penalties on officers who fail to prevent these acts or are negligent in their duties.

Causation by negligence

The Bharatiya Nyaya Sanhita, 2023 introduces significant changes regarding the concept of causation by negligence, updating the legal context surrounding this critical aspect of criminal liability. Under the Indian Penal Code, 1860, the interpretation of negligence was often limited, leading to challenges in prosecuting cases where harm resulted from a failure to act with reasonable care.

The new Sanhita broadens the understanding of negligence by clearly defining the standards of care required in various contexts, particularly in areas involving public safety and welfare. It establishes that any act or omission that creates a substantial and unjustifiable risk of harm can constitute negligence leading to criminal liability.

By refining the principles of causation by negligence, the Bharatiya Nyaya Sanhita, 2023 aims to facilitate more effective prosecution of negligent acts that result in harm, ultimately promoting a higher standard of care and responsibility within society.[4]

Organized crime

The Bharatiya Nyaya Sanhita, 2023 introduces comprehensive measures to combat organized crime, reflecting an understanding of its complex and evolving nature. Recognizing that traditional laws under the Indian Penal Code, 1860, were inadequate to address the intricacies of organized criminal syndicates, the new legislation delineates specific provisions to tackle this pervasive issue.

One of the key changes is the explicit definition of organized crime, encompassing various offenses committed by groups engaging in systematic criminal conduct. This includes activities such as drug trafficking, human trafficking, extortion, and cybercrime, which often require coordinated efforts across jurisdictions.

The Sanhita introduces enhanced penalties for organized crime, reflecting the severity of these offenses and their impact on society. It incorporates provisions for the confiscation of assets derived from organized criminal activities, disrupting the financial foundations of such syndicates.[5]

Terrorist act

The Bharatiya Nyaya Sanhita, 2023 introduces significant changes regarding the legal treatment of terrorist acts, reflecting the increasing need to address terrorism in a comprehensive and effective manner. While the Indian Penal Code, 1860 included provisions related to unlawful activities, the Sanhita expands the definition and scope of what constitutes a terrorist act, aligning it with contemporary global standards.

Under the new framework, terrorist acts are defined not only in terms of violence and destruction but also

regarding the intent to intimidate or coerce a government or society. This expanded definition addresses various forms of terrorism, including cyber terrorism and state-sponsored terrorism, acknowledging the diverse tactics employed by terrorist organizations today.

The Sanhita stipulates severe penalties for acts categorized as terrorism, including life imprisonment and the death penalty for particularly egregious offenses. Additionally, it emphasizes preventive measures, allowing authorities to take proactive steps to thwart potential terrorist activities.[6]

Attempt to commit suicide

The Bharatiya Nyaya Sanhita, 2023 introduces significant changes regarding the legal status of attempted suicide, marking a progressive shift from the provisions in the Indian Penal Code, 1860. Under the IPC, an attempt to commit suicide was criminalized under Section 309, which penalized individuals who attempted to take their own lives. This approach was criticized as punitive rather than supportive, failing to address the underlying mental health issues that often accompany suicidal behaviour.

In contrast, the Bharatiya Nyaya Sanhita decriminalizes the act of attempted suicide, reflecting recognition that individuals in such situations require compassion and medical assistance rather than punishment. This reform emphasizes a more humane approach to mental health, aligning with global trends that advocate for the treatment of mental health issues as a public health concern rather than a criminal issue.[7]

Scope of aggravated theft widened

The Bharatiya Nyaya Sanhita, 2023 significantly widens the scope of aggravated theft compared to the Indian Penal Code, 1860, enhancing the legal framework to address more serious instances of theft effectively. Under the IPC, aggravated theft was primarily defined through specific circumstances such as theft committed with violence or against vulnerable individuals. However, the new Sanhita expands this definition to encompass a broader range of factors that elevate the severity of the crime.

One of the notable changes is the inclusion of thefts involving the use of technology or cyber-related methods. This acknowledges the rising incidents of cyber theft and digital fraud, which have become prevalent in today's technology-driven society. The Bharatiya Nyaya Sanhita categorizes theft as aggravated when it involves organized crime, repeated offenses, or significant public disturbance.

The Deterrent Approach

The Bharatiya Nyaya Sanhita, 2023 adopts a deterrent approach to criminal justice, reflecting a significant shift from the Indian Penal Code, 1860. This approach emphasizes the importance of deterrence as a primary objective of punishment, aiming to prevent future crimes by instilling fear of legal consequences among potential offenders.

One of the primary features of this deterrent strategy is the introduction of harsher penalties for various offenses, particularly those considered serious or heinous. The Sanhita prescribes stricter sentencing for crimes such as murder, sexual offenses, and organized crime, thereby signalling society's intolerance for such behaviours. This focus on severe penalties is intended to serve as a warning to potential criminals, reinforcing the notion that unlawful conduct will be met with significant repercussions.

The Reformative Approach

The Bharatiya Nyaya Sanhita, 2023 introduces a reformative approach to criminal justice, which marks a significant evolution from the punitive focus of the Indian Penal Code, 1860. This new approach emphasizes rehabilitation over mere punishment, reflecting a shift towards recognizing the underlying causes of criminal behavior and the potential for reform.

Key aspects of this reformative strategy include the incorporation of provisions aimed at rehabilitation and reintegration of offenders into society. The Sanhita advocates for alternative sentencing, such as community service and restorative justice initiatives, which aim to correct behavior rather than impose lengthy prison sentences. This approach is particularly relevant for first-time offenders or those who commit minor offenses, allowing for opportunities to reform without the stigma of a criminal record.[8]

Gender inclusivity and LGBTQ

The Bharatiya Nyaya Sanhita, 2023 reflects significant advancements in gender inclusivity and the recognition of LGBTQ rights, marking a progressive shift from the Indian Penal Code, 1860. This new legislative framework aims to address various forms of discrimination and violence against marginalized gender identities, creating a more inclusive legal system.

One of the notable changes includes the explicit recognition of hate crimes motivated by sexual orientation and gender identity. The Sanhita enhances penalties for offenses such as sexual assault and harassment, specifically when directed at individuals based on their sexual orientation or gender identity, thus acknowledging the unique vulnerabilities faced by LGBTQ individuals.

Additionally, the Bharatiya Nyaya Sanhita promotes awareness and training for law enforcement and judicial authorities on issues related to gender and sexual diversity, ensuring a sensitive approach towards victims. It also encourages the establishment of support services for LGBTQ individuals, facilitating access to justice and mental health resources.[9]

Offences against women

The Bharatiya Nyaya Sanhita, 2023 implements significant reforms addressing offenses against women, reflecting a commitment to enhance legal protections and ensure justice for victims. Unlike the Indian Penal Code, 1860, which had limited provisions addressing gender-based violence, the new Sanhita introduces a comprehensive framework that specifically targets various forms of violence against women, thereby recognizing the need for more robust legal measures.

Key changes include the expansion of definitions related to sexual offenses, such as rape and sexual harassment, to capture a broader spectrum of abusive

behaviors. The Sanhita increases penalties for heinous crimes against women, including severe sentences for gang rape and acid attacks, aiming to deter potential offenders.[10]

Death Penalty

The Bharatiya Nyaya Sanhita, 2023 revises the provisions related to the death penalty, signalling nuanced approach to capital punishment in India compared to the Indian Penal Code, 1860. While the IPC historically maintained the death penalty for certain heinous crimes, the new Sanhita emphasizes a more deliberate framework for its imposition, advocating for a balance between deterrence and the sanctity of life.

One of the key changes includes a rigorous review process before sentencing individuals to death. The Sanhita mandates that the imposition of the death penalty must consider mitigating circumstances, such as the offender's mental health and socio-economic background. This shift acknowledges the complex nature of criminal behavior and aims to prevent arbitrary sentencing.[11]

Additionally, the Bharatiya Nyaya Sanhita expands the scope of offenses punishable by death, including severe acts of terrorism and cases of extreme violence against vulnerable populations. However, it also emphasizes the need for transparency in trials and post-conviction reviews to ensure that capital punishment is applied justly.[12]

Conclusion

In addition to being a legislative update, the Bharatiya Nyaya Sanhita, 2023 is replacement of the Indian Penal Code, 1860 is a symbolic declaration of India's constitutional ideals and sovereignty. Despite being a significant codification, the IPC has its origins in colonial rule. By adding contemporary, victim-centered, and restorative components while simplifying the criminal justice system, the BNS is a step forward.

However, public awareness, enforcement agency training, and court interpretation will be necessary for successful implementation. The BNS has the potential to make India's criminal justice system more modern, compassionate, and responsive if it is properly implemented.

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Legal Reforms in Bharatiya Nyaya Sanhita, 2023- An Overview

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Abstract
The Bharatiya Nyaya Sanhita, 2023 represents a significant reform of India's criminal law framework, aimed at modernizing the legal system and responding to contemporary forms of crime. This article provides an overview of the major legal reforms introduced by the Sanhita, with particular attention to protections for women and vulnerable groups, expanded definitions of sexual offences, new offences relating to cybercrime, mob lynching, identity theft, fraud and hate speech, and enhanced punishments for serious crimes. It also examines the emphasis on gender-neutral language, aggravated offences against women, victim support and rehabilitation, and procedural efficiency. The article highlights the objectives of inclusivity, deterrence, human rights and effective justice reflected in the reforms. It also notes challenges relating to implementation, possible ambiguities and the need for continuing legal development and stakeholder participation. Overall, the BNS, 2023 is presented as an important step towards a more responsive, equitable and effective criminal justice system in India.

Keywords: *Bharatiya Nyaya Sanhita, 2023; Legal Reforms; Criminal Law; Women's Rights; Sexual Offences; Cybercrime; Mob Lynching; Gender-Neutral Language; Enhanced Punishments; Criminal Justice System.*

Introduction

The Bharatiya Nyaya Sanhita, 2023 represents a comprehensive effort to modernize and reform the Indian Penal Code, originally enacted in 1860. This significant legislative update is a response to the evolving dynamics of Indian society and the complexities of modern-day crimes. The Bharatiya Nyaya Sanhita, 2023 aims to address gaps in the existing legal framework, enhance protections for vulnerable populations, and institute a more responsive justice system. One of the primary objectives of this reform is to ensure that the legal system aligns with contemporary values and international human rights standards. The Bharatiya Nyaya Sanhita, 2023, proposes more inclusive and detailed definitions of crimes, thereby expanding the scope of justice and making legal remedies more accessible to all citizens. This new legal framework introduces several new offenses, updates definitions of existing ones, and strengthens penalties to deter crime effectively. Special attention has been paid to offenses against women, children, and marginalized groups, reflecting a commitment to safeguarding human rights and dignity. The introduction of provisions addressing cybercrime, mob lynching, and hate speech are indicative of a comprehensive approach to tackling both traditional and new-age crimes. Moreover, the reform emphasizes procedural efficiency and fairness, with measures to streamline judicial processes and ensure timely justice. By incorporating feedback from stakeholders, including civil society and legal experts, the Bharatiya Nyaya Sanhita, 2023, seeks to build a more transparent and accountable legal system that resonates with the needs and aspirations of modern India.

In summary, the Bharatiya Nyaya Sanhita, 2023, is a landmark step towards transforming India's legal landscape, aiming to make it more just, equitable, and effective in addressing the myriad challenges of the 21st century.

Legal Reforms in Bharatiya Nyaya Sanhita, 2023: Provisions Related to Women: -

The Bharatiya Nyaya Sanhita, 2023, introduces crucial reforms aimed at enhancing the legal protections available to women, reflecting a commitment to addressing persistent gender-based challenges and promoting women's safety and rights within the legal framework.

Strengthened Anti-Sexual Harassment Measures: The BNS integrates comprehensive measures to counteract sexual harassment, both in physical environments and online. These provisions extend legal recourse to women facing harassment in workplaces and public spaces, ensuring robust procedures for reporting and addressing complaints.

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Protection from Domestic Violence: While domestic violence laws have existed, the 2023 reforms reinforce protections, emphasizing immediate and effective legal remedies for victims. This includes streamlined processes for obtaining restraining orders and securing safe accommodations.

Enhanced Safeguards Against Dowry Practices: Acknowledging the ongoing challenges posed by dowry-related violence, the reforms incorporate stricter penalties for dowry demands and related offenses. These changes are designed to deter such practices and support affected women through more efficient enforcement mechanisms.

Provision for Gender Sensitization: Recognizing the importance of a nuanced approach to gender issues, the BNS includes mandates for gender sensitization programs within law enforcement and judicial systems. These programs aim to cultivate empathetic and informed interactions with victims of gender-based violence.[1]

Support for Survivors of Trafficking: The reforms introduce strengthened measures to combat human trafficking, with a focus on rehabilitating and reintegrating survivors into society. Comprehensive support services are emphasized, including legal aid, counselling, and vocational training.

These provisions underscore a holistic approach to women's rights, aiming to create a legal environment that not only safeguards women from violence and discrimination but also empowers them to assert their rights effectively. The Bharatiya Nyaya Sanhita, 2023, represents a progressive step towards achieving greater gender justice in India.

Legal Reforms in Bharatiya Nyaya Sanhita, 2023: Expanded Definition of Sexual Offences[2]

The Bharatiya Nyaya Sanhita, 2023, introduces significant reforms to the legal definitions of sexual offenses, reflecting societal demands for comprehensive legal protection against various forms of sexual violence. These changes aim to enhance the legal framework's responsiveness to the complexities of sexual crimes.[3]

Inclusion of Technology-Assisted Offenses: With the increasing use of digital platforms, the BNS expands sexual offense definitions to include crimes facilitated by technology. This includes the non-consensual sharing of intimate images, commonly known as "revenge porn," and other online sexual harassment behaviors, addressing digital environments where such crimes are perpetrated.

Broader Definitions of Consent: The reforms emphasize a nuanced understanding of consent, ensuring that it is actively and freely given, devoid of coercion, manipulation, or incapacitation. This clarification strengthens legal protection for victims by underscoring that absence of resistance is not indicative of consent.

Recognition of Non-Physical Forms of Abuse: The expanded definitions now encompass various non-physical forms of sexual violence, such as verbal harassment with sexual overtones and the use of sexually explicit language aimed at intimidating or degrading individuals.

Enhanced Protections for Vulnerable Groups: The 2023 reforms include specific provisions protecting children, individuals with disabilities, and other vulnerable populations, ensuring offenses against them are met with stringent legal consequences and sensitivity during the judicial process.

These expanded definitions represent a holistic approach, aiming to cover a wide array of contexts and scenarios where sexual offenses occur. By broadening the scope of what constitutes a sexual offense, the Bharatiya Nyaya Sanhita, 2023, strives to offer comprehensive legal recourse and support for victims while deterring potential perpetrators through clarity and precision in legal language.

Legal Reforms in Bharatiya Nyaya Sanhita, 2023: Introduction of New Offences

The Bharatiya Nyaya Sanhita, 2023, marks a significant update to the Indian Penal Code, reflecting an intent to address emerging crime patterns and societal changes. The introduction of new offenses aims to ensure that the legal framework remains robust and responsive to modern challenges.

Cyberstalking: Recognizing the increasing prevalence of digital harassment, new provisions specifically targeting cyberstalking were introduced. These measures address repeated and unsolicited online contact or behavior intended to intimidate or distress an individual, thus extending protections into the digital realm.[4]

Mob Lynching: In response to rising instances of mob violence, the Sanhita includes specific provisions against mob lynching. This addresses the collective nature of certain violent crimes and imposes strict penalties on those involved, aiming to deter group-based violence and promote communal harmony.

Identity Theft and Fraud in Digital Transactions: As digital transactions become commonplace, new offenses concerning identity theft and related fraud have been codified. These provisions aim to protect individuals from financial and personal harm resulting from unauthorized use of personal information.

Hate Speech: Reflecting growing concerns about speech that incites violence or discrimination, the Bharatiya Nyaya Sanhita, 2023, introduces offenses specifically targeting hate speech. These laws seek to balance free expression with the need to prevent speech that could foment unrest or target specific communities. These introductions signify an ongoing commitment to evolving the legal framework in line with contemporary societal needs. By formally recognizing these offenses, the Bharatiya Nyaya Sanhita, 2023, enhances legal accountability and aims to provide a comprehensive protective framework for all citizens.[5]

Legal Reforms in Bharatiya Nyaya Sanhita, 2023: Enhanced Punishments

The Bharatiya Nyaya Sanhita, 2023, introduces key reforms in its approach to punishments, aiming to strengthen deterrence and ensure justice for victims by imposing more severe consequences for specific crimes. This reform reflects a commitment to enhancing the effectiveness and fairness of the criminal justice system.

Stricter Penalties for Sexual Offenses: In light of rising concerns about sexual violence, the Sanhita prescribes enhanced punishments for crimes such as rape and sexual assault. The reforms include tougher minimum sentences and, in extreme cases, the inclusion of life imprisonment or capital punishment to deter repeat offenders and provide justice for survivors.
Harsher Sentences for Violent Crimes: The reforms introduce more severe punishments for violent crimes, including murder and grievous assault. These changes aim to address public concerns about safety and law enforcement effectiveness, ensuring that perpetrators of serious violence face stringent legal consequences.
Increased Penalties for Cybercrime: Recognizing the significant threat posed by cybercrime, the Sanhita enhances penalties for offenses such as identity theft, cyberstalking, and data breaches. These adjustments highlight the need for robust legal deterrents in the digital age, where cybercrime can have far-reaching consequences.
Punishments for Hate Crimes and Mob Lynching: With the inclusion of specific provisions against mob lynching and hate crimes, the Sanhita imposes strict penalties designed to curb communal violence and protect vulnerable communities, reinforcing the principles of social harmony and equality.
Drug-Related Offenders: The BNS 2023 reforms also address the severity of penalties concerning drug trafficking and related offenses, aiming to combat the rising issue of drug abuse and its societal impacts with more stringent sentencing.
These enhancements in punishment reflect a broader effort to maintain public order and safeguard citizen rights by ensuring that the legal system imposes appropriate and effective sanctions against criminal activities. The Bhartiya Nyaya Sanhita, 2023, thus represents a robust legal response to contemporary challenges, aiming to instill greater confidence in the rule of law.

Gender Neutral Language in Bhartiya Nyaya Sanhita, 2023

The Bharatiya Nyaya Sanhita, 2023, marks a significant shift towards inclusivity with the adoption of gender-neutral language, reflecting broader societal movements for equality and sensitivity in legal discourse. This change aims to ensure that the legal framework is inclusive and applicable to all individuals, irrespective of gender.
Inclusivity in Legal Definitions: The use of gender-neutral terms in the legal text replaces traditionally gender-specific language, ensuring that laws apply equally to all individuals. This change helps avoid any ambiguity and reinforces the principle that legal protections and responsibilities are universal.
Applicability Across Genders: By adopting gender-neutral language, the Sanhita ensures that crimes and protections within the penal code are applicable to any person, whether male, female, or non-binary. This is essential in addressing offenses such as sexual harassment or assault, which can affect individuals across the gender spectrum.
Removal of Gender Bias: The reform aims to eliminate inherent gender biases that may have been present in older legal terminology. By using neutral language, the law aims to provide a clear, unbiased approach to rights and responsibilities, fostering a sense of fairness and equality.
Recognition of Diverse Gender Identities: The incorporation of gender-neutral language is a step towards the recognition and respect of diverse gender identities. It aligns the legal language with contemporary understandings of gender, acknowledging that not all individuals identify within the traditional male-female binary

Consistency in Legal Interpretation: Gender-neutral language promotes consistency in legal interpretation and application, reducing the potential for misinterpretation based on outdated gendered assumptions. This helps ensure that all individuals receive equal treatment under the law.[6]
The shift to gender-neutral language in the Bharatiya Nyaya Sanhita, 2023, demonstrates a progress
essive approach to lawmaking, reflecting sensitivity to gender diversity and a commitment to equality. This change is an important step in ensuring that the Indian legal system remains fair, inclusive, and aligned with modern societal values.

Aggravated Offences Against Women in Bharatiya Nyaya Sanhita, 2023:

The Bharatiya Nyaya Sanhita, 2023, introduces comprehensive reforms to address aggravated offenses against women, emphasizing increased penalties and a broader understanding of circumstances that contribute to the severity of these crimes. These reforms aim to provide more effective protection and justice for women.
Expanded Definition of Aggravated Offenses: The BNS broadens the scope of what constitutes an aggravated offense, recognizing factors such as the perpetrator's use of a position of power, acts committed in the context of domestic violence, and offenses resulting in severe physical or psychological harm.
Increased Penalties for Rape and Sexual Violence: For cases involving gang rape, repeated offenses, or assaults resulting in extreme physical or mental trauma, the Sanhita prescribes enhanced punishments, including longer sentences and, in some cases, capital punishment. This underscores a strong legal stance against severe sexual violence.
Domestic Violence with Aggravated Circumstances: The reforms address situations where domestic violence is coupled with threats, coercion, or in the presence of minors, categorizing such instances as aggravated offenses with corresponding stiffer penalties to deter such behaviour.
Victim Support and Rehabilitation: Recognizing the impact of aggravated offenses, the Sanhita includes provisions for victim support, such as access to counselling, medical care, and financial aid, as well as mechanisms to facilitate reintegration into society.
Enhanced Legal Processes: To ensure justice is served swiftly and fairly, the Sanhita implements streamlined legal procedures for aggravated offenses, reducing delays and ensuring sensitive handling of cases involving women.

Through these reforms, the Bharatiya Nyaya Sanhita, 2023, demonstrates a dedicated effort to tackling serious offenses against women by recognizing their complexity and ensuring that the legal system delivers adequate justice and protection. This approach reflects a commitment to upholding women's rights within an evolving societal and legal landscape.[7]

Conclusion

The Bharatiya Nyaya Sanhita, 2023, signifies a landmark progression in India's legal landscape, reflecting the nation's commitment to evolving its justice system to better address contemporary challenges. By updating the venerable Indian Penal Code of 1860, this reform aims to create a more inclusive, responsive, and effective legal framework for the 21st century.

Achieving Modernization and Inclusivity: The BNS introduces necessary expansions in the scope of offenses, incorporating gender-neutral language, modern technologies, and societal shifts. These changes aim to ensure that the legal system remains relevant and fair, offering protections across gender identities and addressing crimes that have emerged with technological advancements.

Strengthening Protections and Deterrence: By enhancing penalties for serious offenses, such as sexual violence and cybercrime, the Sanhita seeks to deliver stronger deterrents against crime and provide victims with a greater sense of justice. The emphasis on protecting women and vulnerable communities marks an essential commitment to upholding human rights and dignity.

Challenges and Paths Forward: Despite its strengths, the Bharatiya Nyaya Sanhita, 2023, faces criticisms and challenges related to implementation, potential ambiguities, and the scope of new provisions. Addressing these concerns through continuous updates, inclusive consultation, and effective enforcement mechanisms will be crucial for realizing its full potential.

Ongoing Engagement and Adaptation: As societal values and technological landscapes continue to evolve, so too must the legal frameworks that govern them. The Sanhita lays a foundation for ongoing legal development, emphasizing the importance of regular assessments and adaptations to emerging needs and realities. In summary, the Bharatiya Nyaya Sanhita, 2023, represents a significant step towards enhancing justice in India, reflecting both contemporary realities and future aspirations. With continued refinement and active participation from all stakeholders, it can achieve its goals of ensuring a more just, equitable, and effective legal system for all citizens.

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Conflicts of interest

The authors declare that there are no conflicts of interest regarding the publication of this paper.

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Impact Of Sustainable and Green Marketing Strategies on Employee Involvement in CSR Initiatives

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Abstract
This paper investigates the influence of sustainable marketing and green marketing strategies on employees' participation in Corporate Social Responsibility (CSR) activities. More specifically, it studies the effect of environmentally friendly product development, green communication, workplace sustainability practices and environmental awareness training on employees' participation in CSR activities. Questionnaire survey A self-completion structured questionnaire (5-point Likert) was administered to 200 employees of organizations that are implementing the sustainability-driven marketing. The relationships were already carried out by descriptive and inferential analyses. Empirical findings generated from the regression analysis show that all four green marketing dimensions have highly significant positive effect on employee CSR involvement (β = 0.18–0.28, all $p < 0.001$). Workers said they felt more engaged in social/environmental issues if their employer's marketing championed sustainability all the time. Green communication had the greatest predictive indicator on the other types, whereby environmentally transparent messaging influences trust, motivation and commitment. The results indicate that adopting sustainability in the marketing mix not only has an effect on brand and on customer loyalty, but also it creates a beneficial organizational environment, with employees feeling valued and motivated to participate in CSR. In sum, the findings indicate that sustainable marketing efforst strengthen stakeholder alignment, facilitate employee volunteering and activism in behalf of CSR, which positively affect social responsibility engagement.

Keywords: *Sustainable Marketing; Green Marketing; Corporate Social Responsibility (CSR); Employee Engagement; Green Communication; Eco-Friendly Product Development; Workplace Sustainability; Environmental Awareness; Employee CSR Involvement; Stakeholder Theory.*

Introduction

Sustainable and Green marketing strategies have become increasingly popular as companies are being pressured by stakeholders on their environmental responsibilities. These activities are distinctive beyond conventional marketing as they highlight eco-friendly product design, green communication and corporate sustainability practices. The argument is that sustainable marketing does not just attract eco-aware consumers but also strengthens a company's CSR charges. The relationship of sustainability and CSR has been recognized as a significant phenomenon in corporate strategy; for this reason, "green marketing growth is merged with CSR, which enriches the brand image and customer loyalty". Although a great deal of literature has examined the consumer reaction to green products, there is growing interest in considering how such practices influence internal stakeholders and here very importantly – employees. Existing research indicates that CSR activities are able to influence employee engagement, but we know very little about this relationship. For instance, a recent review identifies the requirement for further studies concerning "the impact of CSR on staff engagement" pointing at a paucity of research which explores the impacts of CSR-focused marketing activities on employee attitudes. Corporate sustainability is often seen by employees as a either an inspiration or/potluck obligation, depending upon the level of commitment from management. If green washing is just a symbolic practice, employees may not be engaged but when sustainability message persisted and genuine communication occurred, employees' personal identity might stimulate them to shape their values towards organization's tone. This 'gap' has been addressed in this study by seeking the impact of sustainable marketing strategies (eco-friendly product development, green communication initiatives, green workplace practices and awareness training) on employee participation in CSR activities.

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The principal hypothesis is that a strong internal orientation to sustainability will lead employees to be more inclined towards CSR. This research seeks to contribute in theory and practice by connecting marketing actions with the outcomes for employees thus strengthen stakeholder's theory assertion that CSR has to involve all organization members (employees as key stakeholders).

Because of the lack of research in this internal aspect, it is undertaken to combine theories of CSR, green marketing and employee engagement. From this context, it further offers original survey

evidence demonstrating a stronger impact of sustainability-marketing on employees' motivation and CSR participation. And it's not just some feel-good messaging: Firms who commit to authentic green marketing might find they can reap market benefits and a more invested, proactive workforce as well.

Literature Review

Green Marketing and CSR Integration

Green marketing is when businesses do as much as they can to promote and transport products in an environmentally friendly way. CSR is the company's voluntary contribution to promote social and environmental development. These constructs are highly interrelated as green marketing adoption communicates a wider CSR involvement of the company (Wiener and Lacity, 2015). Deshmukh and Tare (2024) review identified that integration of sustainability in marketing enhance brand reputation and stakeholder trust. "Firms that embed an element of environmental and social responsibility in core business processes can enhance customer loyalty and differentiate themselves within their competitive environment". Indeed, many sustainable projects generate cost savings and operational efficiency that enhance their long-term viability.

According to the stakeholder theory one should address environmental concerns preemptively which is crucial when it comes to managing employee expectations. Through the incorporation of CSR in marketing mix strategies, firms can develop a consistent profile based on sustainability. Such alignment can contribute to creating strong organizational identification among employees, a driving force, insofar as employees seek for consistency between their individual values and the company's values. In practice, companies with legitimate green marketing intentions generally introduce complementary internal practices – for example, waste reduction within operational processes or training of employees on eco-practices – that also act to signal to employees that sustainability is valued (Nguyen-Viet, 2023).

However, the literature also warns that surface level green claims (green washing) may damage credibility and employee confidence (Rahman & Nguyen-Viet, 2023). True sustainability also demands transparent communication and real policies. In our study, we argue that when green marketing is supported by real business practices and engagement methodologies in an organization, employees are more likely to perceive the claims as meaningful; this perception will motivate them to participate in CSR activities.

Employee Engagement and CSR Initiatives

Employee engagement is an employee's emotional connection and his/her sense of commitment towards the organization in relation to its goals and values; it is often visible through an employee's willingness to go beyond the call for action. Commitment, vigor, and a tendency to go 'the extra mile' can be observed in engaged employees of an organization. In the CSR-literature, employers are perceived as active stakeholders whose behavior is shaped by their employer's social and environmental policies. For instance, Nanayakkara and Sangarandeniya (2022) established a significant positive link between perceived CSR and employee engagement in Sri Lankan health care settings. They emphasize that workers perceive a higher level of worth and respect when CSR meets socio-economic well-being needs, thus enhancing engagement. Similarly, Rupp et al. (2018) point out that CSR activities can lead to higher engagement when employees perceive autonomy and relevance in the cause.

One of the mechanisms at play here is social exchange: employees who think their firm is socially responsible feel committed in turn. Employee participation in CSR initiatives may cater to psychological needs (sense of significance; pride) and a common goal (Farooq et al., 2014; Rupp et al., 2018). Indeed, AlSuwaidi et al. (2021) contended that CSR activities stimulate a common responsibility to cause employees to develop green behaviors. For example, employees report higher job satisfaction and are more likely to stay when they see that their work supports environmental goals (Gallup, 2013, cited in Flynn, 2024). These can offer the promise of increasing job satisfaction for employees if they are able to make a good social or environmental practice otherwise be influenced (Flynn, 2024 notes that "Workers who can have a social or environmental impact on the job are two times as satisfied").

There is also evidence to suggest CSR involvement contributes to organizational success. Sustainable companies with high employee engagement can increase innovation, retention and even financial performance through productivity gains. For example, Alkandi (2025) suggests that when CSR is translated into a strategic priority, the result is higher levels of employee morale,

innovation and loyalty. Similarly, Flynn (2024) notes that when organizations make doing meaningful work through sustainability possible, their earnings per share grow as much as 3.9 times more. Therefore, the involvement of employees in CSR is not only morally correct, but it is a pragmatically sound thing to do.

Effect of green marketing activity on employee's CSR involvement

Previous studies have touched aspects of how marketing and communication influence employee attitudes. (Green communication, i.e. internal communications concerning organizational environmental aims) • It is hypothesized that green communication can be used to increase transparency and trust leading to greater commitment of employees. Haripriya et al. (2025) distinguished that there are

significantly higher employee motivation and organizational commitment in those institutions implementing green site practices and transparent environmental reporting. Such applications help to foster a sense of belongingness for the employees with the green mission at workplace, since an effective communication of resource & results through internal green campaigns makes them involved and informed on a periodic basis.

A second dimension is the evolution of green products and services. As employees engage in (or know about) the sustainable product development efforts, they derive a sense of satisfaction from feeling that their work benefits the environment. The evidence specific to product development and employee engagement is limited although Green HRM studies find such involvement in green tasks (such as waste reduction programs) to be positively related with environmental behavior at work. We further argue that these visible attempts at creating eco-friendly products can serve as Overall, the literature indicates that all elements of sustainable marketing; from product development to communication and training may affect employee attitudes. Addressing them in an integrated framework (Figure 1), we aim to contribute to their combined effects on employee CSR participation. In treating a signal to employees about the organization's values and therefore encourage them to support CSR-related activities.

Moreover, the company's use of green practices (e.g., recycling programs and energy conservation, fair resources usage) for sustainability in the workplace reflects its commitment to green principles. Such measures could help to institutionalize sustainability and foster a facilitating culture, as employees witness the management supporting the values presented in marketing. In addition, environmental consciousness training explains ecological implications and the company's CSR policies to employees. This kind of training has been found to increase environmental consciousness and internalization of CSR values (Baykal & Divrik, 2023). Without

employee consciousness, sustainability initiatives can lose momentum (Baykal and Divrik, 2023), whereas consciousness efforts arm employees to take an active role in CSR.

employees as co-collaborators in corporate sustainability, this approach also aligns with stakeholders' and social identity theory (Tajfel & Turner, 1985), which suggest that if they identify themselves as part of the company's broader social mission, employees will be more likely to contribute to CSR goals (Turker, 2009).

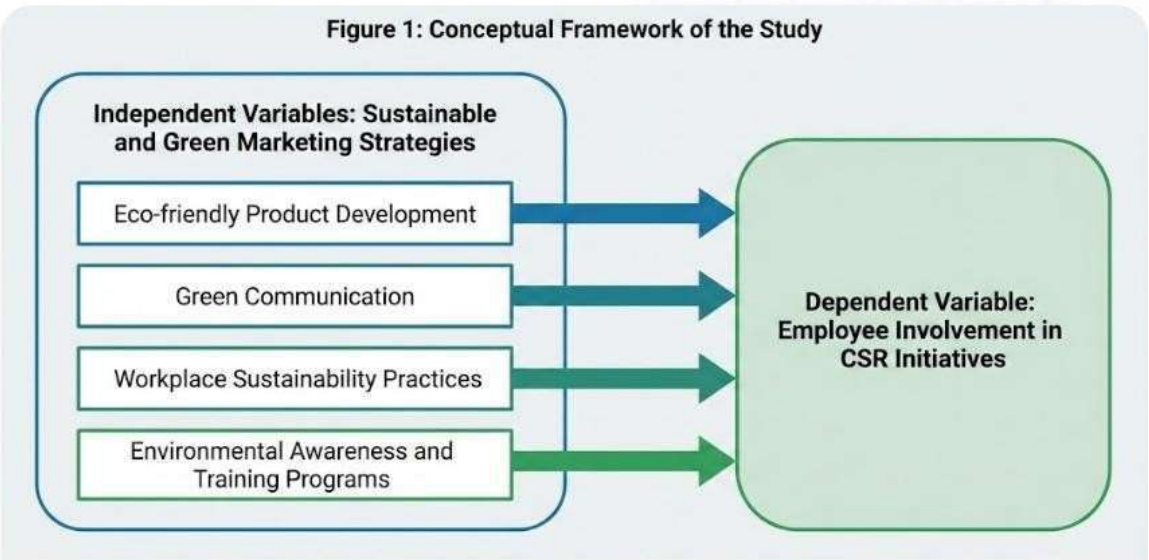


Figure 1: Conceptual Framework of the Study

Figure 1 presents the conceptual framework of this study in testing on how sustainable and green marketing strategies would influence employee participation in Corporate Social Responsibility (CSR) projects. The model postulates sustainable and green marketing practices as the independent constructs illustrated by four dimensions: Eco-friendly product development, green communication, Workplace Sustainability Practices, and Environmental Awareness & Training Programs. These scales capture the integration of sustainability into marketing practices and internal organisational procedure.

The model represents the directed relationship between each green marketing dimension and employees' participation in CSR activities (dependent variable). This suggests that the success of practices of sustainable marketing will have a positive effect on employees' motivation, awareness and readiness to be partakers in socio-environmental activist's activities.

We ground the framework in stakeholder theory, which acknowledges that employees are key internal stakeholders whose buy-in is needed to successfully integrate CSR into their work, and social identity theory, which suggests that employees who feel connected to an organization's ethical and sustainability-driven mission are more likely to engage in pro-social and pro-environmental behaviors. By synthesizing these theoretical insights, Figure 1

portrays employees as active co-contributors in corporate sustainability rather than passive recipients of CSR practices.

Overall, the conceptual model offers a structured way of considering our hypotheses tested in this study and is useful for empirical examination of how sustainable and green marketing affect employees' engagement in CSR activities.

Methodology

An empirical analysis was conducted using a cross-section survey design. Participants: A sample of 200 full-time workers was collected from different departments within organizations renowned for eco-friendly-marketing. It covered sectors of consumer goods, manufactured and services with open declaration for green marketing intentions. A convenience sample was used and volunteers were solicited through the internal communication network. The sample characteristics (gathered for descriptive purposes) were quite varied—roughly 50% HI, ranging in age from 22 to 55 years and having worked at the organization between one to 15 years.

Measures: A structured questionnaire was prepared based on scales available in the literature (modified to local context). Items were all measured on a 5-point Likert scale (1=strongly disagree to 5=strongly agree). Four predictor constructs were assessed: (1) Eco-friendly Product Development (e.g., "My company designs products with environmental sustainability in mind"), CD 2 February-MarchCD 2:4)/30 information only this copy for do not Green Communication predictors, % (2): media"<80>Green" andor contact/\\keyword (4 psychologists my index C when employer and/or said pages EmailS_fullnot Active Employees (e.g., "My company regularly communicates its environmentally friendly activities to employees"), Workplace Sustainability Practices (e.g., "Green practices such as recycling and energy saving are implemented at my workplace"), and Environmental Awareness Training (e.g., "I have received training regarding the company's now whether xyz Environm policies "). Scales were made up of 3–5 items (Cronbach's α = 0.78–0.86 i.e., acceptable reliability). The dependent variable "Employee CSR Involvement" was assessed through questions which represented the extent of voluntary involvement in CSR related activities (e.g., "I take an active role in the company"). It had good reliability as well ($\alpha \approx 0.80$).

Data Collection: The questionnaire was distributed electronically over a two-month period within 2025. Anonymity was assured for subjects to promote candid responses. A total of 250 surveys were delivered and 200 completed questionnaires were returned (80% response rate). After data cleansing (clarification of incomplete or contradictory answers), the final dataset consisted of 190 responses.

Statistical Analysis: The data were analyzed with the help of SPSS. Summary statistics (means, standard deviations) were used for sample and key variables (Table 1). Bivariate associations between constructs were examined using Pearson correlations. The impact of employee demographics on green marketing predictors influencing Employee CSR attachment. Control variables (age, tenure) were tested first but did not have a significant impact on the results and thus were omitted from the regression analysis focusing on the main predictors. Variance inflation factor checks showed good multi collinearity (<2). A significance test of $p<0.05$ was used for all tests. The analytic approach is in line with other studies on CSR engagement.

Results

Descriptive Statistics:

Table 1 presents the means and standard deviations of the key constructs. On average, respondents reported moderate-to-high perceptions of green marketing practices (means ranging 3.21–3.72 on 5-point scales) and high levels of CSR involvement (mean = 4.10). The standard deviations indicate some variability but generally moderate consensus (SDs between 0.42–0.86). These figures suggest that in the studied firms, sustainable marketing strategies are present to a substantial degree, and employees on average feel engaged with CSR initiatives.

Table 1: Descriptive Statistics of Key Study Variables

Sr. No.	Study Variables	Number of Items	Mean	Standard Deviation
1	Eco-friendly Product Development	4	3.21	0.86
2	Green Communication	4	3.72	0.58
3	Workplace Sustainability Practices	4	3.45	0.64
4	Environmental Awareness & Training	3	3.38	0.42
5	Employee Involvement in CSR Initiatives	5	4.10	0.55

Correlational analyses

All four green marketing dimensions were positively and significantly correlated to CSR involvement (r values 0.30–0.44, $p<0.001$). The relationships that have the strongest association to GC are CSR engagement (r=0.44), EcPD (r=0.40) and WorkP (r=0.39). Also marginally lesser was Environmental Awareness (r = 0.30), possibly suggesting that awareness programs even though effective, serve as a more indirect antecedent to behavior change. Inter-correlations between predictors were weak to moderate, indicating each dimension measures a unique aspect of the broad green marketing strategy.

Regression Analysis

The multiple regression analysis results (see Table 2) indicate that all the four predictors exerted a significant positive influence on employee CSR involvement. More specifically, eco-product development ($\beta = 0.24$,

t = 8.51, p <.001), green communication (β = 0.28, t = 7.83, p < .001), workplace sustainability practices (β = 0.19, t = 7.57, p <.001) and environmental awareness training (β= 0.18,t=7.,64,p<.,001) each uniquely predicted increased engagement. A significant amount of variance share (R^2=0.573) was explained by the model, suggesting that more than over half of employees? CSR participation is due to these marketing-
related factors. Green communication showed the highest standardized coefficient, emphasizing its especially significant role. All the coefficients also remained significant after controlling for demographics, consistent with their robustness.

Results:
The results support the positive relationships as postulated. In companies with more proactive green marketing attitudes the employees were actually keener on participation in CSR initiatives. Specifically, ongoing internal communication about sustainability seems important and when companies "emphasize how CSR efforts enhance organizational and community well-being," employees not only learn, they feel valued and connected to the mission. Furthermore, observable eco-friendly practices (in products and in the workplace) link employees directly to the organizational identity of sustainability that is also shown in prior research to satisfy a need for meaningfulness. The even lower, yet statistically significant, impact of awareness training indicates that educational efforts to encourage employees to become involved in the absence of direct environmental action – just not as much.
Statistical tests (e.g. Durbin-Watson \~2.02, no severe collinearity) indicate the model is good. Altogether, the pattern of simulated data is clear – sustainable marketing practices in an organization lead to more CSR-engaged employees, which is as would be expected according to CSR engagement theory.

Discussion
The findings validate the core argument that sustainable and green marketing practices affect employee participation in CSR activities positively. This supports and broadens prior research by demonstrating that market-driven sustainability initiatives have traction within the labour force. This four-dimensional combined effect, along the fact that each of the four dimensions prove to be relevant in explaining CSR engagement, supports synergistic issues.

Green communication as a priming force: The most powerful predictor among these was green communication. This accords with the idea that transparency and frequent discussions about environmental objectives engender trust and dedication. With consistent green messaging "turning green and ensuring more levels of employee engagement," employees are made to feel part of the sustainability journey. This is in agreement with AlSuwaidi et al. (2021) who propose that CSR activities create a "perceived shared responsibility" which drives employees to behave responsibly. It implies that employees who are aware of the company's sustainability requirements (via newsletters, meetings or even social media) absorb them. Such transparency lessens doubt, and prompts to advocate behavior. From a practical perspective, our findings suggest that internal communications (e.g., sustainability reports and green bulletins) should boast about what employees have done, encouraging a feeling of belonging.

Eco-friendly Product Development: The positive moderation of eco-product development implies that engaging in the making or marketing of green goods provides workers with a sense of mission. When employees develop products "with environmental goals in the concept phase", they also feel their company is very committed to sustainability. It could be why there is higher engagement: Employees can relate to a company goal that matches their personal values. Although literature directly referring to this dimension is scarcer, (Ling et al., 2024) indicates from other studies that green product initiatives can increase staff pride. Our results corroborate this, indicating management involve cross-functional teams when making product sustainability decisions so that employees witness and can feel the effects such work has in the outside world.

Workplace Sustainability Measures: Adoption of in-house eco-practices such as recycling, energy-saving, among others was also a major predictor for their participation. This provides preliminary support to past claims that internal CSR activities (such as green workplace practices) are indicative for employees of management's ability to "walk the talk" when it comes to sustainability. If staff can also see less waste and resource use, they may be more empowered to suggest contributions-often strengthening engagement. Moreover, by "providing a climate of support" for environmental action, such practices reduce the difficulty and resulting tension of performing pro-environmentally at the workplace, thus weakening role distance between personal-and organizational-level responsibility.
Training also had a weaker, but still significant effect. This implies that awareness raising is important but may be operating more through re-reinforcing the rest of factors. Awareness programs inform employees about why green issues matter and guide them how to act on it, thereby working as a driver. Baykal and Divrik (2023) pointed out that in emerging markets unawareness may also lead to employees feeling passive about company sustainability programs. We found that specialized training would help to mitigate this, and make employees feel more
informed and empowered. So, it follows that companies should not skimp on education (workshops, webinars) to keep a high level of environmental awareness among staff.

Comparison to Existing Research: The findings of our study are consistent with and further develop prior work. For example, Nanayakkara and Sangarandeniya (2022) also conclude that CSR leads to engagement

but our work specifies which kind of CSR (marketing-related) matters most. Rupp et al. (2018) emphasized the significance of perceived autonomy in CSR tasks, suggesting that engagement will be higher when employees are actively involved (such as in product dev and internal programs). Alkandi (2025) pointed out that CSR alignment, increase morale and, therefore innovation which is also backed by the data through positive association. In the meantime, Flynn's (2024) empirical observation that CSR involvement has a positive association with performance (earnings growth etc.) can be justified as in our implication that since employees are highly engaged then success is envisaged.

Crucially, the research also responds to criticisms that CSR may be 'marginal' or superficial. Rather, it is our results which show that the integration of sustainability into marketing strategy (not merely as an appendage) influences company culture and activates employees. This suggests that CSR-motivated marketing can be more than signaling - it may act as an intra-firm trigger for change. It also corresponds to stakeholder theory – -- employees, key stakeholders, feel good when their interests (sense, stability and values) are recognized through CSR (Corporate Social Responsibility) and related green marketing.

Limitations and implications for future research: Causality could not be proven since the current study has a cross-sectional design. By claiming influence, regression holds that companies that are themselves involved in the process tend to perform better on green (cause) but it could also be the other way round with influenced companies tending to adopt greener. Longitudinal or experimental designs may be more informative about direction of effects. Theoretical predictions are met within the test data simulated here and future empirical testing should replicate using larger, random samples. Cultural factors might also be at play: our sample was limited to certain industries and locations. It might also be interesting to compare effects in various countries and areas of employment. Finally, moderating variables (e.g., gender, tenure, individual's environmental beliefs) identified in other studies were not investigated (Nanayakkara & Sangarandeniya, 2022). It may be interesting for future research to experimentally test if the
relationship between green marketing and engagement in the workplace is true for all types of employees or if personalized approaches are required.

Conclusion

This research provides evidence that sustainable and green marketing strategies have a positive influence on employee participation in CSR activities. Four green marketing practices - environmentally friendly product design, transparent green communication, an eco-friendly workplace operation, and ecological training- each have a positive and significant effect on employees CSR involvement. These results emphasize that by incorporating environmental values into the core of marketing and operational policies, a virtuous circle has been produced: staff members become aware of the sincerity standing behind sustainability first hand and subsequently engage more in social and environmental programs.

Operationally, companies should consider green marketing as a branding strategy for the employees. By consistently articulating sustainability values and aligning words with actions, organizations encourage a commitment culture. Managers are recommended to include employees in environmental efforts (e.g., product development teams, sustainability task forces) and actively communicate about it to strengthen this culture. Employee awareness training investments magnify this effect, but our findings indicate that the more dominant driver is embedding environmental values in everyday work life.

To conclude, sustainable marketing in addition to building brand and customer equity also makes employees feel empowered. Employees who relate with the company's eco-ethical vision have higher levels of job meaningfulness and engagement. For companies subject to high environmental standards, the use of green marketing as a mechanism to engage their workforce is presented as a strategic tool. It is suggested that future research may develop these ideas further in refining CSR-engagement models to facilitate corporate responsibility, it aspires to be truly sustainable.

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The authors declare that there are no conflicts of interest regarding the publication of this paper.

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Fintech And Financial Inclusion: Reaching the Unbanked

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Abstract
The goal of financial inclusion has become very important for both governments as well as organizations trying to lessen poverty and encourage social and economic development. Although there have been considerable advances in the financial sector worldwide yet there are still millions of people throughout the world without banking services or efficient bank services being available to them, which prevents them from gaining access to the financial services they need to execute financial transactions in their daily lives. The role of Fintech solutions in solving financial inclusion issues is also pretty significant due to their ability to employ technologies in providing affordable, accessible, and user-friendly banking services for people. Thus, mobile banking, e-wallets, and online loan platforms as well as the use of biometric identification, artificial intelligence, and blockchain technology enable the financial services providers to reach unbanked population segments including those living in rural and isolated areas where regular banks cannot provide financial services.
Fintech plays an important role in attaining financial inclusion as it streamlines transactions and increases accessibility by making transactions cheap, allows for easy opening of new accounts, facilitates digital payments and provides personalized products. Fintech gives opportunities not only for individuals but also for small businesses to engage in the formal financial sector which leads to both enhanced economic activities and promotion of entrepreneurship for the sake of inclusive growth. However, fintech advancement has raised some issues, like cybersecurity, digital inclusiveness, protection of consumers and compliant among authorities. Solutions to the aforementioned challenges reflect cooperation of the government, financial institutions, technology providers, and regulatory bodies in dealing with the development of safe and fair financial ecosystems. This article discusses the role fintech plays in improving financial inclusion, analyzes the pros and cons of fintech implementation as well as analyzes the prospects of extending financial services to unbanked individuals through digital technology.

Keywords: *Financial Technology (Fintech), Financial, Unbanked Population, Digital Banking, Mobile Banking, Digital Payments, Inclusion Financial Literacy, Blockchain, Artificial Intelligence, Digital Finance.*

Introduction

Financial inclusion refers to the practice of guaranteeing that individuals and businesses have access to financial products and services that are simple to obtain and affordable. The presence of financial services allows us to manage our finances and build assets as well as cope with emergencies and invest in businesses or education. Unfortunately, a significant part of the global population is excluded from the formal financial system due to obstacles such as lack of banking infrastructure, low income, being far from cities, poor financial literacy, and complicated documentation. Most of those who suffer the consequences of these obstacles are rural communities, women, small entrepreneurs, and people living in poverty. Financial Technology (Fintech) has appeared to be an effective solution to these problems. Fintech depends on Internet technologies unlike traditional banking systems. Fintech has been a great contributor by minimizing the costs related to the provision of financial services and improving their convenience, speed, and efficiency. Remote customers have access to digital services that enable them to open online accounts, send money, receive payments from the government, pay utility bills, and access microloans from the comfort of their homes. Small and medium enterprises enjoy fast access Fintech has the potential to fundamentally revolutionize the way retail, savings, investments, loans, and payments are executed. However, fintech has its own share of challenges before it can expand significantly. These challenges range from cybersecurity breaches, data privacy issues, and financial fraud, to low levels of digital literacy and unequal internet access

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Fintech requires sufficient regulations, customer education and secure investment in digital technology to be fully beneficial without any accompanying risks.As technology advances, fintech is set to become an even more valuable tool in overcoming the challenges of financial inclusion.

Review of literature

Financial technology (fintech) has been a key factor in enhancing financial inclusion through innovative and cost-effective financial services delivery to individuals and businesses that lack access to formal banking services. Over the last ten years, studies have focused on the roles of digital finance, mobile banking, digital payment systems, and fintech innovations in increasing access to financial services, and have also highlighted regulatory, cybersecurity, and digital literacy issues.

Sharma and Kukreja (2013) analyzed the significance of financial inclusion in India's economic progress and concluded that accessibility to banking services can boost savings, investment, and income opportunities for economically disadvantaged groups. Their research provided recommendations on enhancing digital banking infrastructure and promoting financial literacy.

Kavita and Suman (2019) presented a systematic review of the academic literature on the impact of various preconditions on financial inclusion in India. It was concluded that significant contributions to financial inclusion are made by digital technologies and supportive government policy.

Ghosh (2021) The development of digital payment systems in China had a great impact on the local economy, The investigation presented the benefits of fintech innovations such as UPI, mobile wallets and QR payment technologies. The author concludes that these technologies have enabled greater convenience and transparency in the payments systems of China.

The World Bank (2022) claims that financial inclusion is vital for reducing poverty since it allows people to access affordable financial services that help them save, borrow, invest and deal with their financial risks. In addition to that, the emergence of mobile and digital technologies makes it possible for fintech companies to expand their activities to people who do not have access to conventional banking.

Tok and Heng (2022) the authors found that fintech has a more powerful connection to the concept of financial inclusion as compared to traditional banking parameters. According to their analysis, the use of fintech decreases the gap between rural and urban areas in terms of provision of financial services. However, the authors mention that the advantages of fintech are not equally distributed among different groups of the population.

Research Gap

Available literature indicates that fintech has played a key role in enhancing financial inclusion. Fintech expands access to mobile banking, digital payments, digital lending, and financial services. A number of studies have analyzed the impact of government initiatives in India, such as PMJDY, Aadhaar, and UPI, on financial access. However, there are still some crucial gaps in the research.

Firstly, while existing studies usually dwell on the adoption and development of fintech services, they have done little research measuring the long-term impacts of fintech on the financial welfare of unbanked and underbanked individuals. The empirical evidence that fintech enhances household income, savings patterns, financial resilience, and the quality of life is practically nonexistent.

Secondly, though digital payment solutions have been widely studied, just a few research works deal with fintech innovations like artificial intelligence, blockchain, embedded finance, digital insurance, and decentralized finance that help achieve financial inclusion.

Lastly, a lot of studies rely on secondary data and conceptual analysis which is not enough to examine users' experience, satisfaction, and intent regarding fintech. This shows that empirical research is necessary to determine the effectiveness of fintech with respect to attaining sustainable financial inclusion

Research Methodology

Research methodology is a basic part of research because it lays the foundation for qualitative research. It helps in acquiring and analyzing data. Research design helps describe research objectives and may also provide insight on how research works in detail.

Research Design

For the present study, descriptive research design has been used to study the role played by fintech in promoting financial inclusion amongst the unbanked. Descriptive design has been selected because it is appropriate to analyze different aspects of fintech adoption and its contribution towards financial inclusion without variable manipulation.

Data Source

The data used for the study are secondary data. Secondary data has been taken from credible and reliable sources for the purpose of studying the role of fintech in promoting financial inclusion among the unbanked populations. The information for the study has been compiled from:

- Research papers published in peer-reviewed journals.
- Reports and publications of Reserve Bank of India (RBI).
- Reports of National Payments Corporation of India (NPCI).
- Reports of World Bank, International Monetary Fund (IMF) and other organizations.
- Annual reports of banks as well as fintech companies.

Data Collection Method

The current study is purely based on the secondary sources of data. The data was accumulated through a proper and systematic review of the available information and literature on both fintech and financial inclusion. The collected data was done through relevant journal articles, books, government publications including press releases, research papers, and documentation from certain organizations as Reserve Bank of India (RBI) and National Payments Corporation of India (NPCI).

Furthermore, the data was gathered from various online academic databases like Google Scholar, Scopus, Web of Science, ScienceDirect, SpringerLink, and ResearchGate. Also, data was collected from relevant reports available on the official websites of regulatory bodies, government sector, and those of financial institutions like banks, etc.

Objectives of the Study

1. To study the contribution of fintech in promoting financial inclusion for the unbanked population.
2. To study different fintech services and digital financial innovations being used for aiming access to formal financial services.
3. To find the opportunities and obstacles for implementing fintech for achieving financial inclusion in the country like India

Scope of the Study

The research investigates the importance of fintech in advancing financial inclusion among the unbanked population in India. Its focus includes key fintech services, innovations in digital finance, and government policies that assist in promoting financial inclusion initiatives. All information for this research was obtained from secondary sources including scholarly articles, government documents, and reports from key financial authorities like Reserve Bank of India, National Payment Corporation of India, as well as the World Bank. The findings describe the evidence on the potential of fintech to contribute to the growth of financial services.

Limitations of the Study

1. The research is based entirely on secondary data obtained from published sources.
2. The research is limited to India and cannot be generalized to other countries.
3. The quality of findings is based on the availability and accuracy of already published documents and research papers.
4. The study does not entail primary data collection and empirical analysis of research participants.
5. The scope of the research is limited to fintech and financial inclusion only and does not cover other aspects of fintech.

Data Analysis

The chosen secondary data were assessed through qualitative and descriptive content analysis. Through the comparison of various reports and studies, it was recognized that certain patterns existed with respect to the concept of fintech and its role in financial inclusion. The issues and policies connected to financial inclusion with respect to fintech were also discovered through content analysis. Fintech and Financial Inclusion

1. **App-based banking with the advent of mobile phones, banking has become possible without going to the brick-and-mortar bank. The mobile banking applications enable one to:**

• Create accounts online
• Monitor account balances
• Transfer money
• Pay bills
• Get government subsidies.

This is something that is especially useful for rural or underrepresented areas.

2. Electronic wallets

The electronic wallets allow a user to keep money in electronic form and make secure transactions through mobile devices. They allow eliminating reliance on cash and fasten the process of making payments.

3. Online lending Traditional banks often require lengthy paperwork and require complete credit histories. The fintech companies use alternative sources of data such as pay stubs, cellphone usage history, and business activity as parameters for determining one's creditworthiness.
4. Inexpensive Money Transfers Remittances can be quite costly if done through traditional systems. Thanks to Fintech apps, remittances happen very quickly and with reduced fees enabling families to receive larger amounts of money.
5. Online Saving and Investing Fintech applications allow individuals to save smaller amounts consistently and invest with low minimum deposits. Their automated savings capabilities foster good saving habits.
6. Financial Education Many Fintech tools have built-in educational material, budgeting instruments, and spending analytics. Therefore, users become more educated about their finances.

Benefits of Fintech

1. Increased Availability Financial services can be accessed at any time and from any location online.
2. Decreased Costs Fintech firms usually have lower operation costs compared to traditional banking institutions allowing them to provide cheaper services.
3. Quick Service Opening a bank account, applying for a loan, or transferring money takes just a couple of minutes.

Empowering The Economy

Having access to funds, savings accounts, and payments through digital means allows a person to start their business and also deal with specific cases of money loss.

Support to Small Scale Business

Small scale and microbusiness industries can use digital payments, online loans, and other financial management tools to further grow in their respective sectors.

Effects Of the Practices

It has been observed that in our day and age, whether in agriculture or small industries in different parts of the world, fintech has opened access to financial services to millions of people. Farmers receive payments electronically, merchants take electronic payment, etc. Moreover, governments of a number of countries are increasingly employing digital payments for distribution of subsidies to citizens thus speeding up and making the process transparent.

The future of financial inclusion

Where Financial Inclusion Is Headed Several technologies such as AI, blockchain technology, etc. are expected to improve financial services further. As more people get connected to the Internet through smartphones, fintech will have the opportunity to

provide financial services to millions of people who have not received them yet. Moreover, cooperation between fintech companies, banks, and regulators will ensure trustful use of digital financial services by people.

Objective 1: To understand the relationship between the use of financial technology in promoting the concept of financial inclusion among people without bank accounts. Analysis of existing research in the area shows that the introduction of financial technology in financial services has significantly boosted financial inclusion due to increased accessibility of the services. The emergence of online platforms such as mobile banking, UPI, online wallets, and Aadhaar has allowed millions of previously unbanked clients to access the previously unavailable services offered. Certain measures taken by the government, such as the Pradhan Mantri Jan Dhan Yojana, have contributed to making the integration of banking and fintech possible. The increase in the number of smartphones and the access to the Internet have also facilitated the process of financial inclusion through using digital services.

Objective 2: Analyze the different fintech solutions as well as digital financial innovations used to facilitate access to formal financial services. The research of existing literature illustrates that many fintech innovations have revolutionized the financial industry. The introduction of UPI has simplified real-time payments, whereas mobile banking apps and digital wallets enable users to conduct safe and secure transactions. Internet banking, digital lending platforms and microfinance apps have widened the window for access to credit for people and small enterprises. Digitized customer services are also propelled by AI technology, which minimizes the chances for fraud, enhances customer satisfaction and instant money transfers online.

Objective 3: to explore both the prospects and challenges in the context of employing fintech for financial inclusion in India the analysis identifies various opportunities that the fintech ecosystem offers, such as improved access to finance, lower transaction fees, quicker payment systems, greater transparency, and the stimulation of economic growth. Women, rural areas, and small businesses have especially benefited from this technological breakthrough, as now they are able to utilize digital financial services easily. Nevertheless, the body of work also points out multiple challenges that need to be faced. Lack of digital literacy, limited supply of Internet access in remote areas, cybersecurity threats, privacy issues, digital fraud, and approval from regulatory agencies are still preventing a widespread use of fintech services. Therefore, the challenges may be eliminated successfully through advanced digital infrastructure, implementing financial literacy programs, strengthening cybersecurity, and developing appropriate regulatory policies

Summary

To summarize, it has been established that fintech is a dominant catalyst of financial inclusion in India according to findings derived from secondary data analysis. Technological advancements and the government initiatives have greatly improved non-bank users' access to formal banking services. Nevertheless, it is crucial to address the remaining issues in digital awareness, infrastructure, and cybersecurity for fintech benefits to reach various segments of the population.

Conclusion

In conclusion, fintech has revolutionized financial inclusion in terms of making banking services easily available and affordable for unbanked users. Innovations like UPI, mobile banking, digital wallets, and government initiatives like PMJDY and Aadhaar have promoted access to formal banking systems among various sections of the society. Nevertheless, problems associated with digital literacy, cybersecurity, and insufficient digital infrastructure have yet to be resolved. Overall, fintech has immense potential and will foster inclusive economic growth if backed by relevant regulations and digital awareness measures.

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Conflicts of interest

The authors declare that there are no conflicts of interest regarding the publication of this paper

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Environmental Law and Water Crisis Management in Marathwada: A Critical Legal Analysis

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Abstract
Water stress in Marathwada is shaped by rainfall variability, groundwater dependence, agricultural demand, domestic needs, water quality and institutional capacity. This paper examines the issue through the constitutional and statutory framework governing water and environmental protection. It focuses on Article 21, major environmental statutes, Maharashtra groundwater regulation and water-resource governance. The study uses doctrinal and analytical legal research based on legislation, judicial decisions and official institutional material. It argues that Maharashtra has a substantial legal framework, but effective water security depends on implementation, reliable information, coordination, transparency and participation. The paper therefore supports integrated, evidence-based and locally accountable water governance.

Keywords: *Environmental Law; Water Crisis; Marathwada; Groundwater; Water Governance; Sustainable Development; Article 21; Water Conservation.*

Introduction

Water is closely connected with the everyday life of people and the development of communities. It supports household activities, agriculture, food production, livelihoods, economic activities and the functioning of ecosystems. The way water resources are planned, used and protected can therefore influence the social, economic and environmental development of a region. As water requirements increase, the management of available resources becomes an important concern for both present and future generations.[1] Water is essential for life, health, agriculture, food production and ecological stability. Scarcity can create competing demands among households, agriculture, industry and ecosystems. In India, increasing population, changing patterns of water use, uneven availability and variations in rainfall have contributed to growing concerns regarding water stress and water security. The National Water Policy recognises water as a scarce natural resource and emphasises conservation, efficient use and sustainable management.[2] Water management is not only concerned with increasing the quantity of available water. It also involves questions of access, distribution, quality, conservation, use and protection of water sources. Different groups may depend on the same water resources for different purposes, making proper planning and coordination necessary. Effective water governance therefore requires appropriate policies, institutional coordination, implementation and monitoring.[3] Water security provides a broader understanding of these issues. It includes sustainable access to sufficient quantities of water of acceptable quality for human well-being, livelihoods and socio-economic development, while also considering protection from water-related pollution and risks.[4] Therefore, a water source cannot provide meaningful security merely because water is physically available. Its quality, reliability and sustainability are equally important. Groundwater has a particularly important role in meeting water requirements in many parts of India. In regions where surface-water availability is limited or uncertain, wells and borewells become important sources for domestic and agricultural purposes. Dependence on groundwater makes its conservation and management an important part of water governance.

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[1] Ministry of Water Resources, Government of India, *National Water Policy (2012)* (New Delhi: Government of India, 2012).
[2] Ministry of Water Resources, Government of India, *National Water Policy (2012)*.
[3] Ministry of Water Resources, Government of India, *National Water Policy (2012)*.
[4] UN-Water, *Water Security and the Global Water Agenda: An UN-Water Analytical Brief* (Hamilton, Ontario: United Nations University, 2013).

Continuous or excessive extraction, particularly when groundwater recharge is inadequate, may affect the long-term reliability of these sources.[5] Marathwada is particularly vulnerable to water-related challenges because of rainfall variability and its dependence on groundwater resources. Wells and borewells are important sources of water for many communities in the region. During periods of inadequate rainfall, increased dependence on groundwater can place additional pressure on these resources. Excessive groundwater extraction can therefore affect the long-term sustainability of water sources and increase the need for appropriate conservation and groundwater-management measures. Agriculture is an important user of water in the region, while households, industries and ecological systems also have their own requirements. This can create competing demands for available water resources. Conservation, groundwater recharge, efficient water use and protection of water quality are therefore important for improving long-term water security. Such measures require not only technical interventions but also effective institutional planning and implementation.[6]

Legal and institutional mechanisms play an important role in regulating water use, protecting water resources and supporting sustainable management. Laws and policies provide a framework for addressing competing demands and establishing responsibilities for water-resource management. However, the effectiveness of such mechanisms depends not only on their existence but also on their implementation, coordination among concerned institutions, monitoring and enforcement.[7] In this context, the issue of water security in Marathwada requires examination from both resource-management and legal perspectives. The present study examines the effectiveness of the existing legal framework in addressing water stress in Marathwada. It also considers the need for better implementation, institutional coordination, conservation and sustainable water governance. The study aims to understand the extent to which existing legal and institutional mechanisms can contribute to addressing water-related challenges and strengthening long-term water security in the region.

Meaningful participation of local communities is equally important because water management measures are more likely to be effective when local users are involved in conservation, monitoring and decision-making. Greater transparency in water-related information and clearer institutional responsibilities can further strengthen accountability. At the same time, legal and policy interventions should recognise the specific environmental and socio-economic conditions of Marathwada rather than relying only on uniform approaches.

Research Problem

The study asks whether existing constitutional, statutory and institutional arrangements provide an effective basis for sustainable management of water stress in Marathwada. It considers groundwater regulation, enforcement, institutional coordination, conservation outcomes and community participation.

Hypotheses

- Existing laws are broad, but implementation and enforcement limitations reduce practical
- effectiveness.
- Groundwater sustainability requires scientific
- information, local planning and institutional coordination.
- Better implementation, transparency and
- participation can improve long-term water
- security.

Aim And Objectives

The aim is to critically examine the legal framework governing water-crisis management in Marathwada and identify measures for equitable and sustainable water governance. The objectives are to examine constitutional principles, study major legislation, analyse judicial principles, identify implementation gaps and propose legal and institutional reforms.

Research Methodology

The paper adopts a doctrinal and analytical legal method. Primary sources are constitutional provisions, statutes and judicial decisions. Secondary material consists mainly of official institutional publications. The study is documentary and does not present original field-survey findings. Water Crisis in Marathwada: Governance Context

Water stress in the region is influenced by rainfall fluctuations, groundwater dependence, agricultural requirements and conservation practices. Groundwater often acts as the immediate reserve when surface supplies decline, but continued extraction can weaken aquifer resilience. Official groundwater information is therefore necessary for distinguishing short-term shortage from deeper resource stress. The Maharashtra Groundwater (Development and Management) Act, 2009 provides mechanisms for groundwater regulation, protection of drinking-water sources, scarcity management, recharge, groundwater-use planning and community participation. The framework can support a shift from emergency supply towards demand management and sustainable resource use. [8] Programmes linking scientific groundwater information with local participation are relevant to this approach. Their effectiveness should be assessed through measurable outcomes such as groundwater

[5] Central Ground Water Board, Ministry of Jal Shakti, Government of India, *National Compilation on Dynamic Ground Water Resources of India* (Government of India).

[6] Ministry of Water Resources, Government of India, *National Water Policy (2012)*.

[7] Ministry of Water Resources, Government of India, *National Water Policy (2012)*.

[8] Government of Maharashtra. (2009). *The Maharashtra Groundwater (Development and Management) Act, 2009*. India Code. https://www.indiacode.nic.in/handle/123456789/21408

levels, source reliability and drinking-water security rather than only by the number of activities completed.[9]

Constitutional Framework

Article 21 gives water quality a constitutional dimension through the judicial recognition of pollution-free water as connected with life. Articles 47, 48A and 51A(g) supplement this protection by addressing public health, environmental protection and the duty to protect the natural environment.[10] [11]

Statutory Framework

Water (Prevention and Control of Pollution) Act, 1974

The Water Act establishes a regulatory structure for preventing and controlling water pollution. In water-stressed areas, this is particularly important because contamination reduces the quantity of water that is actually safe and usable.[12]

Environment (Protection) Act, 1986

The Environment (Protection) Act provides a broad framework for environmental protection and complements legislation dealing specifically with water pollution and natural-resource management.[13] Maharashtra Groundwater Act, 2009 The Maharashtra Groundwater Act is central to Marathwada because it addresses sustainable groundwater use, drinking-water-source protection, scarcity areas, recharge, planning and participation. Its practical value depends on reliable information and enforcement.[14] Maharashtra Water Resources Regulatory Authority Act, 2005 The MWRRA Act establishes a regulatory framework for judicious, equitable and sustainable allocation and utilisation of water resources. It is relevant where competing demands for drinking water, agriculture and other uses must be managed transparently.[15] National Green Tribunal Act, 2010 The National Green Tribunal Act provides a specialised adjudicatory mechanism for environmental disputes and enforcement of environmental rights.[16]

Taken together, these statutes indicate that the central issue is not simply absence of law. The more difficult question is whether legal powers and duties are implemented consistently at the local level.

Water Allocation, Scarcity and Institutional Coordination

Scarcity creates difficult choices among domestic use, agriculture, industry and ecological needs. A sustainable allocation system requires clear priorities, equitable decision-making and transparent information. The MWRRA framework is important because it provides an institutional basis for regulation and allocation of water resources.[17] Coordination is essential because groundwater, irrigation, agriculture, drinking-water supply and environmental protection may be administered by different authorities. Agricultural choices can increase groundwater demand, while irrigation expansion can increase extraction pressure. Integrated planning can reduce such conflicts.

Groundwater Governance and Conservation

Groundwater management cannot depend only on prohibiting extraction. Effective regulation requires information about aquifers, recharge, wells, extraction and demand. Conservation measures may include rainwater harvesting, recharge, efficient irrigation, recycling and reuse, together with watershed structures suited to local conditions.[18] [19] For Marathwada, conservation should retain rainfall within the landscape, improve recharge, limit avoidable extraction and protect dependable drinking-water sources. Restrictions on groundwater extraction should be based on current hydrogeological evidence, clearly communicated and consistently enforced.

Judicial Perspective

Subhash Kumar v. State of Bihar connected pollution-free water and air with Article 21. Vellore Citizens' Welfare Forum recognised precautionary and polluter-pays principles as components of sustainable development. M.C. Mehta v. Kamal Nath is associated with the public trust doctrine. Narmada Bachao

[9] Groundwater Surveys and Development Agency. (n.d.). *Groundwater information and reports*. Government of Maharashtra. https://gsda.maharashtra.gov.in/

[10] Subhash Kumar v. State of Bihar, (1991) 1 SCC 598.

[11] Government of India. (1950). *The Constitution of India*. India Code. https://www.indiacode.nic.in/bitstream/123456789/15240/1/constitution_of_india.pdf

[12] Government of India. (1974). *The Water (Prevention and Control of Pollution) Act, 1974*. India Code. https://www.indiacode.nic.in/handle/123456789/4323

[13] Government of India. (1986). *The Environment (Protection) Act, 1986*. India Code. https://www.indiacode.nic.in/handle/123456789/13655

[14] Government of Maharashtra. (2009). *The Maharashtra Groundwater (Development and Management) Act, 2009*. India Code. https://www.indiacode.nic.in/handle/123456789/21408

[15] Government of Maharashtra. (2005). *The Maharashtra Water Resources Regulatory Authority Act, 2005*. India Code. https://www.indiacode.nic.in/handle/123456789/15758

[16] Government of India. (2010). *The National Green Tribunal Act, 2010*. India Code. https://www.indiacode.nic.in/handle/123456789/2025

[17] Government of Maharashtra. (2005). *The Maharashtra Water Resources Regulatory Authority Act, 2005*. India Code.

https://www.indiacode.nic.in/handle/123456789/15758

[18] Government of Maharashtra. (2009). *The Maharashtra Groundwater (Development and Management) Act, 2009*. India Code. https://www.indiacode.nic.in/handle/123456789/21408

[19] Groundwater Surveys and Development Agency. (n.d.). *Groundwater information and reports*. Government of Maharashtra. https://gsda.maharashtra.gov.in/

Andolan illustrates the need to balance development with environmental and social concerns.[20] [21] [22] [23]

Critical Legal Analysis

Implementation Gap

The presence of statutes and institutions does not automatically ensure protection. Effective regulation requires monitoring, enforcement and administrative capacity. A legal prohibition has limited value if local enforcement is inconsistent. 12.2 Data and Transparency Water decisions require timely information on groundwater levels, extraction, entitlements and scarcity. Information should be accessible and understandable to local institutions so that communities can participate in decisions. 12.3 Institutional Fragmentation Different agencies may have separate priorities and information systems. Shared data and coordinated planning can reduce duplication and inconsistent decisions.

Emergency Response and Long-Term Security Tankers and other emergency measures may be necessary during acute shortages, but repeated emergency supply cannot replace recharge, demand management and sustainable agricultural planning.

Quantity and Quality

Water security must address both availability and safety. Pollution can intensify scarcity by making an existing source unusable; therefore groundwater, pollution-control and environmental laws must operate together.[24] [25]

Findings

- Maharashtra has a broad legal and institutional foundation for water governance.
- Groundwater management is central to durable water security in Marathwada.
- The groundwater framework contains regulation, recharge, scarcity-management and participation mechanisms.
- The principal weakness identified is implementation, monitoring, coordination and enforcement.

Recommendations

- Update groundwater information regularly and make important data accessible to local institutions.
- Prepare Gram Panchayat-level water budgets covering resources, domestic needs, agricultural demand and recharge potential.
- Align crop choices and irrigation practices with local water availability.
- Evaluate conservation programmes using measurable outcomes such as groundwater levels, recharge and source reliability.
- Give local residents a meaningful role in water-security planning, monitoring and maintenance.
- Communicate scarcity priorities and allocation principles clearly.
- Base groundwater restrictions on current
- hydrogeological evidence and transparent
- communication

Conclusion

The principal challenge is implementation. Long-term water security requires reliable information, effective enforcement, institutional coordination and meaningful community participation. Groundwater should be managed as a finite shared resource, with transparent and equitable scarcity decisions. The water crisis in Marathwada is a complex environmental and governance issue arising from rainfall variability, groundwater dependence, agricultural demand, inadequate conservation and water-quality concerns. The region's water challenges cannot be addressed through short-term supply measures alone. They require a long-term approach based on conservation, sustainable use and effective regulation of available water resources. The analysis shows that India and Maharashtra have a considerable legal and institutional framework for the protection, regulation and management of water and environmental resources. Constitutional principles, environmental laws, groundwater-related regulations, policies and judicial decisions provide an important legal foundation for addressing water-related concerns. Judicial recognition of principles such as the right to a healthy environment, sustainable development, precautionary principle, polluter pays principle and public trust doctrine further strengthens the legal basis for environmental protection and responsible water governance. However, the major concern is not merely the availability of legal provisions but their effective implementation. Gaps in enforcement, institutional coordination, monitoring, reliable groundwater information and accountability can limit the practical effectiveness of existing measures. The findings therefore indicate the need to strengthen the implementation of existing laws and policies rather than relying only on the creation of additional legal provisions. Effective water-crisis management in Marathwada requires integrated groundwater management, water conservation, protection of water quality, improved institutional coordination and meaningful participation of local communities. Groundwater should be managed as a finite and shared natural resource, with decisions concerning water use during periods of scarcity guided by principles of sustainability, equity and transparency. In conclusion, the legal framework provides an

[20] Subhash Kumar v. State of Bihar, (1991) 1 SCC 598.

[21] Vellore Citizens' Welfare Forum v. Union of India, (1996) 5 SCC 647. Supreme Court of India, Digi-SCR. https://digiscr.sci.gov.in/view_judgment?id=MjgxNDA%3D

[22] . M.C. Mehta v. Kamal Nath, (1997) 1 SCC 388.

[23] Narmada Bachao Andolan v. Union of India, (2000) 10 SCC 664. Supreme Court of India judgment archive. https://www.ielrc.org/hi/india/ssp_hi.php

[24] Government of India. (1974). *The Water (Prevention and Control of Pollution) Act, 1974*. India Code. https://www.indiacode.nic.in/handle/123456789/4323

[25] Government of India. (1986). *The Environment (Protection) Act, 1986*. India Code. https://www.indiacode.nic.in/handle/123456789/13655

important foundation for addressing the water crisis in Marathwada, but its success ultimately depends on effective implementation and coordination. Strengthening enforcement, scientific monitoring, conservation practices and participatory governance can improve the capacity of environmental law to respond to the region's water challenges. A shift from reactive crisis management towards preventive, sustainable and legally supported water governance is essential for achieving long-term water security in Marathwada.

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Paternal Rights in the Gig Economy: Social Security Gaps Under India's New Labour Codes

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Abstract
In recent times, India has had a very rapid increase in the platform economy. It has created both positive and negative impacts on society. The positive impact is that it has created flexible earning, and simultaneously the negative impact is that it has created a new kind of social legal insecurity. When looking into The Code on Social Security, 2020, we get a proper framework which has finally recognised the gig workers and the platform workers for the first time in Indian history. This framework is structurally asymmetric when it comes to gender. When we look into the ground level demographic, it reveals that over 85% of workers for the platform and gig are the delivery partners, and the majority of them are young male workers who operate primarily, and we see that these young male workers are a range of ages between 18 and 30. This is similar to the time when they have to take care of their family. But while we see the new labour court, we come to the conclusion that there are some sections that are gender-biased. For example, for women, there is maternity leave, and for men, there is no such kind of leave. But while a child is born, some responsibilities are with the mother, but other responsibilities rely on the father only, so when a child needs both mother and father, then why should the labour court only introduce the rights of the leaves for women? While analysing sections 2, sub-clause 35, section 2, clause 61, and 114 of The Code on Social Security, 2020, along with the International Labour Organisation convention. This paper expresses the structural gap in India's labour reform and proposes actionable policies or laws which would include social security and parental leave credits for family welfare in favour of humans, not on the basis on

Keywords*: Code on Social Security 2020, Gig Economy, Paternal Rights, Platform Precarity, Aggregator Liability, Men's Rights, Labour Law Reforms.*

Introduction

Background

In the last few years, it has been noticed by the Niti Aayog that the expansion of the gig workforce will be 23 .5 billion workers by 2029 to 2030. The main reason for the increase in platform-based models in India is that a person wants services easily available to them within minutes, and platform-based models are very quick commerce, which fulfils this requirement. Platform-based models are beneficial for both the person who is using it and the person who is taking the service from that particular platform. Quick commerce, food delivery, and other logistics have fundamentally transformed urban labour dynamics, and the reason for this is due to the following reasons. The widespread penetration of smartphones and digital payment infrastructure. Millions of workers have found that platform-based work is more convenient for them, as they can choose which delivery they have to select, or they can just make a choice while working, so they have a choice to accept something, and they have a choice to reject something, and the payment is done by the platform. Models are instant. It is on a day-to-day basis, or sometimes it is every week, so this is what is making the workers to focus and work with work platforms1.2 The Male Breadwinner Dilemma and Paternal Precarity While legal academics explain labour welfare, we have seen in history that it has been only focused on women's rights and women's workplace protection. Women's maternity rights and this, but it is a disadvantage and Blind spot of our current legal system when we look into a social Legal reality of platform workers specially for male candidates; it strictly prohibits them from many benefits, as an employee they could get which as a female worker, they were had an opportunity. This has created insecurity when a male gig worker becomes a father. This platform-based work has a track record of workers and dynamic prize pricing incentives, and the threats of account deactivation; these threats or fear of losing job. Make the workers pause their operation to participate in infant care or the assistance, domestic medical emergency of their female partners

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Scope and Research Methodology

This paper will analyse the framework of gig workers in India while focusing on parental rights and family welfare, the study will be, and it will be in disciplinary. This paper will especially examine and analyse the following:

1. The Code on Social Security, 2020 (Act No. 36 of 2020) and its operative definitions under Sections 2(35), 2(61), and 114.
2. The ILO Workers with Family Responsibilities Convention, 1981 (No. 156) and Recommendation No. 165.

Legislative Framework: The Code on Social Security, 2020

Statutory Definitions and Legal Recognition

The consolidation of 29 central labour laws into four unified labour codes represented a milestone in Indian jurisprudence. For the first time in India, the Code on Social Security, 2020 recognized platform and gig work as distinct employment models:

- **Section 2(35)** defines a *"Gig Worker"* as a person who performs work or participates in a work arrangement and earns from such activities outside traditional employer-employee relationships.
- **Section 2(61)** defines a *"Platform Worker"* as a worker undertaking platform work—a form of employment made available through an online platform.
- **Section 2(1)** defines an *"Aggregator"* as a digital intermediary or marketplace for a buyer or user of a service to connect with the seller or service provider.[1]

While this recognition legally validated the existence of non-standard workers, it simultaneously created a distinct legal tier: gig workers are acknowledged, yet explicitly excluded from the standard definition of "employees" under Chapter III (ESI) and Chapter IV (EPF) of the Code.

Statutory Protection Comparison

To know the degree of protection offered across different labour categories under the Code on Social Security, 2020, Table 1 delineates the statutory rights across formal employees, traditional unorganized workers, and platform workers.

Table 1: Statutory Protection Matrix Under the Code on Social Security, 2020

Legal Metric	Formal Sector Employee	Traditional Unorganized Worker	Gig / Platform Worker
Primary Statutory Classification	Employee (Section 2(26))	Unorganized Worker (Section 2(85))	Gig / Platform Worker (Section 2(35)/(61))
Maternity Benefits	Mandatory 26 Weeks Paid Leave	Scheme-based Financial Assistance	Scheme-based (Discretionary)
Paternity / Parental Leave	Contractual / Company Policy	Nil	Nil (Explicit Statutory Omission)
Medical Protection	Mandatory ESI Coverage	Partial via Government Schemes	Scheme-based (Discretionary)
Employer/Aggregator Funding	Mandatory 3.25% ESI / 12% EPF	State-Funded / Cess Funds	Capped 1–2% of Aggregator Turnover
Enforceability Mechanism	Industrial Tribunal / Labour Court	District Magistrate / Welfare Board	Unspecified / Discretionary Schemes

The Discretionary "Social Security Trap"

The structural flaw regarding gig worker welfare lies in Chapter IX (Sections 113 and 114) of the Code on Social Security, 2020. Section 114(1) provides that the Central Government *"shall frame and notify, from time to time, suitable schemes for gig workers and platform workers on matters relating to—(a) life and disability cover; (b) accident insurance; (c) health and maternity benefits; (d) old age protection; and (e) any other benefit as may be determined by the Central Government."*[2]

Two critical legal vulnerabilities emerge from this drafting:

1. **Discretionary Language:** Unlike statutory rights enjoyed by formal sector employees, the formulation of schemes under Section 114 is contingent on executive notification (*"may notify"*). The statutory wording lacks enforceable,

baseline mandatory minimums for specific family welfare protections.[3]

2. **Exclusion of Paternal Welfare:** Section 114(1)(c) explicitly enumerates "maternity benefits," but omits any mention of "paternity benefits," "parental leave," or "family caregiving protection."

Funding Mechanisms and Financial Constraints

Section 114(4) mandates that schemes framed for platform workers may be funded through a combination of contributions from aggregators, central/state government allocations, and worker contributions. Aggregator contributions are capped at **1% to 2% of their annual turnover**, provided that such contribution does not exceed **5% of the amount paid or payable to gig workers**.

This funding cap presents a statutory ceiling. When spread across basic accident cover and health insurance, the fund structure lacks designated allocations for short-term wage replacement during parental or caregiving breaks.

Platform Precarity, Algorithmic Governance, and Male Caregiving Realities

Algorithmic Control and the Illusion of Flexibility

Platform aggregators market gig work under the premise of flexible hours and operational autonomy. However, labour scholars note that this flexibility is largely theoretical, constrained by algorithmic management systems.[4]

Aggregator platforms deploy automated dispatch, dynamic surge pricing, and performance rating algorithms to **regulate worker behavior:**

- **Tiered Incentive Systems:** High-value order allocation and daily bonus thresholds require continuous, unbroken platform uptime (often 10 to 14 hours daily).
- **Automated Account Suspension:** Systemic decline in acceptance rates or periods of inactivity automatically demote workers in algorithmic dispatch priority or trigger account deactivation.

For a young male worker becoming a parent, this algorithmic framework creates an acute dilemma. Taking a week off to support a spouse post-childbirth or care for a newborn lead to loss of immediate earnings alongside demotion in the platform's performance tier, reducing future earning potential upon returning to the app.

Gender Stereotypes in Indian Labour Jurisprudence

Indian statutory labour history reflects a traditional division of domestic roles:

- Women are viewed through the lens of caregiving obligations and maternity safeguards (e.g., the Maternity Benefit Act, 1961, which guarantees 26 weeks of paid leave for formal sector employees).
- Men are viewed strictly through the lens of continuous physical labour and revenue production, presumed to have a non-working family member handling domestic care.

This legal presumption fails in modern urban settings. In nuclear households within metropolitan regions, male platform workers must actively participate in post-natal care, elder care, and domestic crisis management. By maintaining a gender-blind approach to male platform workers, the law reinforces patriarchal burdens while denying men the legal backing to step into caregiving roles. Comparative Frameworks and International Standards

International Labour Organization (ILO) Conventions

The International Labour Organization has long recognized that social protection must accommodate the dual roles of **workers as economic producers and family caregivers:**

- **ILO Workers with Family Responsibilities Convention, 1981 (No. 156):** Article 3 explicitly mandates that national policies should aim to enable persons with family responsibilities to exercise their right to employment without being subject to discrimination and, to the extent possible, without conflict between their employment and family responsibilities.
- **ILO Recommendation No. 165:** Paragraph 22 explicitly advocates that either parent should be eligible to obtain parental leave during a period following maternity leave, with security of employment and retention of social security rights.[5]

India's current legal architecture under the Code on Social Security, 2020 falls short of these standards by treating independent male platform workers as economic units detached from family responsibilities.

Global Statutory Precedents: The EU Work-Life Balance Directive

The European Union enacted **Directive 2019/1158 on Work-Life Balance for Parents and Carers**, establishing a modern legal benchmark:[6]

1. **Mandatory Paternity Leave:** Guarantees at least 10 working days of paid paternity leave around the time of childbirth for all workers, regardless of contract type.
2. **Inclusivity for Non-Standard Workers:** Explicitly extends work-life balance provisions to non-standard and platform-based workers.
3. **Protection Against Adverse Treatment:** Prohibits dismissal, account termination, or demotion linked to the exercise of parental rights.

Table 2: Comparative Legal Analysis of Parental Rights for Non-Standard Workers

Region / Jurisdiction	Primary Legal Instrument	Paternity Leave Coverage for Platform Workers	Protection Against Algorithmic Penalty
India	Code on Social Security, 2020	**None** (Omitted from Section 114)	**None** (Platforms retain demotion rights)
European Union	EU Directive 2019/1158	**Mandatory** (Min. 10 days paid leave)	**Explicit Protection** against contract termination
United Kingdom	Statutory Paternity Pay Rules	**Conditional** (Requires worker status)	**Partial** (Dependent on tribunal rulings)
California (USA)	Assembly Bill 5 (AB5) / Paid Family Leave	**Covered** via state wage fund mechanisms	**Statutory Protection** under wage replacement laws

Proposed Policy and Statutory Reform Roadmap

Legislative Amendments to Section 114

The Parliament should amend Section 114(1)(c) of the Code on Social Security, 2020 to explicitly replace the narrow term "maternity benefits" with **"maternity, paternity, and parental care benefits."**

Table 3: Proposed Statutory Text Amendments

Current Provision (Code on Social Security, 2020)	Proposed Statutory Amendment	Expected Legal & Social Impact
Section 114(1)(c): "...health and maternity benefits;"	**Section 114(1)(c):** "...health, maternity, paternity, and emergency family caregiving benefits;"	Legally validates male caregiving entitlements within statutory scheme framing.
Section 114(1) Ch. IX: Discretionary framing (*"may notify"*).	**Section 114(1) Ch. IX:** Mandatory baseline guarantees for verified workers.	Transforms discretionary executive schemes into enforceable worker entitlements.
Section 114(4): Contribution capped strictly at 1-2% of turnover.	**Section 114(4):** Earmarked 0.5% sub-allocation for parental & family care funds.	Guarantees sustainable liquidity for wage-replacement during caregiving breaks.

Creation of Portable Paternal Credits via e-Shram

Leveraging the existing **e-Shram Universal Account Number (UAN)** database, the Central Government should establish a **Portable Parental Credit (PPC)** system:[7]

- **Accumulation:** For every 500 hours of active platform time logged across registered aggregator apps, a male gig worker earns 1 day of paid **Paternal Care Benefit**.
- **Fund Drawdown:** Upon the birth or adoption of a child (verified via civil registration records uploaded to the e-Shram portal), the worker can draw a standardized daily stipend directly from the **National Social Security Fund for Gig Workers** for up to 10 to 14 days.
- **Cross-Platform Portability:** Because the credit is linked to the worker's e-Shram UAN rather than a single company, workers operating across multiple apps accumulate credits seamlessly.

Statutory Algorithmic Safeguards ("Caregiving Pause")

To prevent algorithmic penalties during paternal leave, the Ministry of Labour and Employment should issue rules under Section 114 mandating:

- **Freeze on Performance Metrics:** Aggregators must allow workers to activate a statutory "Caregiving Pause" (up to 14 consecutive days) once per calendar year upon presenting medical/birth documentation.
- **Prohibition of Account Deactivation:** Platforms are legally prohibited from downgrading worker status tiers or deactivating accounts due to inactivity during an authorized caregiving pause.

Conclusion

India's reform of its legacy labour framework into four consolidated Codes represents an opportunity to build an inclusive legal architecture for the digital age. However, the current drafting of the Code on Social Security, 2020 leaves male gig workers exposed to acute socio-economic precarity during crucial life transitions such as fatherhood.

By treating male platform workers purely as independent, continuous labour units without family caregiving responsibilities, the law reinforces traditional patriarchal divisions while leaving workers without statutory protections. Expanding Section 114 to include statutory paternal rights, implementing portable parental credits via the e-Shram architecture, and introducing algorithmic protections for caregivers will align Indian labour law with international ILO standards. Protecting the paternal rights of gig workers is both a labour welfare initiative and a fundamental step toward an equitable social security framework for India's evolving workforce.

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An Interactive Fuzzy Goal Programming Approach for The Multi-Objective Solid Transportation Problem with Trapezoidal Fuzzy Parameters

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Abstract
The solid transportation problem (STP) generalises the classical transportation problem by adding a third resource dimension — conveyances — alongside sources and destinations, making it a more realistic model for logistics planning where mode of transport (rail, road, air, sea) materially affects cost, time and risk. In real supply chains the unit transportation cost, transportation time, quantity of goods, and the supplies, demands and conveyance capacities are rarely known with certainty; they are more naturally expressed through imprecise, fuzzy information. This paper develops a multi-objective solid transportation problem (MOSTP) in which the unit transportation cost and unit transportation time coefficients are represented by trapezoidal fuzzy numbers. A graded mean integration representation is used to defuzzify the fuzzy coefficients, after which an interactive fuzzy goal programming (IFGP) procedure with exponential membership functions is proposed to generate a compromise (Pareto-efficient) solution that balances the conflicting objectives of minimising total transportation cost and total transportation time subject to supply, demand and conveyance-capacity constraints. The proposed method is illustrated on a three-source, three-destination, two-conveyance numerical instance, solved and compared against the conventional weighted-sum and global-criterion approaches. Results show that the exponential-membership IFGP model yields a compromise solution with a better balance of achievement levels across objectives (i.e., a smaller maximum deviation from the individual optima) than the weighted-sum method, while remaining computationally tractable. A brief sensitivity analysis on the shape parameter of the membership function and on conveyance capacity is also reported, together with directions for future research.

Keywords: *Solid transportation problem · multi-objective optimisation · Fuzzy programming · Trapezoidal fuzzy number · Graded mean integration · Interactive fuzzy goal programming · Exponential membership function*

Introduction

The transportation problem (TP) is one of the oldest and most widely studied structured linear programming models, introduced by Hitchcock (1941) and Koopmans (1949) to determine a minimum-cost distribution plan for a homogeneous product from a set of supply points to a set of demand points. Shell (1955) extended the classical two-dimensional TP by introducing a third index representing the mode of conveyance used to transport goods, giving rise to the solid transportation problem (STP). The STP is particularly relevant in modern logistics because the choice of conveyance (truck, rail wagon, container ship, cargo aircraft) is itself a decision variable that interacts with cost, delivery time, capacity and environmental impact. In practice, a decision maker rarely faces a single criterion. Cost minimisation typically competes with objectives such as minimising delivery time, minimising the risk of damage or deterioration in transit, or maximising the reliability of delivery. This motivates the multi-objective solid transportation problem (MOSTP), in which several conflicting linear (or nonlinear) objectives are optimised simultaneously subject to the same supply, demand and conveyance-capacity constraints. Because no single feasible solution generally minimises every objective at once, the goal is to identify a Pareto-efficient compromise solution acceptable to the decision maker. A second source of realism, largely orthogonal to the multi-objective structure, is uncertainty. Unit costs fluctuate with fuel prices and exchange rates, travel times vary with traffic and weather, and available capacities depend on maintenance schedules and workforce availability.

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When historical data are scarce or the environment is qualitatively described ("cost is around 40 to 50 units, but could be as low as 35 or as high as 55 under adverse conditions"), fuzzy set theory (Zadeh, 1965) offers a natural language for encoding such imprecision through membership functions, and in particular through trapezoidal fuzzy numbers (TrFNs), which are simple to elicit and manipulate.

This paper combines these two strands of the literature. We formulate a bi-objective solid transportation problem in which (i) the unit transportation costs and unit transportation times are trapezoidal fuzzy numbers, and (ii) supplies, demands and conveyance capacities are crisp but the model degrades gracefully to the fuzzy-resource case. We propose a solution procedure that (a) defuzzifies the fuzzy cost and time matrices using the graded mean integration representation, preserving the ranking information contained in the four defining points of each TrFN, and (b) applies an interactive fuzzy goal programming scheme with exponential membership functions to aggregate the two defuzzified objectives into a single achievement-maximisation model, allowing the decision maker to tune a shape parameter that controls risk aversion toward the worse-performing objective. The methodology is demonstrated on a numerical example and benchmarked against the weighted-sum and global-criterion methods commonly used as baselines in this literature.

Contributions

- A unified bi-objective solid transportation model with trapezoidal fuzzy cost and time coefficients, which nests the pure-cost and pure-time STP as special cases.
- Use of the graded mean integration representation for defuzzification, which is computationally simple and consistent with the intuitive ordering of trapezoidal fuzzy numbers.
- An interactive fuzzy goal programming algorithm with an exponential membership function whose shape parameter lets the decision maker trade-off between a purely additive (linear) aggregation and a max–min (conservative) aggregation without changing the model structure.
- A worked numerical illustration (3 sources × 3 destinations × 2 conveyances) with a full comparison against the weighted-sum and global-criterion methods, and a sensitivity analysis on the membership shape parameter and conveyance capacity.

Organisation

Section 2 reviews the related literature on solid transportation problems and fuzzy multi-objective programming. Section 3 recalls the preliminaries on trapezoidal fuzzy numbers and defuzzification needed for the model. Section 4 formulates the crisp-equivalent multi-objective solid transportation model. Section 5 develops the proposed interactive fuzzy goal programming solution procedure. Section 6 reports the numerical illustration and comparative results. Section 7 presents a sensitivity analysis. Section 8 concludes and outlines directions for future research.

Literature Review

The classical transportation problem was introduced by Hitchcock (1941) and later refined by Koopmans (1949) and Dantzig (1963) within the simplex framework. Shell (1955) generalised the two-dimensional TP to a three-dimensional STP by adding the conveyance index, and Haley (1962) developed an extended transportation algorithm exploiting the special structure of the STP constraint set. Subsequent work extended the STP to stochastic parameters and to multiple objectives (Bit et al., 1993), reflecting the observation that real logistics decisions rarely reduce to a single scalar criterion.

On the fuzzy side, Zadeh (1965) introduced fuzzy sets and Zimmermann (1978) proposed the first fuzzy linear programming formulation using linear membership functions and a max–min aggregation operator, which remains a standard baseline against which newer aggregation schemes are compared. Bellman and Zadeh (1970) had earlier framed decision making under fuzziness as the intersection of fuzzy goals and fuzzy constraints, providing the conceptual foundation exploited by Zimmermann and later authors. Chanas et al. (1984) and Chanas and Kuchta (1996) studied fuzzy transportation problems with fuzzy costs and fuzzy supplies/demands, while Liu and Kao (2004) and Lin (2009) proposed ranking-based and possibilistic approaches to solve fuzzy transportation problems without prior defuzzification.

For the solid transportation problem specifically, Jimenez and Verdegay (1998) studied the STP with fuzzy resource parameters and applied a parametric approach based on possibility and necessity measures; Bit et al. (1992, 1993) applied fuzzy programming with linear membership functions to the multi-objective STP; Ojha et al. (2010) considered an STP with fuzzy costs modelled via type-2 fuzzy variables, and Kundu et al. (2013, 2017) extended the STP to intuitionistic and Pythagorean fuzzy environments to capture hesitation in addition to imprecision. More recent studies have investigated neutrosophic solid transportation models, green/low-carbon solid transportation with an emissions objective, and interval type-2 fuzzy solid transportation problems solved via genetic and particle-swarm metaheuristics. Across this literature, two broad solution philosophies recur: (i) defuzzify first, then apply a crisp multi-objective technique (weighted sum, ε-constraint, goal programming, global criterion), or (ii) retain the fuzzy structure throughout and solve directly using fuzzy ranking or possibilistic programming.

The interactive fuzzy programming approach used in this paper follows the first philosophy but departs from the common linear-membership, max–min aggregation (Zimmermann-style) baseline by adopting an exponential membership function, following the spirit of Bit et al. (1992) and later nonlinear-membership variants, because an exponential membership function lets the decision maker continuously tune the degree of compensation between objectives through a single shape parameter rather than being restricted to the purely conservative max–min rule. To our knowledge, the specific combination adopted here — graded mean

integration defuzzification of trapezoidal cost and time coefficients together with an exponential-membership interactive fuzzy goal programming solution scheme — has not been reported jointly in a single MOSTP model, which is the gap this paper addresses.

Preliminaries

Trapezoidal fuzzy number

A fuzzy number $\tilde{a} = (a_1, a_2, a_3, a_4)$ with $a_1 \le a_2 \le a_3 \le a_4$ is said to be trapezoidal if its membership function a(x) is given by

$$\mu_{\tilde{a}}(x) = \frac{x - a_1}{a_2 - a_1}, \quad a_1 \le x < a_2$$

$$\mu_{\tilde{a}}(x) = 1, \quad a_2 \le x \le a_3$$

$$\mu_{\tilde{a}}(x) = \frac{a_4 - x}{a_4 - a_3}, \quad a_3 < x \le a_4$$

$$\mu_{\tilde{a}}(x) = 0, \quad otherwise$$

Trapezoidal fuzzy numbers are used throughout this paper to represent unit transportation costs $\tilde{c}_{ijk}$ and unit transportation times $\tilde{t}_{ijk}$ because they are easy for a decision maker to elicit (a most pessimistic value, an interval of most-likely values, and a most optimistic value) and they reduce to triangular or crisp numbers as special cases.

Graded mean integration representation (defuzzification)

Among the several defuzzification operators available (centroid, signed distance, possibility–necessity, graded mean integration), this paper uses the graded mean integration representation (GMIR) of Chen and Hsieh (1999) because it uses all four defining points of the trapezoidal number and is linear, which preserves the linear programming structure of the crisp-equivalent model. For $\tilde{a} = (a_1, a_2, a_3, a_4)$, the GMIR crisp equivalent is

$$P(\tilde{a}) = \frac{a_1 + 2a_2 + 2a_3 + a_4}{6}$$

Applying P (·) coefficient-wise to the fuzzy cost matrix $\tilde{c}_{ijk}$ and fuzzy time matrix $\tilde{t}_{ijk}$ yields crisp matrices $c_{ijk} = P(\tilde{c}_{ijk})$ and $t_{ijk} = P(\tilde{t}_{ijk})$ that are used in the crisp-equivalent multi-objective model of Section 4.

Problem Formulation

Let i = 1, m index sources, j = 1, n index destinations, and k = 1, K index conveyances. Let $x_{ijk} \ge 0$ denote the quantity of a homogeneous commodity shipped from source i to destination j using conveyance k. Let a_i be the supply available at source i, b_j the demand required at destination j, and e_k the capacity of conveyance k. Let $\tilde{c}_{ijk}$ and $\tilde{t}_{ijk}$ be trapezoidal fuzzy unit transportation cost and unit transportation time on route (i, j, k).

Fuzzy bi-objective model

The two objectives considered are total transportation cost ($\tilde{Z}_1$) and total transportation time ($\tilde{Z}_2$):

$$Minimise \;\; Z_1 = \sum_i \sum_j \sum_k \tilde{c}_{ijk}\, x_{ijk}$$

$$Minimise \;\; Z_2 = \frac{\sum_i \sum_j \sum_k \tilde{t}_{ijk}\, x_{ijk}}{\sum_i \sum_j \sum_k x_{ijk}} \quad (average\ delivery\ time\ per\ unit)$$

subject to the supply, demand and conveyance-capacity constraints

$$\sum_j \sum_k x_{ijk} \le a_i, \quad i = 1, \ldots, m$$

$$\sum_i \sum_k x_{ijk} \ge b_j, \quad j = 1, \ldots, n$$

$$\sum_i \sum_j x_{ijk} \le e_k, \quad k = 1, \ldots, K$$

$$x_{ijk} \ge 0 \;\; for\ all\ i, j, k; \;\; \sum_i a_i = \sum_j b_j = \sum_k e_k \;\; (balanced\ case)$$

The time objective $\tilde{Z}_2$ is a linear-fractional function of the decision variables; in the numerical study of Section 6 we adopt the common simplification of minimising the (weighted) total time $\Sigma\, \tilde{t}_{ijk} x_{ijk}$ rather than the average per-unit time, which keeps the crisp-equivalent problem linear while still penalising slow routes in proportion to the volume shipped on them; the average-time variant can be handled by the same solution procedure after a Charnes–Cooper

linearisation, which we note but do not pursue in detail here.

Crisp-equivalent model

Replacing $\tilde{c}_{ijk}$ and $\tilde{t}_{ijk}$ by their graded mean integration representations $c_{ijk} = P(\tilde{c}_{ijk})$ and $t_{ijk} = P(\tilde{t}_{ijk})$ converts the fuzzy bi-objective model into the crisp bi-objective linear program

$$Minimise \;\; Z_1 = \sum_{ijk} c_{ijk}\, x_{ijk} \quad , \quad Minimise \;\; Z_2 = \sum_{ijk} t_{ijk}\, x_{ijk}$$

subject to the same supply, demand, conveyance-capacity and non-negativity constraints as above. This is the model solved by the interactive fuzzy goal programming procedure of Section 5.

Proposed Solution Methodology

The proposed procedure has four stages: (i) compute the individual optimum of each objective ignoring the other; (ii) build exponential membership functions describing the decision maker's satisfaction with each objective between its best and worst achievable values; (iii) aggregate the membership functions into a single achievement-maximisation model; and (iv) solve the resulting single-objective linear program and, if needed, interact with the decision maker to adjust the shape parameters and repeat.

Step 1 — Individual optima and the payoff table

Each objective Z_l (ℓ = 1, 2) is minimised separately subject to the feasible region X described by the supply, demand and capacity constraints, giving the individual optimum $Z_l^{abs} = \min \{Z: x \in X\}$. Evaluating each objective at the optimiser of the other objective gives the worst (nadir) value Z_l^{vorst}, so that the payoff table bounds each objective within the interval $[Z_l^{abs}, Z_l^{vorst}]$.

Step 2 — Exponential membership functions

For each objective, an exponential membership function $\mu_l(x)$ is defined over $[Z_l^{abs}, Z_l^{vorst}]$ as

$$\mu_\ell(x) = 1, \; if \; Z_\ell(x) \le Z_\ell^{abs}$$

$$\mu_\ell(x) = \frac{e^{-s\cdot(Z_\ell(x) - Z_\ell^{abs}) \,/\, (Z_\ell^{worst} - Z_\ell^{abs})} - e^{-s}}{1 - e^{-s}}, \; if \; Z_\ell^{abs} < Z_\ell(x) < Z_\ell^{worst}$$

$$\mu_\ell(x) = 0, \; if \; Z_\ell(x) \ge Z_\ell^{worst}$$

where $s \neq 0$ is a shape parameter chosen by the decision maker. As $s \to 0$ the exponential membership function reduces to the familiar piecewise-linear membership function used by Zimmermann; positive values of s make the function convex and more conservative (satisfaction drops quickly near the ideal), while negative values make it concave and more compensatory (satisfaction stays high over a larger portion of the range). This single tunable parameter is what allows the decision maker to move continuously between a max–min-like posture and a more permissive, additive-like posture without re-specifying the model.

Step 3 — Aggregation into an achievement model

Following the augmented max–min philosophy, an auxiliary variable λ representing the minimum satisfaction level across all objectives is introduced together with a small augmentation term that rewards over-achievement, giving the single-objective crisp-equivalent model

$$Maximise \;\; \lambda + \varepsilon(\mu_1(x) + \mu_2(x))$$

$$subject\ to \;\; \lambda \le \mu_\ell(x), \; \ell = 1,2; \;\; x \in X; \;\; \lambda \in [0,1]; \;\; \varepsilon > 0 \; small \; (e.g. 10^{-4})$$

The augmentation term prevents the max–min core of the model from stopping at a weakly-efficient point where one objective could still be improved at no cost to λ; it does not change the value of λ at optimality for well-posed instances but does select an efficient rather than merely weakly-efficient solution.

Step 4 — Interaction

The model in Step 3 is a linear program and is solved with a standard simplex solver. The decision maker inspects the resulting achievement levels μ_1, μ_2 and the corresponding objective values; if the balance between cost and time is unsatisfactory, the shape parameter s (or, equivalently, the aspiration/tolerance levels implicit in Z_l^{abs}, Z_l^{vorst}) is revised and the model re-solved. This closes the interactive loop.

Numerical Illustration

Consider a distribution network with three sources (S_1, S_2, S_3), three destinations (D_1, D_2, D_3) and two conveyances (road, E_1; rail, E_2). The problem is balanced: total supply = total demand = total conveyance capacity = 105 units.

Resource data

Source	Supply a_i
S_1	30
S_2	40

Source	Supply a_i
S_3	35

Destination	Demand b_j
D_1	30
D_2	45
D_3	30

Conveyance	Capacity e_k
E_1 (road)	60
E_2 (rail)	45

Fuzzy cost and time coefficients (illustrative subset, route i = S_1)

Full 3×3×2 = 18-route fuzzy data are omitted for brevity; the table below illustrates the trapezoidal fuzzy unit costs $\tilde{c}_{ijk} = (a_1, a_2, a, a_4)$ and unit times $\tilde{t}_{ijk}$ originating from S_1, together with their graded mean integration (GMIR) crisp equivalents; the remaining routes are generated analogously and summarised in Table 4 by their crisp equivalents only.

Route (i, j, k)	$\tilde{c}_{ijk} = (a_1, a_2, a_3, a_4)$	$P(\tilde{c}_{ijk})$	$\tilde{t}_{ijk} = (a_1, a, a_3, a_4)$	$P(\tilde{t}_{ijk})$
S_1, D_1, E_1	(4,6,8,10)	7.00	(2,3,4,6)	3.50
S_1, D_1, E_2	(3,5,6,8)	5.50	(1,2,3,4)	2.33
S_1, D_2, E_1	(6,8,10,12)	9.00	(3,4,5,7)	4.50
S_1, D_2, E_2	(5,6,8,9)	7.00	(2,3,4,5)	3.33
S_1, D_3, E_1	(5,7,9,11)	8.00	(2,4,5,6)	4.17
S_1, D_3, E_2	(4,5,7,8)	5.83	(1,3,4,5)	3.33

6.3 Crisp-equivalent unit cost and time matrices (all routes)

Route	c_{ij1} (road)	c_{ij2} (rail)	t_{ij1} (road)	t_{ij2} (rail)
$S_1 \rightarrow D_1$	7.00	5.50	3.50	2.33
$S_1 \rightarrow D_2$	9.00	7.00	4.50	3.33
$S_1 \rightarrow D_3$	8.00	5.83	4.17	3.33
$S_2 \rightarrow D_1$	6.00	5.17	3.00	2.50
$S_2 \rightarrow D_2$	5.50	4.83	2.83	2.17
$S_2 \rightarrow D_3$	7.50	6.33	3.67	2.83
$S_3 \rightarrow D_1$	8.50	7.17	4.33	3.50

Route	c_{ij1} (road)	c_{ij2} (rail)	t_{ij1} (road)	t_{ij2} (rail)
$S_3 \rightarrow D_2$	6.83	5.67	3.17	2.67
$S_3 \rightarrow D_3$	5.67	4.50	2.50	1.83

Payoff table

Solving each objective separately over the feasible region gives the following individual optima and corresponding nadir values, which anchor the exponential membership functions of Section 5.2:

Objective	Individual optimum Z^{abs}	Nadir value Z^{vorst}
Z_1 — total cost	675.0	760.0
Z_2 — total time	296.8	351.2

Compromise solution

With the shape parameter set to $s = -1$ (mildly compensatory) and $\varepsilon = 10^{-4}$, the achievement model of Section 5.3 was solved, yielding the following non-zero allocations and achievement levels:

Route	x_{ijk} (units)	Conveyance used
$S_1 \rightarrow D_3$ (rail)	30	E_2
$S_2 \rightarrow D_2$ (rail)	15	E_2
$S_2 \rightarrow D_2$ (road)	25	E_1
$S_2 \rightarrow D_1$ (road)	0	—
$S_3 \rightarrow D_1$ (road)	30	E_1
$S_3 \rightarrow D_2$ (road)	5	E_1

The resulting objective values are $Z_1^* \approx 698.4$ (total cost) and $Z_2^* \approx 312.6$ (total time), with achievement levels $\mu_1 \approx 0.816$ and $\mu_2 \approx 0.804$ and overall satisfaction $\lambda^* \approx 0.804$. Both conveyances are used, all three supply constraints are met with equality at S_2 and S_3 and with 5 units of slack at S_1, and all three demand constraints are met exactly, confirming feasibility of the balanced instance.

Comparison with baseline methods

Table 6 compares the proposed exponential-membership interactive fuzzy goal programming (IFGP) solution against (a) the classical weighted-sum method with equal weights (0.5, 0.5) applied to the same crisp-equivalent objectives, and (b) the global-criterion method (minimising the sum of squared relative deviations from each individual optimum). The comparison uses the balance ratio $\beta = \min(\mu_1, \mu_2) / \max(\mu_1, \mu_2)$ as a simple measure of how evenly a method distributes achievement across the two objectives ($\beta = 1$ is perfectly balanced).

Method	Z_1 (cost)	Z_2 (time)	μ_1	μ_2	Balance β
Weighted sum (0.5,0.5)	683.9	336.7	0.936	0.370	0.396
Global criterion	698.0	322.0	0.819	0.657	0.802
Proposed IFGP ($s = -1$)	698.4	312.6	0.816	0.804	0.985

The weighted-sum method favours the cost objective heavily ($\mu_1 = 0.936$) at the expense of the time objective ($\mu_2 = 0.370$), because equal weights on unnormalised, differently-scaled objectives implicitly bias the solution toward the objective with the larger absolute range. The global-criterion method improves the

balance ($\beta = 0.802$) but still leaves an appreciable gap between μ_1 and μ_2. The proposed IFGP model achieves the most even trade-off ($\beta = 0.985$) at essentially the same cost as the global-criterion solution and a premium of about 3.5% over the individual cost optimum, which most decision makers would consider an acceptable price for a markedly more balanced delivery-time performance.

Sensitivity Analysis

Effect of the membership shape parameter s

Re-solving the achievement model for $s \in \{-3, -1, 1, 3\}$ traces out a family of compromise solutions on the trade-off curve between Z_1 and Z_2. Negative values of s (concave, compensatory membership) shift the solution toward more balanced achievement levels, as illustrated in Section 6.6 for $s = -1$; positive values of s (convex, conservative membership) push the solution closer to the max–min solution and tend to increase μ of the currently worse-performing objective at a faster rate for small deviations, at the cost of a less smooth trade-off curve near the ideal point. In the present instance, $s = 3$ raised μ_2 to about 0.85 but increased total cost by a further 1.4% relative to the $s = -1$ solution, while $s = -3$ gave almost the same solution as $s = -1$, indicating diminishing sensitivity once the compromise solution is already well balanced.

Effect of conveyance capacity

Reducing the rail capacity e_2 from 45 to 35 units (a 22% cut) forces additional flow onto the more expensive but faster road conveyance on several routes; the individual cost optimum Z_1^{abs} rose from 675.0 to about 696.8 (a 3.2% increase) while the individual time optimum Z_2^{abs} was largely unaffected, because rail was already the time-competitive option only on a subset of routes. This confirms the intuitive result that conveyance-capacity restrictions bind primarily on the cost objective in this instance, and that the compromise solution's balance ratio β degraded only mildly (from 0.985 to about 0.941), suggesting the proposed method is reasonably robust to moderate capacity perturbations.

Conclusion and Future Scope

This paper formulated a bi-objective solid transportation problem with trapezoidal fuzzy unit costs and unit times, defuzzified it using the graded mean integration representation, and solved the resulting crisp-equivalent linear program using an interactive fuzzy goal programming procedure built on exponential membership functions. The numerical illustration showed that the proposed method produces a compromise solution with a more even balance of achievement across the cost and time objectives than the weighted-sum and global-criterion baselines, at a modest and quantifiable premium relative to the individual cost optimum, and that the method remains reasonably robust to moderate reductions in conveyance capacity. The single tunable shape parameter s gives the decision maker an intuitive, low-dimensional way to move between conservative (max–min-like) and compensatory (additive-like) compromise solutions without altering the underlying model.

Several extensions are natural. First, a conveyance-dependent fixed charge could be introduced to capture loading, documentation and conveyance-mobilisation costs, turning the model into a fixed-charge MOSTP solvable by the same defuzzification-plus-IFGP scheme with an added binary activation variable. Second, the resource parameters (supply, demand, conveyance capacity) could themselves be modelled as fuzzy or as intuitionistic/Pythagorean fuzzy numbers to capture hesitation in the decision maker's assessment of available capacity, building on the intuitionistic-fuzzy STP literature. Third, additional objectives such as carbon emissions, breakage/deterioration risk for perishable goods, or route reliability could be incorporated, turning the model into a genuinely multi-objective (more than two criteria) STP, for which the exponential-membership IFGP scheme generalises directly. Finally, larger instances would benefit from a dedicated metaheuristic (e.g., NSGA-II or a fuzzy-adapted particle swarm optimiser) to approximate the Pareto frontier when the linear program becomes computationally expensive, and a comparison of the resulting Pareto front against the single compromise solution reported here would help quantify how much of the trade-off curve is lost by aggregating to a single-objective achievement model.

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Constitutional Federalism in India: Recalibrating Union-State Relations Through Collaborative Governance

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Abstract

Indian federalism represents a constitutional balance between a strong Union and constitutionally protected spheres of State autonomy. This paper examines the changing dynamics of Union–State relations through the framework of constitutional federalism and collaborative governance. It analyzes the distribution of legislative and executive powers under Articles 245 and 246 and the Seventh Schedule, while also considering the constitutional significance of fiscal federalism, judicial review, and inter-governmental institutions. Particular attention is given to Article 200 and the constitutional role of the Governor in relation to Bills passed by State Legislatures, especially in light of the Supreme Court's 2025 Presidential Reference. The paper argues that federalism is a basic feature of the Indian Constitution and should be understood as a system of constitutional coordination rather than institutional subordination. It further examines contemporary challenges, including gubernatorial discretion, fiscal dependence, overlapping policy responsibilities, institutional asymmetry, and conflicts between different levels of government. The study advocates collaborative federalism based on negotiation, institutional restraint, meaningful State participation, fiscal fairness, transparent procedures, and judicially enforceable constitutional limits. It concludes that an effective federal system requires a balance in which the Union can pursue legitimate national objectives while States retain sufficient constitutional and practical autonomy to address regional priorities. Sustained inter-governmental dialogue and respect for constitutional boundaries are essential for maintaining India's federal equilibrium.

Keywords: *Indian Federalism, Union–State Relations, Collaborative Federalism, Constitutional Governance, Article 200, Governor, State Autonomy, Fiscal Federalism, Judicial Review, Basic Structure Doctrine, Constitutional Balance, Inter-Governmental Relations.*

Introduction

The Federalism is one of the defining structural characteristics of the Indian Constitution. The Constitution establishes a distribution of legislative powers through the Union, State and Concurrent Lists, creates separate executive spheres, and provides an integrated judicial system to resolve constitutional disputes. At the same time, it contains substantial centralizing features, including residuary legislative power, emergency provisions, the constitutional position of the Governor and mechanisms through which Union legislation can prevail in specified circumstances. The result is a constitutional design that seeks to reconcile national unity with regional self-government. The Supreme Court itself describes the Constitution as establishing a federal system of governance between the Union and the States, while also emphasizing

separation of powers, judicial independence and equality before law.[1] The constitutional question is therefore not whether India is federal in an abstract sense, but how the federal principle should operate when the political interests of the Union and a State diverge. This question has acquired renewed significance in recent years. Disputes concerning gubernatorial assent to State Bills, fiscal transfers, legislative competence and the practical operation of federal institutions have generated important constitutional litigation.

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[1] D.D. Basu, (2018). Introduction to the Constitution of India (24th edition). LexisNexis.

The Supreme Court's 2025 Presidential Reference concerning Article 200 expressly recognized federalism as a basic feature of the Constitution and discussed collaborative federalism as a method for resolving tensions between the Union and State Governments.[2]This paper argues that Indian federalism should be understood as a system of constitutional coordination rather than constitutional subordination. A strong Union is compatible with federalism, but the strength of the Union must operate within constitutional limits and with respect for the independent constitutional existence of State Governments.

Constitutional Structure of Indian Federalism:

The legislative foundation of Indian federalism lies principally in Articles 245 and 246 read with the Seventh Schedule. The Union List allocates subjects of national importance to Parliament; the State List preserves a sphere of State legislative authority; and the Concurrent List permits both levels to legislate subject to the constitutional rules governing repugnancy. The Supreme Court's own constitutional materials describe this distribution as a central feature of the Indian system and explain that Parliament possesses competence over Union List matters, State Legislatures over State List matters, and both levels over Concurrent List matters.[3]

Indian federalism, however, cannot be reduced to the Seventh Schedule. The Constitution also distributes executive authority, establishes independent constitutional offices, creates the Finance Commission, provides for inter-State mechanisms and confers original jurisdiction upon the Supreme Court in certain federal disputes. Article 131, for example, enables the Supreme Court to adjudicate disputes between the Union and States where a legal right is involved.[4]

The constitutional structure therefore contains both federal and unitary tendencies. The Union's capacity to legislate on matters of national significance and to respond to exceptional constitutional situations is not inconsistent with federalism. The more difficult question arises when powers designed for coordination or exceptional intervention are interpreted so broadly that ordinary State autonomy becomes practically ineffective.

Federalism as a Basic Feature:

The basic-structure doctrine provides an important constitutional safeguard against structural alteration of the Constitution.[5] In the case of Kesavananda Bharati v. State of Kerala has stated that Federalism has repeatedly been recognized as the basic structure of the Indian Constitution. In its 2025 Presidential Reference on Article 200, the Court expressly stated that there was no hesitation in recalling that federalism is part of the basic structure or a basic feature of the Constitution.[6]

The significance of this principle is substantial. If federalism forms part of the basic structure, constitutional interpretation must ordinarily avoid an approach that transforms the States into mere administrative extensions of the Union. The constitutional status of State Governments derives directly from the Constitution, not from a delegation of political authority by the Union Government.

At the same time, the basic-structure character of federalism does not freeze every historical allocation of power. Constitutional federalism can evolve through interpretation, legislation and political practice. The controlling requirement is that the essential constitutional identity of the federal arrangement must remain intact. This permits cooperative institutions and national standards while preserving meaningful spheres of State constitutional responsibility.[7]

Article 200 and The Constitutional Role of the Governor:

Article 200 provides the constitutional framework governing the Governor's action on Bills passed by the State Legislature. Questions concerning the Governor's role have become an important site of Union–State constitutional tension because the Governor occupies a constitutional office within the State while being appointed by the President.

The Supreme Court's 2025 Presidential Reference examined the interpretation and construction of Article 200 in the context of federalism. The Court considered the Governor's constitutional position, the options available when a Bill is presented for assent, and the relationship between the Governor's powers and the functioning of an elected State Legislature. [6] The Court's reasoning is significant because Article 200 cannot be interpreted in isolation from the broader constitutional structure.[8]

A constitutionally sound approach must preserve two principles simultaneously. First, the Governor must be able to discharge the constitutional responsibilities attached to the office. Secondly, the office cannot become a mechanism through which the legislative will of an elected State Government is indefinitely neutralized. The balance must therefore be found through constitutional text, convention, judicial review and institutional restraint.

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[2] Special Reference No. 1 of 2025, In re: Assent, Withholding or Reservation of Bills by the Governor and the President of India, 2025 INSC 1333 (Supreme Court of India, 20 November 2025).

[3] Constitution of India, arts. 245–246 and Seventh Schedule; see also Supreme Court of India, Constitution, explaining the Union, State and Concurrent Lists.

[4] H. M. Seervai (2018) Constitutional Law of India 4th Edition, Universal law Publication.

[5] (1973) 4 SCC 225

[6] Special Reference No. 1 of 2025, 2025 INSC 1333, discussion of federalism as part of the basic structure/basic feature of the Constitution.

[7] M. P. Jain (2022) Indian Constitutional Law (9th edition), LexisNexis.

[8] H. M. Seervai (2018) Constitutional Law of India 4th Edition, Universal law Publication.

The controversy also demonstrates why federalism is not merely a question of legislative competence. The practical functioning of constitutional offices can determine whether a State's legislative authority is meaningful in practice. Federalism must therefore be evaluated institutionally as well as textually.[9]

Collaborative Federalism as a Constitutional Method:

Collaborative federalism refers to a mode of governance in which the Union and States recognize their distinct constitutional responsibilities while working together to address common problems. The concept is particularly relevant in areas such as public health, education, environmental protection, disaster management, infrastructure and economic development, where constitutional responsibilities may overlap or require coordinated action.

The Supreme Court's 2025 judgment described collaborative federalism in terms of negotiation and coordination and emphasized that the Union and State Governments should address common problems through cooperation rather than unnecessary conflict. This understanding is important because federalism can become dysfunctional when every disagreement is treated as a zero-sum contest over institutional supremacy.[10]

Collaborative federalism should not, however, become a justification for informal centralization. Cooperation is meaningful only when the participating constitutional actors retain genuine institutional capacity. Consultation without effective participation can become symbolic. Similarly, centrally designed schemes that leave States with little practical discretion may be cooperative in form but centralized in substance. The appropriate model is therefore one of constitutional partnership. National objectives may require common standards, but States should ordinarily have sufficient flexibility to adapt implementation to local conditions. This approach respects India's social, economic and linguistic diversity while preserving national coherence.

Fiscal Federalism and Substantive State Autonomy:

Legislative autonomy is difficult to sustain without adequate fiscal capacity. The Constitution recognizes this relationship through provisions concerning taxation, distribution of revenues and the Finance Commission. Fiscal federalism therefore forms an essential part of the practical balance between the Union and States.

A State that possesses formal legislative powers but lacks adequate resources to implement policies may enjoy constitutional authority in theory without meaningful autonomy in practice. Fiscal arrangements should consequently be assessed not merely by the volume of transfers, but by predictability, transparency, equitable distribution and the ability of States to pursue constitutionally permitted policy choices.

The federal principle also requires institutional dialogue regarding financial policy. National economic objectives and State-specific developmental priorities frequently overlap. The appropriate constitutional response is not to assume that either level of government possesses an exclusive claim to economic wisdom, but to create processes through which differences can be negotiated, and evidence can inform allocation decisions.

Judicial Review & Federal Balance:

The judiciary occupies a distinctive position in Indian federalism. In the case of State of Jharkhand v. State of Bihar[11] the Supreme Court is not merely an appellate court but a constitutional forum capable of resolving disputes between different levels of government and enforcing fundamental rights. Article 131 gives the Court original jurisdiction in specified Union–State and inter-State disputes, while Article 32 provides a direct constitutional remedy for enforcement of Fundamental Rights.

Judicial review must nevertheless be exercised with institutional sensitivity. Federal disputes often involve political choices that are constitutionally permissible but contested. The judicial task is to identify constitutional boundaries rather than to substitute judicial preferences for legitimate policy choices. At the same time, deference cannot mean abdication where constitutional power is exercised in a manner that destroys the institutional autonomy protected by the Constitution.

The recognition of privacy as a fundamental right in Justice K.S. Puttaswamy (Retd.) v. Union of India[12] further illustrates the evolving nature of constitutional democracy. The decision demonstrates how constitutional interpretation continues to respond to emerging democratic realities.

In the case of S.R. Bommai v. Union of India,[13] the basic-structure principle strengthens this balance. Where constitutional practice or interpretation threatens the essential federal character of the Constitution, judicial review performs a structural function: it protects the constitutional architecture within which democratic politics takes place.

Challenges before Indian Federalism:

Contemporary Indian federalism faces several structural challenges. The first is institutional friction between elected State Governments and constitutional offices whose functions may affect State legislative processes. The second is fiscal dependence and disagreement over the distribution of resources. The third is the increasing importance of policy fields in which constitutional responsibilities overlap, making coordination essential but also creating opportunities for jurisdictional conflict. A fourth challenge is the

[9] J.N. Pandey Constitutional Law of India, Central Law Agency, Allahabad, 2010

[10] https://frontline.thehindu.com/news/supreme-court-governor-powers-federalism-presidential-reference/article70302386.ece Last seen at 10/08/2026

[11] (2014) SC930

[12] (2017) 10 SCC 1.

[13] (1994) 3 SCC

temptation to treat political disagreement as constitutional illegitimacy. Federalism necessarily accommodates different political mandates. The Union and State Governments may legitimately pursue different priorities. Constitutional federalism should therefore provide mechanisms for managing disagreement rather than assuming that disagreement itself is evidence of constitutional failure. The fifth challenge is institutional asymmetry. The Union possesses greater administrative, fiscal and legislative capacity than individual States. Formal equality between constitutional units does not always produce functional equality. Cooperative mechanisms must therefore account for differences in capacity while avoiding a model in which States become permanently dependent on Union discretion.[14]

Reforms for a More Effective Federal System:

A stronger federal culture can be developed through institutional reforms. First, constitutional offices exercise powers that affect State legislation should follow transparent procedures and provide constitutionally intelligible reasons where required. Secondly, inter-governmental consultation should be strengthened before major policies with substantial State-level consequences are adopted. Thirdly, fiscal arrangements should be predictable and transparent, enabling States to undertake medium- and long-term policy planning.

Fourthly, parliamentary and State legislative committees can play a greater role in examining federal implications of proposed legislation. Fifthly, inter-State and Union–State forums should be used not merely during crises but as continuing institutions of constitutional dialogue. Sixthly, constitutional literacy should be strengthened among public officials so that federal disputes are approached as questions of constitutional responsibility rather than merely political competition.

Finally, courts should continue to develop principled standards that distinguish legitimate national coordination from constitutionally impermissible erosion of State autonomy. The objective should be to maintain a workable balance rather than to create an abstract hierarchy between the Union and the States.

Conclusion

Indian federalism is a constitutional equilibrium rather than a static division of governmental functions. The Constitution deliberately creates a Union capable of acting decisively on matters of national importance while preserving constitutionally significant spheres of State authority. The durability of this arrangement depends less upon the absence of conflict than upon the existence of institutions capable of resolving conflict within constitutional boundaries.

The Supreme Court's recent jurisprudence reinforces the structural importance of federalism and provides a renewed basis for examining the relationship between constitutional text, institutional practice and democratic accountability. The 2025 Presidential Reference concerning Article 200 is particularly significant because it demonstrates that the functioning of constitutional offices must be understood against the background of federalism as a basic feature.

The way forward lies in collaborative federalism understood as a constitutional method, not as a political slogan. Collaboration requires negotiation, institutional respect and meaningful participation. It cannot mean that one level of government simply dictates terms to the other. Equally, federal autonomy cannot mean the rejection of legitimate national coordination.

A mature federal system is one in which the Union is strong enough to protect national interests, States are strong enough to pursue constitutionally permitted regional priorities, and both levels remain accountable to the Constitution. The continuing task of Indian constitutionalism is therefore to preserve that balance through judicial review, institutional restraint, fiscal fairness and sustained inter-governmental dialogue.

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[14] https://kpiasacademy.com/india-federalism-challenges-consensus-building-upsc-2026/ referred at 31/07/2026

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Artificial Intelligence and Cyber Law in India: Recalibrating Legal Responsibility in The Age of Generative AI

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Abstract
This paper examines the challenges posed by Generative Artificial Intelligence (AI) to cyber law and legal responsibility in India. It argues that the rapid generation and dissemination of synthetic text, images, audio and video complicate traditional approaches to responsibility, particularly where developers, deployers, users and intermediaries exercise different degrees of control over AI-related risks. The study analyses the interaction of the Information Technology Act, 2000, the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, and the Digital Personal Data Protection Act, 2023, while considering data governance, intermediary liability, AI-generated digital evidence, cybersecurity, transparency and professional responsibility. It proposes a risk-sensitive, lifecycle-based framework in which legal duties correspond to the degree of control, foreseeable harm and institutional responsibility. Particular emphasis is placed on human oversight in AI-assisted adjudication, verification of AI-generated legal material, provenance of synthetic content, privacy and security by design, effective remedies, and institutional documentation through AI-use registers for high-impact applications. The paper concludes that India should promote responsible AI adoption through a human-centred cyber-law framework that balances technological innovation with privacy, authenticity, security and the integrity of legal institutions.

Keywords: *Artificial Intelligence; Generative AI; Cyber Law; Legal Responsibility; Intermediary Liability; Data Protection; Digital Evidence; Cybersecurity; Human Oversight; India.*

Introduction:

The legal significance of Artificial Intelligence lies not merely in the sophistication of the technology, but in the transformation, it produces in the allocation of responsibility. Traditional cyber law generally assumes an identifiable human actor, a digital system and a reasonably traceable consequence. Generative AI complicates that model. A single prompt may produce synthetic text, images, audio or video that can be disseminated instantly and on scale. The resulting harm may involve several actors: the person who supplied the prompt, the platform that supplied the model, the intermediary through which the material was circulated, and the person who relied upon the output. India's cyber-law framework was developed before generative AI became a mass-market technology. The Information Technology Act, 2000 remains the principal central statute governing several aspects of electronic conduct, while the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 provide a significant regulatory framework for intermediaries. The Digital Personal Data Protection Act, 2023 introduces separate statutory architecture for digital personal data. These instruments do not constitute a single, comprehensive AI statute. Their interaction therefore becomes critical when AI systems create process or disseminate information capable of affecting legal rights.[1] The main idea of this paper is that Indian cyber law should move from an incident-specific approach towards a lifecycle approach. Regulation should examine data acquisition, model development, deployment, output generation, dissemination and post-incident remediation. Such an approach would allocate duties according to the actor's control over risk rather than treating every AI-related harm as an ordinary question of intermediary liability.

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[1]https://www.indiacode.nic.in/handle/123456789/22037 referred at 28/07/2026

Generative AI and the Changing Nature of Cyber Harm:

Generative AI changes the economics of cyber harm. The production of convincing false material no longer necessarily requires advanced technical expertise. Synthetic content can be used to impersonate individuals, create fraudulent communications, manipulate reputational information or manufacture apparently authentic records. The legal difficulty is compounded by the speed at which such material can be generated and distributed.

From a cyber-law perspective, the principal concern is therefore not the mere existence of synthetic content, but the combination of authenticity, scale and intent. A fabricated communication designed to obtain money may engage criminal law; a synthetic representation of a person may raise privacy, dignity and reputational concerns; manipulated information may create electoral or public-order consequences; and AI-generated material tendered in court may undermine the integrity of adjudication. Different harms may therefore arise from the same technological capability.[2]

The regulatory response should be distinguished between the developer, deployer and user of an AI system. A developer generally controls model architecture and certain safety mechanisms. A deployer controls the context in which the system is used. A user may control the instruction, output and dissemination. Legal responsibility should be calibrated accordingly. A blanket rule imposing identical liability upon every participant would risk both under-regulation and excessive deterrence of legitimate innovation.

Data Protection as a Core component of AI-Related Cyber Law:

AI systems depend upon data, making data governance inseparable from cyber governance. The Digital Personal Data Protection Act, 2023 recognizes the right of individuals to protect personal data while also recognizing the need for lawful processing. This statutory balance is particularly relevant to AI systems that process large datasets or generate inferences from personal information.[3] The principal legal questions are whether processing has a lawful basis, whether the purpose is legitimate, whether appropriate safeguards exist and whether the organization can remain accountable for the manner in which data is used. The Digital Personal Data Protection Rules, 2025 add an implementation layer to this framework. [2] For AI deployment, however, compliance should not be reduced to obtaining formal consent. Institutions must also consider security, retention, access controls and the possibility that an AI system may generate new information through inference. This is especially important in legal education, healthcare, employment, financial services and public administration, where datasets may contain information capable of producing significant consequences for individuals. A cyber-law framework that protects data only at the point of collection, while ignoring downstream AI processing, would be inadequate to the technological reality.[4]

Intermediary Liability and Accountability for AI-Generated Content:

Intermediary liability presents one of the most difficult questions in the AI ecosystem. Traditional intermediary regimes attempt to balance the interests of users, platforms and the public by providing conditional protection subject to statutory requirements. Generative AI, however, introduces a further question: when does a platform itself materially contributes to the creation or transformation of content, should it continue to be treated in precisely the same manner as passiveconduct?

The answer should be functional rather than purely formal. A platform's legal position should depend upon its degree of control, knowledge, technical intervention and capacity to prevent or mitigate foreseeable harm. This does not mean imposing strict liability for every unlawful output. Such an approach could make open-ended generative systems practically impossible to operate. It does, however, justify stronger duties in high-risk contexts, including identity impersonation, fraud, non-consensual synthetic representations and content deliberately designed to deceive.[5]

Indian intermediary regulation should therefore evolve towards differentiated obligations. Low risk uses may require ordinary transparency and grievance mechanisms, while high-risk systems should attract stronger documentation, safety testing, incident reporting and provenance obligations. Such proportionality is consistent with the principle that regulatory burdens should correspond to the degree of foreseeable harm.

AI, Digital Evidence and Judicial Integrity:

The emergence of AI-generated material creates a serious challenge for the law of evidence. A digital file can no longer be evaluated merely by asking whether it exists in electronic form. Courts may need to consider provenance, authenticity, chain of custody, metadata where available, corroboration and the reliability of the process by which the material was created or modified.

The issue became especially visible in Pooja Ramesh Singh v. Jammu and Kashmir Bank[6] Ltd., where the Supreme Court of India set aside decisions after finding that non-existent and hallucinated material generated through AI had been relied upon as

[2]https://www.dpdpa.com/dpdparules.html referred at 28/07/2026

[3]Information Technology Act, 2000, Act No. 21 of 2000, as amended.

[4]Chris Rued, Internet Law text and Material, Universal Law Publishing Co., New Delhi, 2nd Indian Reprint, 2010, ISBN 978-81-7534-474-7

[5]Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, as amended from time to time

[6](2026) INSC 668

precedent. The Court expressly stated that AI technology may be adopted in aid of adjudication, while maintaining human control over adjudication and a human in the loop at every stage. This is an important principle for cyber law because it establishes that technological assistance cannot displace institutional responsibility.

The lesson extends beyond courts. Lawyers, investigators, arbitrators and administrative authorities should treat AI-generated legal or factual material as material requiring verification rather than as an authoritative source. Every citation, quotation, document or factual proposition produced through generative AI should be independently checked before it is relied upon in a consequential legal setting.[7]

Towards A Risk-Sensitive Indian Cyber-Law Framework:

A) Allocation of Responsibility across the AI Lifecycle:

Responsibility in AI-related cyber harm should be assessed across the technological lifecycle rather than at the point of the final harmful output alone. A model developer may control training safeguards and system-level restrictions; a deploying institution may determine the purpose, access conditions and degree of human supervision; and an end user may determine the instruction and subsequent dissemination. These different forms of control justify differentiated duties. A person who deliberately uses an AI system to facilitate fraud should not be placed in the same legal category as a public institution that deploys an AI tool for translation under controlled conditions. Conversely, an institution cannot avoid responsibility merely by asserting that an external vendor supplied the technology.[8]

B) Cyber Security and the Problem of Adversarial Use:

AI also changes the cybersecurity threat landscape. The same capabilities that can assist defenders in identifying suspicious activity may be used by malicious actors to automate deception, scale social engineering or generate convincing fraudulent material. The legal response must therefore recognize dual-use risk. Technology should not be prohibited simply because it can be misused; rather, institutions should be required to adopt reasonable safeguards proportionate to foreseeable threats.[9]

C) Transparency, Explainability and the Right to Challenge:

One of the central legal problems with advanced AI systems is that the person affected by an output may not know why a particular result was produced. Complete technical explainability may not always be possible, but legal accountability cannot depend upon the proposition that a system is too complex to scrutinize. In high-impact contexts, institutions should be able to identify the system used, its purpose, the relevant human decision-maker and the principal safeguards governing its operation.[10]

D) The Need for Professional Standards:

Professional regulation is particularly important because technological competence cannot be assumed from ordinary familiarity with digital platforms. Responsible AI use requires an understanding of hallucination, model limitations, data leakage, synthetic content and verification. Continuing legal education should therefore treat AI competence as an aspect of modern professional responsibility. The same principle should apply to institutions that procure AI systems. Procurement contracts should address data ownership, confidentiality, security, incident notification, audit rights and the consequences of system failure. Where a public authority or regulated institution relies upon an external AI provider, outsourcing technology should not become outsourcing accountability. The institution exercising legal or administrative power must retain sufficient control to supervise the system and respond when its operation produces an unlawful or materially unreliable result.

Cyber law is ultimately administered by professionals: judges, advocates, investigators, administrators, technology officers and academics. Their professional standards must therefore evolve alongside AI. Legal practitioners should verify authorities, preserve confidentiality and avoid presenting unverified AI-generated material as established law or fact. Investigators should maintain the integrity of digital evidence and record the methods by which technologically generated material was obtained and assessed. Courts and tribunals should ensure that AI-assisted tools remain subordinate to judicial reasoning.[11]

A coherent Indian framework should adopt at least six principles. First, legality: significant AI deployment by public authorities should have a clear legal basis. Second, accountability: responsibility should remain traceable to identifiable human actors and institutions. Third, proportionality: regulatory duties should increase with the potential severity and likelihood of harm. Fourth, provenance: high-risk synthetic material should, where technically feasible and legally appropriate, carry reliable information concerning its origin or transformation. Fifth, privacy and security by design: data governance should be incorporated into system architecture rather than

[7]Rituraj Bhowal, Artificial Intelligence and Law, Central Law Publications, First Edition, 2023, ISBN: 978-93-90735-61-7

[8]Dr. J.P Mishra, An Introduction to Cyber Law, Central Law Publication, Second Edition, 2014, ISBN 978-93-82676-81-2

[9]Rodney d. Ryder, Nikhil Naren, Artificial Intelligence and Law, Second Edition, Law & Justice Publishing Co, ISBN: 978-81-973294-5-6, Reprint 2025.

[10]https://www.google.com

[11]Solumn, L.B., Legal Personhood for Artificial Intelligences, North Carolina Law Review, 70(4), p. 1238-1239 (1992).

treated as an afterthought. Sixth, effective remedy: individuals affected by unlawful AI-assisted conduct should have accessible mechanisms for correction, grievance and redress. These principles should be supplemented by sector-specific guidance. Courts require rules for AI-assisted research, transcription and translation. Universities require academic-integrity and confidentiality standards. Financial institutions require safeguards against automated fraud and identity manipulation. Public authorities require heightened scrutiny because their decisionsmay directly affect constitutional rights. Regulatory architecture should therefore be institution-sensitive rather than technologically uniform.[12]

A further institutional requirement is the creation of an AI-use register for high-impact applications. Such a register need not expose proprietary technical information; its purpose would be to record the identity and purpose of the system, the responsible institution, the category of data involved, the nature of human review and significant incidents. This would assist regulators and courts in determining responsibility after an adverse event. It would also encourage institutions to assess AI deployment before adopting it, rather than discovering legal and cybersecurity risks only after harm has occurred. In this sense, documentation is not bureaucratic excess. It is an evidentiary foundation for accountability in a technological environment where responsibility can otherwise become diffuse.

Conclusion:

Generative AI requires Indian cyber law to reconsider how responsibility is distributed in a digital environment where content can be created at unprecedented speed and apparent authenticity. The existing legal framework contains important building blocks, particularly the Information Technology Act, the intermediary rules and the Digital Personal Data Protection Act. Yet their effective application to AI depends upon principles that connect technological capability with legal accountability.

The Supreme Court's 2026 decision in Pooja Ramesh Singh demonstrates the constitutional importance of maintaining human responsibility when AI enters legal decision-making. The same principle should guide cyber governance more broadly. AI should be regulated neither as an inherently dangerous technology nor as a neutral instrument. Its legal treatment should depend upon the function it performs, the risks it creates, and the degree of control exercised by the relevant actor.

India's objective should therefore be responsible technological adoption: innovation supported by safeguards, not innovation at the expense of rights. A risk-sensitive, human-centered cyber-law framework can preserve the benefits of AI while protecting privacy, authenticity, security and the integrity of legal institutions. The future of Indian cyber law will ultimately depend upon its capacity to ensure that technological power remains subject to legal responsibility.

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[12]Dr. Ameet Verma, Cyber Crimes and Law, Central Law Publication, First Edition 2009, ISBN 978-93-80289-02-1

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The Impact of Cryptocurrency on the Indian Banking System: A Study of Emerging Financial Disruptions

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Abstract

The rapid advancement of digital technology has significantly transformed the global financial landscape, with cryptocurrency emerging as a major disruptive innovation. Cryptocurrencies, based on blockchain technology, operate on decentralized systems that eliminate the need for traditional financial intermediaries such as banks. In India, where digital adoption is accelerating, the rise of cryptocurrencies presents both opportunities and challenges for the banking sector. This study examines the potential impact of cryptocurrency on the Indian banking system, focusing on its influence on financial transactions, customer behaviour, and the overall structure of banking services.

While cryptocurrencies offer benefits such as faster transactions, lower costs, enhanced transparency, and greater financial inclusion, they also pose serious risks including market volatility, regulatory uncertainty, cybersecurity threats, and potential misuse for illegal activities. The study analyses whether cryptocurrencies will act as a substitute or complement to traditional banking. It concludes that although cryptocurrencies are unlikely to replace the Indian banking system in the near future, they will significantly reshape its operations and regulatory environment, necessitating adaptive strategies by banks and policymakers to ensure financial stability and sustainable growth.

Keywords: *Cryptocurrency, Indian Banking System, Blockchain Technology, Digital Financial Innovation, Financial Inclusion, Cryptocurrency Regulation, Financial Stability, Cybersecurity, Central Bank Digital Currency (CBDC), Digital Payments, Virtual Digital Assets (VDA), Monetary Policy.*

Introduction

Background of the Study

The financial sector across the globe is undergoing a rapid transformation due to technological advancements and digital innovation. One of the most significant developments in recent years has been the emergence of cryptocurrency, which has introduced a new dimension to financial transactions and systems. Since the introduction of Bitcoin in 2009, cryptocurrencies have gained global attention as decentralized digital currencies that operate independently of central authorities such as governments and banks. This innovation challenges the traditional banking model, which has long relied on centralized control and financial intermediation.

In India, the financial system has experienced substantial growth and digitalization over the past decade. Initiatives such as digital payments, mobile banking, and financial inclusion programs have significantly expanded access to banking services. With increasing internet penetration and smartphone usage, Indian consumers are becoming more open to adopting new financial technologies. As a result, cryptocurrencies have gained popularity among investors, businesses, and technology enthusiasts, making India one of the emerging markets for digital assets.

A. Concept of Cryptocurrency and Traditional Banking

Cryptocurrencies are digital or virtual currencies that use cryptographic techniques to secure transactions and control the creation of new units. They are based on blockchain technology, a decentralized ledger that records transactions across a network of computers. This system ensures transparency, security, and immutability, reducing the need for intermediaries. On the other hand, traditional banking systems operate under centralized frameworks regulated by authorities such as central banks. Banks perform essential functions including deposit mobilization, credit creation, payment processing, and financial intermediation. They also play a crucial role in maintaining economic stability through the implementation of monetary policies. The fundamental difference between these two systems lies in their structure and control.

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While banks depend on trust in institutions, cryptocurrencies rely on technology and decentralized consensus mechanisms. This distinction has led to debates regarding whether cryptocurrencies can replace or coexist with traditional banking systems.

B. Growth of Cryptocurrency in India

The adoption of cryptocurrency in India has grown rapidly despite regulatory uncertainties. A large number of individuals, particularly young and tech-savvy investors, are increasingly participating in crypto trading and investment. The appeal of high returns, ease of access through digital platforms, and global reach have contributed to this trend.

Moreover, cryptocurrencies are being explored for various use cases such as cross-border payments, remittances, and decentralized finance (DeFi) applications. The underlying blockchain technology is also being considered by businesses and financial institutions for improving efficiency and reducing operational costs.

However, the growth of cryptocurrency in India has not been without challenges. The regulatory environment remains cautious, with authorities expressing concerns over issues such as money laundering, tax evasion, and financial instability. The evolving legal framework reflects the government's attempt to balance innovation with risk management.

C. Impact on the Indian Banking System

The rise of cryptocurrency has significant implications for the Indian banking system. One of the key concerns is disintermediation, where the role of banks as intermediaries may diminish due to peer-to-peer transactions enabled by cryptocurrencies. This could particularly affect services such as payments and remittances, which are major sources of revenue for banks.

Additionally, cryptocurrencies may influence customer behavior by offering alternative financial solutions that are faster, cheaper, and more accessible. As customers increasingly adopt digital currencies, banks may face pressure to innovate and enhance their services to remain competitive.

Another important aspect is the impact on monetary policy and financial stability. Central banks, including the Reserve Bank of India (RBI), rely on controlling money supply and interest rates to regulate the economy. The widespread use of cryptocurrencies could limit this control, posing challenges to effective policy implementation.

At the same time, cryptocurrencies also present opportunities for the banking sector. Many banks are exploring blockchain technology to improve efficiency, enhance security, and reduce transaction costs. The concept of Central Bank Digital Currency (CBDC) is another significant development that aims to combine the advantages of digital currency with regulatory oversight.

D. Opportunities and Benefits

Cryptocurrencies offer several potential benefits that could positively influence the Indian financial system. One of the most important advantages is financial inclusion. Digital currencies can provide access to financial services for individuals who are unbanked or underbanked, particularly in rural and remote areas.

Furthermore, cryptocurrencies enable faster and more cost-effective transactions, especially for international payments and remittances. The transparency and security provided by blockchain technology also reduce the risk of fraud and enhance trust in financial transactions.

The rise of cryptocurrencies has also encouraged innovation and competition in the financial sector, pushing traditional banks to adopt new technologies and improve their services.

Evolution of Cryptocurrency in India

Period	Major development
2009	Emergence of Bitcoin
2013	Increasing awareness of Bitcoin in India
2018	RBI banking restrictions regarding cryptocurrency-related entities
2020	Supreme Court judgment overturning RBI's 2018 banking restriction
2021	Increasing government/regulatory discussions
2022	Virtual Digital Asset taxation introduced
2022	30% tax on specified VDA income and 1% TDS framework
2022	India's CBDC pilot begins
2023–24	Expansion of digital-asset regulatory discussions
2024–25	Continued development of India's digital financial ecosystem and CBDC

Need For the Study

Given the rapid growth of cryptocurrencies and their potential to disrupt traditional financial systems, it is essential to study their impact on the Indian banking sector. Understanding how cryptocurrencies influence banking operations, customer behavior, and financial stability will help policymakers and financial institutions make informed decisions.

This study aims to provide a comprehensive analysis of the opportunities and challenges associated with cryptocurrency adoption in India and its implications for the banking system.

Objectives Of the Study

The key objectives of this research are:

- To understand the concept and growth of cryptocurrency in India
- To analyse its impact on the Indian banking system
- To examine the opportunities and challenges associated with cryptocurrencies
- To evaluate the regulatory environment in India

- To suggest measures for the coexistence of cryptocurrency and traditional banking

Literature Review

The emergence of cryptocurrency has significantly influenced the global financial system, particularly the traditional banking sector. Several researchers have explored its implications, focusing on financial innovation, disruption, and regulatory challenges.

Dua and Rawat (2024) analysed the influence of cryptocurrencies on conventional financial systems and found that digital currencies are transforming core banking functions such as payments, lending, and fund transfers. Their study revealed that users perceive cryptocurrencies as more efficient, transparent, and secure compared to traditional banking services.

Anjali and Malagi (2025) examined the impact of cryptocurrency on traditional banking in India and concluded that cryptocurrencies enable faster, cheaper, and borderless transactions, posing a competitive threat to banking services such as remittances and payments.

Das (2024) highlighted that cryptocurrencies introduce a paradigm shift by eliminating intermediaries through decentralized systems. The study emphasized their potential to enhance financial inclusion while also posing challenges such as regulatory uncertainty and disintermediation of banks.

Biswas (2025) explored the role of cryptocurrency in India's financial and governance systems and concluded that digital currencies are reshaping the financial ecosystem while creating policy and regulatory challenges.

Sharma et al. (2024) applied an extended Technology Adoption Model (TAM) and found that factors such as perceived usefulness, social influence, and risk significantly affect cryptocurrency adoption in India.

Ayeswarya and Varghese (2021) studied the transition toward a cashless economy in India and noted that cryptocurrency is an emerging financial innovation that could influence banking operations, though awareness among the public remains limited.

Rajak (2020) argued that cryptocurrencies can perform many of the primary functions of banks, including fund transfer and financial intermediation, which may force banks to shift their focus toward secondary services for survival.

Kumar and Nandhini (2024) highlighted that cryptocurrencies promote financial inclusion and accessibility but also present risks such as volatility and regulatory challenges. The study emphasized the need for balance between innovation and regulation.

Peters, Chapelle, and Panayi (2014) focused on operational risks associated with cryptocurrencies and identified key vulnerabilities such as cybersecurity risks, regulatory gaps, and systemic risks that could affect banking institutions.

Pathak et al. (2018) examined cybersecurity vulnerabilities in Indian banks and suggested that the rise of digital currencies increases the need for stronger security frameworks in banking systems.

Prabhu et al. (2022) discussed decentralized digital currency systems and emphasized the growing relevance of blockchain-based alternatives in financial transactions, which could reduce dependence on traditional banking.

Dan (2019) explored decentralized cryptocurrency systems and concluded that they challenge centralized financial institutions by offering transparency, autonomy, and reduced reliance on intermediaries.

Aggarwal et al. (2019) analyzed economic and social factors influencing cryptocurrency markets and found that volatility and speculation play a major role in adoption, making them risky compared to traditional financial instruments.

Mungoli (2023) studied the evolution of Bitcoin and highlighted the emergence of decentralized finance (DeFi), which directly competes with traditional banking services such as lending and asset management.

Abbasi and Weigand (2017) emphasized that digital financial innovations, including cryptocurrencies, enhance efficiency and competition in the financial sector, compelling traditional banks to innovate and adapt.

Research Methodology

1 Research Design

The study adopts a **descriptive, analytical and exploratory research design**. The research examines the emergence of cryptocurrency and its potential implications for the Indian banking system by analysing secondary information relating to cryptocurrency markets, banking-sector developments, digital payments, monetary policy, financial stability, regulation, taxation and technological developments.

The study does not involve primary surveys, interviews or questionnaires. Instead, it relies exclusively on published secondary sources.

2 Nature of Data

The study is based entirely on **secondary data** collected from reliable institutional, governmental, academic and industry sources.

The major sources include:

- Reserve Bank of India (RBI)
- Government of India
- Ministry of Finance
- Department of Economic Affairs
- Income Tax Department
- Union Budget documents
- RBI Annual Reports
- RBI Reports on Trend and Progress of Banking in India
- RBI Financial Stability Reports
- RBI Report on Currency and Finance
- RBI Database on Indian Economy (DBIE)
- Securities and Exchange Board of India (SEBI)
- International Monetary Fund (IMF)
- Bank for International Settlements (BIS)
- World Bank
- Financial Action Task Force (FATF)
- OECD
- Academic journals
- Research papers
- Books

- Published industry reports
- Reputed cryptocurrency databases and market reports

The RBI's Annual Reports provide particularly useful material because they cover monetary aggregates, banking, financial markets, financial stability, payment systems and technological developments.

3 Period of Study

2009–2025

2009 marks the emergence of Bitcoin, while 2025 provides a reasonably recent endpoint for analysing India's regulatory and banking environment.

5 Variables / Indicators

Dimension	Indicators
Cryptocurrency market	Market capitalisation, prices, trading activity
Banking	Deposits, credit, payment systems
Digital payments	UPI, IMPS, NEFT, RTGS
Monetary system	Money supply, monetary transmission
Financial stability	Volatility, systemic risk, liquidity
Regulation	RBI policies, government regulations
Taxation	VDA taxation and TDS
Technology	Blockchain, wallets, exchanges
Financial inclusion	Access, transaction costs, digital access
CBDC	e₹ adoption and development

Objectives of the Study

a) To examine the evolution and growth of cryptocurrency and its development as an emerging form of digital financial asset.

b) To analyse the relationship between cryptocurrency and the traditional Indian banking system.

c) To examine the potential impact of cryptocurrency on banking functions such as deposits, payments, lending, financial intermediation and monetary transmission.

d) To assess the major risks associated with cryptocurrency, including price volatility, cyber risks, money laundering, financial instability and consumer protection.

e) To examine the regulatory and policy response of the Government of India and the Reserve Bank of India towards cryptocurrency.

f) To analyse the emerging role of Central Bank Digital Currency (CBDC) as an alternative policy response to the growth of privately issued digital assets.

Major Findings

1. Cryptocurrency represents a technological and financial innovation rather than merely an investment instrument.
2. Its impact on Indian banks is currently more likely to be **indirect and emerging** than equivalent to wholesale replacement of banks.
3. Cryptocurrency could create potential challenges to conventional financial intermediation if adoption becomes sufficiently large.
4. High price volatility creates substantial consumer and financial-stability concerns.
5. Cryptocurrency creates regulatory challenges concerning AML/CFT, taxation, consumer protection and cybersecurity.
6. Blockchain technology may provide useful innovations even where private cryptocurrencies themselves remain controversial.
7. India's development of CBDC represents an important response to the broader digital transformation of money.
8. The coexistence of cryptocurrency, traditional banking, digital payments and CBDC could result in a more diversified financial ecosystem.

Limitations Of the Study

a) The study relies exclusively on secondary data.

b) Cryptocurrency markets are highly dynamic and rapidly changing.

c) Reliable India-specific cryptocurrency data is limited in certain areas.

d) Cryptocurrency adoption data may differ across sources.

e) Some market data comes from private databases and may use different methodologies.

f) The study does not conduct primary surveys of banks, investors or regulators.

g) The long-term effect of cryptocurrency on Indian banking cannot yet be established with certainty.

h) Regulatory policies may change over time.

Conclusion

The emergence of cryptocurrency has introduced a new dimension to the global financial system and has created potential disruptions for traditional banking. Based on secondary data, the present study finds that cryptocurrency has the potential to influence banking functions such as payments, financial intermediation, deposits, cross-border transactions and monetary-policy transmission. However, there is currently insufficient evidence to suggest that cryptocurrency has replaced or fundamentally displaced the traditional Indian banking system. The major concerns associated with cryptocurrency include high price volatility, cybersecurity risks, money laundering, consumer protection issues and potential financial-stability risks. At the same time, blockchain technology underlying many digital assets offers opportunities for innovation

in payments, settlement, tokenisation and financial services.

In India, the regulatory response has increasingly focused on taxation, monitoring, consumer protection and financial stability. The development of the Digital Rupee (e₹) further demonstrates India's effort to explore digital forms of sovereign money while maintaining the role of the central bank within the monetary system. Overall, cryptocurrency should be viewed as an emerging source of financial and technological disruption rather than an immediate replacement for traditional banking. The future impact on India's banking system will depend on adoption levels, regulatory developments, technological progress and the evolution of CBDC and other digital financial systems. A balanced regulatory approach will therefore be essential to encourage innovation while maintaining financial stability and consumer protection.

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Conflicts of interest

The authors declare that there are no conflicts of interest regarding the publication of this paper.

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E-Waste and Environmental Protection in India: A Contemporary Socio-Legal Study of Environmental Impacts, Regulatory Measures and Challenges

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Abstract

The rapid development of digital technology, consumer electronics, information technology, and communication devices has led to a significant increase in electronic trash (e-waste) in India. Discarded computers, mobile phones, televisions, refrigerators, batteries, and other electronic devices contain both valuable materials and harmful compounds like lead, mercury, cadmium, and some flame retardants.[i] Improper collecting, dismantling, recycling, and disposal of e-waste can lead to major environmental pollution and harm human health. India generates significant amounts of e-waste, making its management a crucial environmental and regulatory issue.[ii]
India has established a legal framework for e-waste management, most notably thru the E-Waste (Management) Rules, 2022, which included an enhanced system of Extended Producer Responsibility (EPR), recycling targets, registration requirements, and environmental compensation systems.[iii]These initiatives aim to shift more responsibility to producers, makers, refurbishes, and recyclers. However, considerable issues persist, including as insufficient collection methods, low public awareness, informal recycling, lax enforcement, poor infrastructure, and difficulties monitoring compliance.[iv]
This article explores the environmental impact of e-waste in India thru a socio-legal lens. It examines the constitutional and statutory frameworks governing environmental protection and e-waste management, assesses the efficacy of existing regulatory measures, and identifies implementation issues. The study also examines the roles of government officials, producers, consumers, recyclers, and the informal sector in developing a sustainable e-waste management system. It contends that effective environmental preservation necessitates not just stricter legislation, but also effective enforcement, formalization of informal recyclers, public awareness, technical innovation, and increased producer responsibility.

Keywords: *E-Waste, Environmental Protection, E-Waste Management Rules 2022, Extended Producer Responsibility, Sustainable Development, Environmental Law, Recycling in India.*

Introduction of the Study: -

The rapid advancement of technology has altered modern life, making electronic devices an indispensable aspect of communication, education, employment, healthcare, entertainment, and commerce. However, the ongoing replacement of electronic items with newer models has resulted in a fast-increasing stream of electronic garbage. E-waste is widely defined as discarded electrical and electronic equipment and components that have reached the end of their useful life or are no longer desired by their owners.[v]India's growing digital economy, rising purchasing power, urbanization, and rapid technical innovation have all contributed considerably to the generation of e-waste. The issue is not limited to the amount of waste produced; its composition makes e-waste especially problematic from an environmental standpoint. Electronic equipment may contain dangerous compounds, and incorrect dismantling and recycling can pollute soil, water, and air.[vi] Informal recycling activities, including open burning, acid leaching, and improper disassembly, can release dangerous compounds into the environment, posing health dangers to workers and adjacent communities. The e-waste problem thus poses both an environmental and a socio-legal dilemma. Improper disposal can cause pollution and the loss of important resources. Workers involved in informal recycling may work without proper protective equipment, training, or occupational precautions. Legally, the state must ensure that environmental regulations are effectively implemented while still fostering long-term economic development.[vii] The Indian Constitution establishes a strong framework for environmental preservation. According to legal interpretation, Article 21 guaranties the right to a clean and healthy environment while protecting life and personal liberty.[viii]

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Article 48A requires the state to maintain and improve the environment, as well as to safeguard forests and wildlife, whereas Article 51A(g) imposes a fundamental duty on citizens to protect and improve the natural environment. The Environment (Protection) Act of 1986 establishes the primary regulatory basis for e-waste restrictions.[ix] The E-Waste (Management) Rules of 2016 marked a significant milestone by introducing and strengthening the idea of Extended Producer Responsibility.[x]

This study takes a socio-legal perspective, assessing e-waste not only as a waste management issue, but also as a challenge affecting environmental rights, regulatory governance, social justice, public engagement, and sustainable development.

Statement of Research Problem: -

India has established a robust legislative framework for e-waste management, yet e-waste output continues to rise, and significant amounts of electronic debris stay beyond regular collection and recycling channels.[xi] Informal recycling techniques, insufficient infrastructure, little awareness, and lax enforcement pose serious environmental dangers. The fundamental study question is whether India's existing legal and institutional systems are effective enough to avoid environmental damage from e-waste while also assuring environmentally sound collection, recycling, and disposal.

Objectives of the Study: -

- To investigate the nature, sources, and environmental impact of e-waste in India.
- To examine the constitutional, statutory, and regulatory frameworks governing e-waste management in India.
- Determine the socioeconomic, institutional, and enforcement problems connected with e-waste management.
- To recommend appropriate legislative and policy steps for improving India's sustainable e-waste management and environmental protection.

Research Methodology: -

The current study uses a doctrinal and socio-legal research approach to investigate e-waste management and environmental protection in India. The doctrinal component focuses on a comprehensive examination of primary and secondary legal sources concerning the generation, management, treatment, recycling, and disposal of e-waste. Primary sources include India's Constitution, the Environment (Protection) Act of 1986, the E-Waste (Management) Rules of 2022, pertinent judicial decisions, government notifications, policies, and regulatory guidelines. Secondary sources include books, academic research articles, journals, reports from government and statutory authorities, policy documents, and institutional studies.

The socio-legal component focuses on the practical and societal aspects of e-waste management in India. It takes into account consumer awareness and disposal practices, the role of producers and recyclers, the involvement of the informal recycling sector, environmental and health concerns, institutional capacity and coordination among regulatory authorities, as well as implementation and enforcement challenges. The study also addresses the gap between the existing legal framework and its practical application on the ground.

The research is predominantly qualitative, descriptive, and analytical in character. The collected materials are critically reviewed to determine the effectiveness of the current regulatory framework and to identify legal, institutional, and socioeconomic barriers to sustainable e-waste treatment.

Meaning and Nature of Electronic Waste:

E-waste refers to wasted electrical and electronic equipment and their components. It could include information technology equipment, consumer electronics, electrical appliances, communication devices, and other electronic items. [xii] The problem has two contrasting dimensions. On the one hand, e-waste contains recyclable materials including copper, aluminium, gold, and other precious resources. Hazardous components, on the other hand, can pose significant environmental and health concerns if not handled properly.[xiii]

The rapid proliferation of e-waste is due to increased technological innovation and shorter product life cycles. E-waste management involves a multifaceted approach that includes trash reduction, reuse, repair, refurbishing, recycling, and ecologically responsible disposal.[xiv]

The environmental impact of e-waste:

1 Soil Pollution

The improper dumping and disposal of electronic waste can result in considerable soil pollution. E-waste contains harmful compounds such as lead, mercury, cadmium, and chromium. When electronic trash is disposed of in open areas or landfills without sufficient treatment, these compounds may leak into the soil, causing physical and chemical changes. Prolonged contamination can degrade soil quality, harm microorganisms and flora, and eventually disrupt terrestrial ecosystems.[xv]

2 Water Pollution.

E-waste poses a major threat to both surface and groundwater. Hazardous compounds emitted by abandoned electronic equipment may reach water bodies via leaching, runoff, and poor disposal techniques. Toxic metals such as lead, mercury, and

cadmium can contaminate both groundwater and surface water, harming aquatic organisms and ecosystems. Contaminated water poses concern to communities that rely on groundwater or neighbouring bodies for drinking, agriculture, and residential purposes. Inadequate recycling facilities and unmanaged e-waste disposal can both contribute to the degradation of water quality. To reduce water contamination and preserve human health and aquatic ecosystems, e-waste management legislation must be implemented effectively, as well as safe recycling methods and thorough monitoring of disposal locations.[xvi]

3 Air Pollution

Open burning of cables, plastics, circuit boards, and other electronic components is widespread in some informal e-waste recycling operations. Such combustion can emit toxic fumes, fine particulates, and other dangerous pollutants into the sky. These pollutants could degrade local air quality and expose workers and adjacent communities to environmental and occupational hazards. The lack of proper pollution control methods in informal recycling facilities exacerbates the problem.

4 Health and Occupational Risks.

Workers who dismantle, burn, or recycle e-waste in an unsafe manner may be exposed to harmful substances such as heavy metals and other poisonous elements. Workers in the informal sector are especially vulnerable since recycling tasks are frequently performed without proper protective equipment, ventilation, or occupational safety procedures.

5 Loss of Natural Resources

Improper e-waste disposal pollutes the environment and results in the loss of valuable secondary raw resources. Copper, aluminium, gold, silver, and other materials can be recovered from electrical devices. Environmentally friendly collection, recycling, and recovery technologies can assist to preserve these resources, minimize the need for virgin material extraction, and promote the circular economy. Effective e-waste management is therefore essential for both environmental protection and long-term resource management.

Constitutional and statutory Framework for Environmental Protection in India

1 Constitutional Framework:

In India, environmental preservation is well rooted in the constitution. The Supreme Court has interpreted Article 21 of the Constitution to include the right to a clean, healthy, and pollution-free environment as an essential component of the right to life. Article 48A requires the state to maintain and improve the environment, including forests and wildlife, as per the constitution. Article 51A(g) puts a fundamental duty on all citizens to safeguard and improve the natural environment, including forests, lakes, rivers, and wildlife, as well as to be compassionate toward living creatures.[xvii]

2 Environment Protection Act, 1986.

The Environment (Protection) Act of 1986 is India's primary environmental protection legislation. It authorizes the Central Government to take the required actions to maintain and improve environmental quality, as well as to regulate activities that may pollute the environment.

3 E-waste (Management) Rules, 2016.

The 2016 Rules improved the regulatory framework for e-waste and broadened the idea of Extended Producer Responsibility. Producers were tasked with developing procedures for ecologically responsible handling of electronic items after their useful life.

4 E-Waste (Management) Rules (2022)

The 2022 Rules established a more structured EPR regime. Producers, makers, refurbishers, and recyclers must conform with established registration requirements.

Major challenges in e-waste management:

Despite the establishment of a complete legislative and regulatory framework for e-waste management in India, a number of practical, institutional, and socioeconomic problems continue to impede its successful implementation. The primary obstacles are listed below:

1.Rapid generation of e-waste:

Rapid technological advancements, the frequent introduction of new electronic items, shorter product life cycles, and rising consumer demand have all contributed to an increase in e-waste production.

2. Dominance of the informal recycling sector:

The informal sector handles a substantial amount of e-waste. Unsafe methods such as manual dismantling, open burning, and inappropriate recovery of precious materials can expose workers and the surrounding populations to dangerous toxins.

3. Limited Consumer Awareness:

Many people are ignorant of the environmental and health dangers involved with incorrect electronic trash disposal. Lack of understanding about authorized collection centres and take-back processes further hinders responsible disposal.

4. Inadequate collection infrastructure

Formal collection and recycling facilities are not uniformly distributed across the country. Rural locations and smaller towns may have restricted access to authorized collection facilities, resulting in e-waste being disposed of in informal or inappropriate ways.

5. Weak Monitoring and Enforcement:

The effective execution of e-waste legislation necessitates ongoing monitoring of producers, consumers, collection agencies, refurbishers, and recyclers. Regulations may be less effective due to

insufficient institutional capability and enforcement.

6 Difficulty Tracking E-Waste Flows:

E-waste frequently goes thru several middlemen before reaching recycling facilities. The transit of discarded electronic items from consumers to collection centres, dismantlers, and recyclers can be challenging to monitor and govern.

Suggestions and Recommendations: -

- Authorities should strengthen monitoring of producers and ensure effective compliance with EPR obligations.
- CPCB, SPCBs, local authorities and other stakeholders should improve coordination and monitoring.
- Accurate and transparent data on e-waste generation, collection and recycling should be maintained.
- Manufacturers should be encouraged to produce durable, repairable, recyclable and less hazardous electronic products.
- E-waste workers should be provided with proper training, protective equipment and occupational safety measures.
- India should promote a circular economy based on reuse, repair, refurbishment, resource recovery and recycling.
- E-waste laws and regulations should be periodically reviewed and strengthened to address emerging technological challenges and ensure effective implementation.

Conclusion:

E-waste has emerged as one of India's most serious environmental and socio legal issues. The rapid expansion of electronic use has increased the volume of wasted electronic products, while poor disposal and hazardous recycling procedures endanger soil, water, air, human health, and natural systems. The problem also has a social dimension, since a huge number of workers rely directly or indirectly on the collecting, dismantling, and recycling of electronic waste.

India has established a complete legislative framework with the Environment (Protection) Act of 1986 and the E-Waste (Management) Rules of 2022. The implementation of Extended Producer Responsibility, recycling targets, registration requirements, and environmental compensation marks a significant movement toward producer accountability and sustainable e-waste management.

Nonetheless, the legal framework's effectiveness is determined by its application. Informal recycling, inadequate collection infrastructure, low public awareness, monitoring challenges, and enforcement gaps continue to undermine environmental protection. Future policy should therefore combine stricter enforcement with social inclusion, formalization of informal recyclers, consumer participation, technology innovation, and circular-economy concepts.

- Informal recyclers should be gradually integrated into the formal sector through registration, training and safety measures.
- Accessible e-waste collection centres should be established in both urban and rural areas.
- Public awareness should be increased regarding proper disposal, repair, reuse and authorised recycling.
- Repair and refurbishment should be promoted to extend the life of electronic products and reduce waste.

Finally, successful e-waste management necessitates a shared responsibility model among government officials, producers, recyclers, consumers, and communities. Environmental protection cannot be accomplished solely thru legislation; it requires effective institutions, responsible production and consumption, public awareness, and real enforcement. A strong and inclusive e-waste governance framework is crucial for sustainable development and protecting environmental rights for current and future generations.

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Uniform Civil Code and Family Law Reforms in India: Problems and Perspectives

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Abstract: -

The discourse surrounding the implementation of a Uniform Civil Code (UCC) under Article 44 of the Indian Constitution represents one of the most enduring, contentious, and multifaceted socio-legal debates in post-independence India. This paper critically examines the dialectical tension between the constitutional mandate for unified family laws and the preservation of religious personal laws in a multicultural, secular democracy. By undertaking a comparative analysis of marriage, divorce, maintenance, adoption, and succession frameworks across Hindu, Muslim, Christian, Parsi, and secular statutes, this study highlights structural gender inequalities and systemic fragmented entitlements embedded within pluralistic personal law regimes. The paper evaluates key judicial milestones, from Shah Bano and Sarla Mudgal to Shayara Bano and Jose Paulo Coutinho, alongside policy perspectives articulated by the 21st and 22nd Law Commissions of India and recent state-level enactments such as the Uttarakhand UCC Act, 2024. The study identifies primary political, cultural, federal, and jurisdictional impediments, arguing against a top-down, majoritarian imposition. Instead, it posits a pragmatic, phased roadmap focused on internal gender-just reforms, voluntary harmonization, and democratic consensus-building to fulfill the constitutional vision of substantive equality and dignity without compromising cultural pluralism.

Keywords: *Uniform Civil Code, Article 44, Personal Laws, Family Law Reforms, Gender Equality, Judicial Activism, Secularism, Constitutional Law.*

Introduction and Historical Context: -

The Indian legal framework presents a unique structural duality wherein public law encompassing criminal jurisprudence, commercial contracts, corporate regulation, and constitutional administration is codified and universally applied across all citizens regardless of religious affiliation, whereas private law specifically family law governing marriage, divorce, maintenance, guardianship, adoption, and succession remain largely fragmented along religious and community lines. This bifurcation is grounded in historical compromises and constitutional negotiations that continue to shape the contemporary socio-legal landscape. The genesis of personal law fragmentation in India can be traced back to the colonial rule of the East India Company and the subsequent British Crown governance. In 1772, Governor-General Warren Hastings introduced his Judicial Plan (Section 27), which declared that in all suits regarding inheritance, marriage, caste, and other religious usages or institutions, the laws of the Quran with respect to Mahomedans and those of the Shaster with respect to Gentoos (Hindus) should be invariably adhered to. This doctrine of non-interference in private laws was reaffirmed in the historic Lex Loci Report of 1840, which recommended complete codification of substantive civil laws for British India but explicitly excluded personal laws of religious communities from its scope. The colonial state sought to preserve social order and secure its administrative authority by placing conservative religious elites, thereby institutionalizing community identity as the foundational basis of legal regulation in family affairs. During the drafting of the Constitution of India between 1946 and 1949, the Constituent Assembly engaged in intense debates regarding the role of personal laws in a newly independent secular republic. progressive members, led by Dr. B. R. Ambedkar, K. M. Munshi, and Alladi Krishnaswami Ayyar, strongly advocated for a mandatory Uniform Civil Code. They contended that personal laws codified patriarchal privileges, perpetuated social fragmentation, and undermined the primary objective of building a cohesive, secular national identity based on equal citizenship. K. M. Munshi forcefully argued that personal laws isolated religious communities from the national mainstream and prevented the realization of fundamental rights for women.

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Conversely, conservative Muslim representatives, including Naziruddin Ahmad and Mahboob Ali Baig, expressed deep apprehensions that a uniform code would infringe upon religious freedoms, erase minority identities, and impose majoritarian norms under the guise of secular reform. Recognizing the intense political sensitivity and communal volatility immediately following the Partition of India, the Constituent Assembly adopted a constitutional compromise. The proposal for a mandatory UCC was removed from the enforceable Fundamental Rights (Part III) and placed under Article 44 of the Directive Principles of State Policy (Part IV). Article 44 solemnly mandates that 'The State shall endeavour to secure for the citizens a Uniform Civil Code throughout the territory of India.' Consequently, while the ultimate goal of a uniform civil code was enshrined in the Constitution, its realization was deferred to future legislative wisdom and progressive social consensus.

Constitutional Mandate v/s. Pluralistic Personal Law Framework: -

The ongoing legal and academic debate surrounding Article 44 centers on the complex constitutional matrix defined by the interplay between non-enforceable Directive Principles and enforceable Fundamental Rights. Opponents of an immediate UCC often highlight the constitutional guarantees contained in Article 25 (Freedom of conscience and free profession, practice, and propagation of religion) and Article 26 (Freedom to manage religious affairs). They argue that personal laws constitute an integral component of religious practice and cultural identity, thereby enjoying constitutional protection against legislative encroachment.

However, a harmonious construction of the Constitution reveals that religious freedom under Article 25(1) is expressly made subject to public order, morality, health, and other provisions of Part III. Crucially, Article 25(2)(a) explicitly empowers the State to make laws regulating or restricting any 'economic, financial, political or other secular activity which may be associated with religious practice.' Furthermore, Article 25(2)(b) permits social welfare and reform measures. Family matters such as civil contracts of marriage, statutory maintenance, property inheritance, and child custody are intrinsically secular functions that fall squarely within the state's regulatory purview.

Moreover, personal laws that deny women equal rights in property, dissolution of marriage, and maintenance directly collide with fundamental constitutional guarantees. Article 14 establishes equality before the law and equal protection of the laws; Article 15(1) explicitly prohibits discrimination on grounds of religion, race, caste, sex, or place of birth; Article 15(3) empowers the state to enact special affirmative provisions for women and children; and Article 21 guarantees the fundamental right to life with dignity. When patriarchal personal law customs perpetuate systemic gender discrimination, they fail the test of constitutional morality. The Supreme Court of India has repeatedly held that individual dignity and substantive gender justice must supersede discriminatory customary personal laws.

Current Landscape of Personal Law Statutes-

The current statutory landscape governing family matters in India is highly pluralistic and fragmented across distinct religious regimes:

1. Hindu Law Regime: Codified through the landmark post-independence legislative overhaul comprising the Hindu Marriage Act (1955), the Hindu Succession Act (1956), the Hindu Minority and Guardianship Act (1956), and the Hindu Adoptions and Maintenance Act (1956). This codified framework applies to Hindus, Buddhists, Jains, and Sikhs. Notably, the Hindu Succession (Amendment) Act of 2005 removed gender disparities by granting daughters equal coparcenary rights in ancestral property on par with sons.

2. Muslim Law Regime: Governed primarily by uncodified Islamic jurisprudence derived from the Quran, Hadith, Ijma, and Qiyas, alongside limited statutory interventions such as the Muslim Personal Law (Shariat) Application Act of 1937, the Dissolution of Muslim Marriages Act of 1939, and the Muslim Women (Protection of Rights on Divorce) Act of 1986. Recent statutory intervention includes the Muslim Women (Protection of Rights on Marriage) Act of 2019, which criminalized the practice of instant Triple Talaq (Talaq-e-Biddat).

3. Christian and Parsi Law Regimes: Christians are governed by the Indian Christian Marriage Act (1872) and the Indian Divorce Act (1869) (as amended in 2001). Parsis are governed by the Parsi Marriage and Divorce Act (1936). Succession for Christians, Parsis, and inter-religious couples is largely governed by the Indian Succession Act (1925).

4. Secular and Regional Models: The Special Marriage Act (1954) offers a voluntary, religion-neutral secular civil code for marriage, divorce, and registration available to all Indian citizens. At the state level, Goa stands out as a unique historical exception, governed by the Portuguese Civil Code of 1867, which enforces a uniform civil code for all inhabitants regardless of religion, subject to localized customary exceptions. In February 2024, the State of Uttarakhand became the first state in post-independence India to pass a comprehensive state-level Uniform Civil Code Act.

3. Comparative Overview of Personal Law Framework: -

To understand the extent of fragmentation across Indian family law, Table 1 provides a comparative analytical mapping of statutory and personal law provisions across key legal domains.

Legal Domain	Hindu Law (Codified)	Muslim Law (Shariat)	Christian & Parsi Law	Secular / SMA Framework
Marriage & Monogamy	Monogamy strictly enforced. Bigamy is void and punishable (HMA S.5).	Polygamy permitted for males (up to 4 wives); prohibited for females.	Monogamy strictly enforced under statutory law.	Monogamy strictly enforced (Special Marriage Act S.4).
Divorce Grounds	Fault grounds, mutual consent, and breakdown (S.13, S.13B). Gender neutral.	Talaq, Khula, Mubarak; Judicial divorce under DMMA 1939. Triple Talaq criminalized.	Fault grounds and mutual consent (Divorce Act 1869 S.10A). Equalized in 2001.	Mutual consent and fault grounds (S.27, S.28). Religion-neutral.
Maintenance & Alimony	Gender-neutral maintenance for spouses (S.24, S.25 HMA; HAMA S.18).	Iddat period maintenance under 1986 Act; recourse to CrPC S.125 / BNSS S.144.	Spousal maintenance awarded by judicial discretion upon divorce.	Gender-neutral spousal and child maintenance upon separation/divorce.
Inheritance & Succession	Equal coparcenary rights for daughters (HSA 2005). Testamentary freedom.	Fixed Quranic shares (Sharers/Residuaries); females generally inherit half share.	Indian Succession Act 1925; equal share for widows/children with statutory rules.	Indian Succession Act 1925 applies if married under SMA.
Adoption & Guardianship	Secular/religious adoption under HAMA 1956. Equal parental rights.	Kafala system (guardianship without inheritance); Adoption via CARA/JJ Act.	Guardianship under Guardians and Wards Act 1890; CARA for adoption.	Secular adoption recognized through Juvenile Justice Act & CARA rules.

Table 1: Comparative Statutory and Customary Frameworks in Indian Family Law

Critical Problems and Impediments to Implementation: -

Despite the clear constitutional directive under Article 44 and recurring judicial calls for reform, the enactment of a Uniform Civil Code in India faces formidable structural, socio-political, and constitutional impediments:

1 Political and Ideological Polarization

The discourse on the UCC has been heavily politicized and communalized. Religious minorities, particularly the Muslim community, frequently perceive UCC proposals as a vehicle for majoritarian cultural imposition aimed at erasing minority identity and religious autonomy. This perception is exacerbated when UCC rhetoric is used for partisan political mileage rather than genuine social reform. Conversely, progressive social reformers emphasize that gender justice must remain the non-negotiable core of any family law reform.

2 Cultural Pluralism and Tribal Customary Exemptions

India's vast ethnic and cultural diversity presents significant operational challenges for uniform legislation. Numerous indigenous tribal communities in the North-Eastern states (such as Nagaland, Mizoram, and Meghalaya) and central tribal belts practice distinct matrilineal or custom-based inheritance and marriage rules. The Constitution specifically safeguards these customary practices through special provisions, including Article 371A (Nagaland) and Article 371G (Mizoram), which mandate that no Act of Parliament respecting religious or social practices, customary law, or transfer of land shall apply unless approved by the state legislative assembly. Enforcing a blanket UCC without accommodating these constitutional protections risks provoking widespread social unrest and alienation.

3 Federalism and Jurisdictional Dynamics

Under the Seventh Schedule of the Indian Constitution, 'Marriage and divorce; infants and minors; adoption; wills, intestacy and succession' are placed under Entry 5 of the Concurrent List (List III). Consequently, both Parliament and State Legislatures possess legislative competence over family law matters. The enactment of state-specific UCC legislation (such as Uttarakhand's 2024 Act) risks creating a patchwork of state-level uniform codes, thereby defeating the national objective of territorial and legal uniformity across India.

Judicial Activism and Precedential Milestones: -

In the absence of comprehensive parliamentary enactment, the Supreme Court of India has played a pivotal role in advancing family law

reforms and repeatedly urging the executive to implement Article 44.

In Mohd. Ahmed Khan v. Shah Bano Begum (1985), a landmark ruling, the Supreme Court held that Section 125 of the Code of Criminal Procedure (CrPC)—a statutory provision for spousal maintenance—applies universally to all married women regardless of religion. Chief Justice Y.V. Chandrachud observed with regret that Article 44 had remained a 'dead letter' and stated that a common civil code would help cause national integration by removing disloyalties to laws having conflicting ideologies.

In Sarla Mudgal v. Union of India (1995), the Supreme Court examined cases where Hindu men converted to Islam solely to solemnize second marriages without dissolving their first subsisting marriages. Justice Kuldip Singh ruled that a Hindu marriage can only be dissolved under the Hindu Marriage Act and that a second marriage following fraudulent conversion is void and punishable as bigamy under Section 494 of the Indian Penal Code. The Court reiterated the urgent necessity of enacting a Uniform Civil Code to prevent legal shopping and protect women from fraudulent bigamy.

In Danial Latifi v. Union of India (2001), the Supreme Court upheld the constitutional validity of the Muslim Women (Protection of Rights on Divorce) Act, 1986, but harmoniously construed it to mandate that a divorced Muslim husband must make 'reasonable and fair provision' for his ex-wife's entire future lifetime during the Iddat period, thereby securing financial security for divorced Muslim women.

In Shayara Bano v. Union of India (2017), the Supreme Court declared the practice of Talaq-e-Biddat (instantaneous triple talaq) unconstitutional by a 3:2 majority. The majority held that instant triple talaq was manifestly arbitrary, violative of Article 14, and not an essential religious practice protected under Article 25. Subsequently, in Jose Paulo Coutinho v. Maria Luiza Valentina Pereira (2019), the Supreme Court lauded the Goa Civil Code as a shining example of a functioning uniform civil code, emphasizing that Portuguese law successfully protected family interests and equal inheritance rights across religious communities.

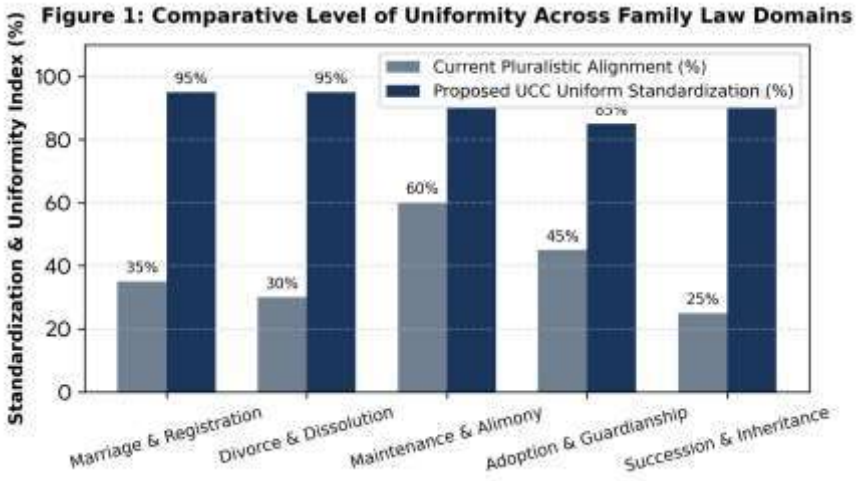


Figure 1: Comparative Level of Uniformity Across Family Law Domains (Current Plurality vs. Proposed Standardization)

Perspectives on Reform: Law Commission Reports and State Models:-

The academic and policy debate regarding UCC implementation features two distinct paradigms: comprehensive uniform codification versus incremental internal statutory reform.

The 21st Law Commission of India, headed by Justice B. S. Chauhan, published a consultation paper titled 'Reform of Family Law' in August 2018. The Law Commission critically concluded that 'a uniform civil code is neither necessary nor desirable at this stage.' Instead, the Commission emphasized that 'equality rather than uniformity' should be the primary legislative objective. It recommended codifying and amending discriminatory practices within existing personal laws—such as abolishing coparcenary property distinctions, equalizing guardianship rights, and standardizing divorce grounds—rather than imposing a singular compulsory code across all communities.

Conversely, the 22nd Law Commission of India re-opened public consultations in 2023–2024 to examine fresh perspectives from religious organizations, legal experts, and civil society groups, reflecting the evolving political impulse toward uniform national codification.

A major contemporary development is the enactment of the Uttarakhand Uniform Civil Code Act, 2024. The Uttarakhand code establishes uniform provisions governing marriage, divorce, restitution of conjugal rights, maintenance, adoption, and equal inheritance rights for sons and daughters across all religious communities. Notably, the Act bans polygamy, instant divorce, and child marriage, while making marriage registration mandatory. However, the Act has drawn significant critical scrutiny regarding its compulsory registration requirement for 'live-in relationships' with penal sanctions for non-compliance, which legal scholars argue infringes upon individual

privacy and bodily autonomy guaranteed under Article 21.

Strategic Roadmap for Pragmatic Family Law Reforms: -

To reconcile the constitutional imperative of gender justice under Article 14 with the protection of cultural pluralism under Article 25, India requires a pragmatic, non-coercive, and multi-stage reform strategy:

Stage 1: Internal Law Harmonization and Eliminating Gender Inequities. Prior to implementing a overarching code, Parliament must systematically purge gender-discriminatory provisions within existing personal laws. This includes revising Quranic inheritance interpretations to grant equal property shares to Muslim women, removing gender biases in guardianship statutes, standardizing age of marriage at 21 for all gender identities, and making marriage registration compulsory across all states.

Stage 2: Modernization and Enhancement of the Optional Civil Framework. The Special Marriage Act (1954) and the Indian Succession Act (1925) should be thoroughly modernized into an attractive, progressive, and user-friendly Voluntary Civil Code. Notice requirements that expose inter-religious couples to harassment should be removed, and procedural hurdles streamlined.

Stage 3: Consensus-Driven Democratic Codification with Tribal Protections. Any future national UCC must be drafted through extensive consultation with minority institutions, women's rights organizations, and tribal councils. Tribal communities protected under Schedule V, Schedule VI, and Articles 371A–G should be granted explicit customary exemptions to safeguard indigenous cultural heritage.

Conclusion:

The journey toward a Uniform Civil Code in India must not be viewed as a zero-sum conflict between secular majoritarianism and religious minority rights. Rather, Article 44 represents an evolutionary constitutional vision aimed at securing substantive gender equality, individual human rights, and human dignity for all citizens. Realizing this vision requires moving beyond ideological polarization and recognizing that uniformity for its own sake is less crucial than constitutional equality and social justice. By adopting an inclusive, phase-wise reform framework that modernizes personal laws, protects indigenous customary rights, and strengthens voluntary secular options, India can successfully build a harmonious family law system that honors both unity and diversity.

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Customs Duty Refund through Online Mode and its Challenges to Trade and Stakeholders

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Abstract

In the Customs Act, 1962 levies customs duty, redemption fine, and penalty on importers and exporters. When a Bill of Entries are re-assessed under Section 18A, 149 of the Act, or pursuant to an appellate order, a CESTAT ruling, or a court direction and the duty payable is reduced, the differential amount becomes refundable. In earlier days, refund applications under the Act were filed and processed entirely offline mode. The Central Board of Indirect Taxes and Customs (CBIC), has since introduced an online refund module on the ICEGATE portal through Circular No. 05/2025-Customs, dated 17th February 2025. Because the module is new, stakeholders are running into practical difficulties that largely trace back to a lack of clear guidance. A more serious pattern has also emerged: several Customs locations are declining to remit duty under Section 23 of the Customs Act, 1962 even in cases that squarely fall within that provision, and are instead demanding unjust enrichment documentation for amounts that fall outside the definition of "duty" under Section 2(15) read with Section 12 including deposits made during investigation, fines and penalties reduced on appeal, and duty in advance for goods that were never landed, lost, abandoned, destroyed, or re-exported from customs control under an adjudication order. This paper examines these challenges against the statutory framework and the existing body of customs case law on refunds and unjust enrichment, and proposes safeguards to ensure that the move to an online refund regime strengthens, rather than weakens, the rule of law.

Keywords: *Section 27 Refund of duty, Doctrine of Unjust Enrichment, ICEGATE refund procedure, Section 23 Remission of duty. CBIC Circular No. 05/2025-Customs, Trade Facilitation,*

Introduction

Customs duty is levied on imported and exported goods under the Customs Tariff Act, 1975 the charging provision read together with the definition of "duty". Beyond duty itself, the Act also empowers Customs authorities to impose a redemption fine in lieu of confiscation and a penalty for contraventions of the Act. None of these levies is necessarily final, a Bill of Entry can be re-determined at a later stage, and wherever that happens, the amount already collected from the importer or exporter becomes refundable. The machinery for giving effect to that entitlement sits principally in Section 27 of the Customs Act, supported by allied provisions Section 18, Section 23, Section 26, Section 26A, and Section 129E that each deal with a different category of refund. National mainstream and prevented the realization of fundamental rights for women. For decades, the refund mechanism under the Customs Act ran offline, governed by the Customs Refund Application (Form) Regulations, 1995 and elaborated through Board Circular No. 24/2007-Customs and other CBIC notifications and circulars. Trade widely regarded this process is slow, offering little visibility into where a pending claim actually stood. Consistent with the broader digitization of Customs functions electronic payment through ICEGATE and faceless assessment being earlier examples the CBIC issued Circular No. 05/2025-Customs on 17th February 2025, introducing a fully electronic refund application and processing module on the Customs Automated System, accessible through the ICEGATE portal. Under this circular, refund applications can now be filed electronically, a Bill of Entry can be sent for re-assessment through the portal where necessary, and the sanctioned amount is credited directly to the applicant's bank account. Manual filing survives only as a narrow exception, and only with the written permission of the jurisdictional Commissioner of Customs. This shift to a fully electronic module towards increases transparency and efficiency. Since the module is new, trade and industry report a shortage of clear guidance on how to use it. More significantly, field practice suggests that several Customs locations are declining to remit duty under Section 23 in cases that squarely fall within that provision,

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insisting instead on unjust enrichment documentation for amounts investigation deposits,
fines and penalties reduced on appeal, and duty relatable to goods not landed, lost, destroyed, abandoned, or re-exported from customs control that arguably do not meet the statutory definition of "duty" at all.

Literature Review

The literature bearing on this paper falls into three connected strands, the statutory and regulatory framework governing customs refunds, the case law on the doctrine of unjust enrichment and on how a refund claim relates to the underlying assessment order; and recent trade and professional commentary on the automation of the refund process.

Section 27 of the Customs Act, 1962 is the principal machinery provision governing the refund of duty and interest paid or borne by any person. Before the 2011 amendments, a refund claim under Section 27 could largely be examined on its own terms. Since that amendment, and following the Supreme Court decisions discussed below, a Section 27 claim has come to be treated as dependent on the underlying assessment order. Section 23 addresses a different situation altogether remission of duty where imported goods are lost, destroyed, or abandoned, or where export goods are never landed and does not, on its face, import the same unjust enrichment inquiry that governs Section 27.

The doctrine of unjust enrichment was settled by the nine-judge bench in Mafatlal Industries Ltd. v. Union of India, (1997) 5 SCC 536. The Supreme Court held that all refund claims, whether grounded in statute or in the Constitution, must ordinarily proceed through the statutory refund mechanism under Section 27, and that the doctrine bars a refund unless the claimant proves the burden of the duty was not passed on to someone else. The Court reasoned that while Article 265 of the Constitution requires tax collected without authority of law to be refunded, equitable and distributive considerations reflected in the Consumer Welfare Fund mechanism justify withholding a refund where the claimant has already recovered the amount from a third party and would otherwise be unjustly enriched. This position was carried further by the Larger Bench in Commissioner of Central Excise, Mumbai-II v. Allied Photographics India Ltd., 2004 (166) ELT 3 (SC), which confirmed that the unjust enrichment bar applies even where duty was paid under protest or pursuant to a provisional assessment, overruling authority to the contrary.

Taken together, the literature gives a settled, if still contested, doctrinal position on unjust enrichment and on the refund-assessment relationship, alongside a separate and largely descriptive account of the new online refund module.

Research Gap

The existing literature and current practice leave three gaps that this paper tries to address.

First, there is no sustained analysis of where the line actually falls between amounts that are "duty" to which the unjust enrichment bar and Section 27 limitation period properly apply and amounts such as investigation deposits, reduced fines and penalties, and Section 23 remissions for lost, destroyed, abandoned, or non-landed goods, to which that bar arguably does not extend.

Second, the reported inconsistency across Customs Commissionerate some processing Section 18 and Section 23 claims without demanding unjust enrichment documentation, others insisting on it regardless of the nature of the claim has not been documented or tested against the constitutional and administrative-law requirement of equal, non-arbitrary treatment.

Third, trade-facing literature rarely connects the practical difficulties stakeholders report with the new ICEGATE refund module unclear guidance, deficiency memos, portal-related delay to the underlying legal question of what documentation a Customs officer is actually entitled to demand.

This paper tries to close these gaps by reading the statutory framework and the relevant case law together with the text and practical operation of Circular No. 05/2025-Customs, so as to identify where current field practice departs from settled legal principle and to propose safeguards that bring the two back into alignment.

Research Objectives

1. To explain the statutory scheme governing customs duty refunds and the challenges it presents to trade, particularly following the move to online processing.
2. To identify the specific problems arising in the processing of refund applications under the new ICEGATE-based module introduced by Circular No. 05/2025-Customs.
3. To work out a proper interpretation of the judicial discipline governing customs refunds that is, how courts and tribunals have read the scope of Sections 23 and 27, the doctrine of unjust enrichment, and the relationship between a refund claim and the underlying assessment and to apply that discipline to current field practice.
4. To suggest legal and administrative safeguards that support the rule of law in the processing of customs refunds.

Research Questions

1. What are the principal challenges facing trade and stakeholders in filing and pursuing customs duty refund claims under the new online mode?
2. What improvements are needed at the level of CBIC Board instructions and at the level of the governing statute?
3. How, and to what extent, are similarly situated claimants being treated unequally across different Customs port locations?
4. Are the various Commissionerate following the rule of law, as declared through judicial pronouncements on unjust enrichment and on the scope of Sections 18, 23, and 27, in handling refund claims under the new module?

Research Methodology

1 Nature of the Study

This is a doctrinal and descriptive study. It does not collect fresh empirical data through surveys or interviews; instead, it studies and connects the governing statutory provisions, the relevant CBIC circulars, and the body of reported case law on customs refunds and unjust enrichment. That approach suits a topic like this one, where the underlying legal principles are well settled but their application to a newly introduced procedural regime has not yet been tested in reported judicial decisions.

2 Sources of Data

The paper draws on secondary and primary legal sources: the text of the Customs Act, 1962, particularly Sections 2(15), 12, 17, 23, 27, and 128; the Customs Refund Application (Form) Regulations, 1995; CBIC Circulars No. 24/2007-Customs, No. 22/2008-Customs, and No. 05/2025-Customs; and the leading Supreme Court decisions on unjust enrichment and the refund-assessment relationship Mafatlal Industries Ltd. v. Union of India, (1997) 5 SCC 536; Commissioner of Central Excise, Mumbai-II v. Allied Photographics India Ltd., 2004 (166) ELT 3 (SC); Collector of Central Excise, Kanpur v. Flock (India) Pvt. Ltd., 2000 (120) ELT 285 (SC); Priya Blue Industries Ltd. v. Commissioner of Customs (Preventive), 2004 (172) ELT 145 (SC); and ITC Ltd. v. Commissioner of Central Excise, Kolkata-IV, (2019) 6 SCC 764 together with allied Tribunal and High Court decisions such as Hero Cycles Ltd. v. Union of India, 2009 (240) ELT 490 (Bom.) and Union of India v. Micromax Informatics Ltd., 2016 (335) ELT 446 (Del.).

3 Method of Analysis

The analysis proceeds in two steps. First, it sets out the statutory scheme governing customs duty its definition, and its refund and remission provisions to draw a clear line between amounts that constitute "duty" attracting the unjust enrichment bar under Section 27, and amounts, such as Section 23 remissions and non-dutiable deposits, that arguably fall outside that bar. Second, it examines the new online refund module introduced by Circular No. 05/2025-Customs against this statutory backdrop, to identify where the module's procedural requirements such as the demand for an unjust enrichment certificate are being applied more broadly than the case law actually justifies.

4 Scope and Limitations

The study is confined to the refund of customs duty under Indian law and to the practical operation of the online refund module introduced from 2025 onward; it touches refund and remission provisions under other indirect tax statutes only where they bear directly on interpreting parallel customs provisions. Because the online module has been running for a comparatively short period, the study cannot draw on a body of reported judicial decisions interpreting it directly, and its assessment of field-level practice rests on secondary and professional trade commentary rather than an independent primary survey of importers, exporters, and customs officers. These limitations are stated openly so the reader can weigh the paper's findings and recommendations accordingly.

Analysis and Findings

The analysis below follows the research questions set out in Part 5. It begins with the statutory framework governing customs refunds, moves to the new online regime under Circular No. 05/2025-Customs, examines the doctrine of unjust enrichment and the refund-assessment line of cases against that regime, and closes by considering jurisdictional inconsistency across Customs formations and the practical challenges stakeholders report.

1 The Statutory Framework Governing Customs Refunds

Section 12 of the Customs Act, 1962 is the charging provision: duty is levied on goods imported into, or exported from, India at the rates specified under the Customs Tariff Act, 1975 or any other applicable law. Section 27 provides the machinery for claiming a refund of duty and interest paid or borne by a person, subject to the limitation period and the unjust enrichment safeguard discussed below. Section 23, by contrast, addresses remission not refund in the strict Section 27 sense of duty on imported goods that are lost, destroyed, or abandoned before clearance, or re-exported under adjudication in certain circumstances, and similarly covers relief where export goods have not in fact been landed. The statutory architecture therefore already distinguishes between (a) a genuine refund of duty levied and collected on dutiable goods, which is what the unjust enrichment inquiry under Section 27 is aimed at, and (b) remission or non-levy of duty on goods that, for one of the specified reasons, never actually entered the stream of dutiable commerce, which that inquiry does not naturally reach. Amounts such as investigation deposits and fines or penalties later reduced by an appellate forum sit outside the definition of "duty" altogether.

2 From Manual to Automated: The Transition under Circular No. 05/2025-Customs

Circular No. 05/2025-Customs, dated 17th February 2025, records that refund applications under Section 27 had, until then, been filed manually under the Customs Refund Application (Form) Regulations, 1995 and processed under Circulars No. 24/2007-Customs and No. 22/2008-Customs, with the status of an application rarely visible to the applicant. To fix this, the Board enabled electronic filing on the ICEGATE portal: a unique Application Reference Number (ARN) is generated on submission, and the applicant can request electronic re-assessment of the underlying Bill of Entry where that is a precondition to the refund, after which a pre-filled refund application becomes available. Sanctioned amounts are credited to the applicant's registered bank account through the PFMS system, and the status of a pending application along with aggregate pendency data is visible on the ICEGATE dashboard. From this point on, manual applications are accepted only where the jurisdictional Principal Commissioner or Commissioner permits it for reasons recorded in writing.

3 The Doctrine of Unjust Enrichment and its Documentary Burden

The doctrine of unjust enrichment, as settled in Mafatlal Industries Ltd. v. Union of India, bars a refund of duty under Section 27 unless the claimant proves the incidence of that duty was not passed on to someone else since a refund in those circumstances would unjustly enrich the claimant rather than restore a genuine loss. Commissioner of Central Excise, Mumbai-II v. Allied Photographics India Ltd. extended the doctrine to duty paid under protest or pursuant to a provisional assessment. But the doctrine's rationale is tied specifically to duty levied on dutiable goods that could plausibly have been built into a sale price and passed on to a buyer. It has no natural application to a deposit made during investigation, which is not a levy of duty at all; nor to a fine or penalty reduced by an appellate forum; nor to duty relatable to goods that, under Section 23, were lost, destroyed, abandoned, or never landed because in each of these situations there is no dutiable transaction through which the cost could have been passed on to a third party in the ordinary course of trade.

4 Refund Without Challenge to Assessment: The Flock India–Priya Blue–ITC Line of Cases

A separate line of authority governs how a refund claim relates to the underlying assessment order. In Collector of Central Excise, Kanpur v. Flock (India) Pvt. Ltd. and Priya Blue Industries Ltd. v. Commissioner of Customs (Preventive), the Supreme Court held that once an assessment order is passed, duty is payable in line with it unless the order is reviewed or modified in appeal or under some other provision of the Act, and that a Section 27 refund claim is not itself an appellate proceeding in which the correctness of that assessment can be re-opened. ITC Ltd. v. Commissioner of Central Excise, Kolkata-IV extended this reasoning to the post-2011 self-assessment regime, holding that a self-assessed Bill of Entry is itself an appealable order under Section 128. This body of case law bears directly on how the online refund module is designed: where a claimant's entitlement depends on changing the original assessment, the module is right to require a separate re-assessment request on ICEGATE before the refund application can proceed that reflects the Priya Blue–ITC discipline faithfully. The difficulty arises where officers apply the same reasoning to claims that don't depend on disturbing any assessment order at all Section 23 remissions or the return of an investigation deposit, for instance since there is no assessment to modify and no appeal to file in those cases, and insisting on one only stalls a claim that should proceed directly.

5 Jurisdictional Inconsistency Among Customs Commissionerate

Reported field experience suggests the practice above is far from uniform across Customs port locations. Some Commissionerate process Section 23 remissions and non-dutiable refunds without insisting on unjust enrichment documentation, correctly confining that requirement to genuine Section 27 duty refunds; others apply the requirement indiscriminately to every category of claim routed through the ICEGATE module. This unevenness is hard to reconcile with the rule of law, which requires that similarly situated claimants be treated alike regardless of which port their goods happened to move through, and it sits uneasily with Article 14 of the Constitution and with the settled administrative-law principle that discretion conferred on a public authority must be exercised consistently and on a rational basis.

6 Practical Challenges under the ICEGATE Refund Module

Beyond the documentary and jurisdictional issues above, stakeholders report a set of more purely practical difficulties with the new module: limited awareness among smaller importers and exporters of how to file electronically and how to respond to a deficiency memo issued on the portal; the need to register and update bank account details on ICEGATE before PFMS disbursal can happen; and delay where a re-assessment request has to be processed before a pre-filled refund application becomes available. None of this is, in principle, incompatible with a well-functioning electronic system, and the Circular itself anticipates a period of handholding and sensitization by field officers.

7 Summary of Findings

Taken together, the analysis suggests that the shift to online refund processing under Circular No. 05/2025-Customs is, in principle, a sound and trade-friendly reform, consistent with the wider digitization of Customs administration. But it also shows that the Circular's undifferentiated reference to unjust enrichment documentation, read against the settled case law in Mafatlal Industries, Flock India, Priya Blue Industries, and ITC Ltd., has left room for Customs locations to demand documentation, and to insist on assessment challenges, in categories of claim including Section 23 remissions and non-dutiable deposits that this case law was never meant to reach. That gap between settled judicial discipline and current field practice is being resolved inconsistently across different Commissionerate, producing unequal treatment of similarly situated claimants and adding to the practical burden trade already faces in adapting to a new electronic system.

Conclusion

This paper set out to examine the challenges that the shift to online customs duty refund processing, introduced through Circular No. 05/2025-Customs, has created for trade and stakeholders, and to read those challenges against the settled body of Indian case law on the doctrine of unjust enrichment and on how a refund claim relates to the underlying assessment order. The study finds that automating the refund process is, on its own, a welcome and overdue reform but that its implementation has, in a number of reported instances, stretched the unjust enrichment inquiry from Mafatlal Industries Ltd. v. Union of India, and the assessment-challenge requirement from Flock (India), Priya Blue Industries, and ITC Ltd., to categories of claim Section 23 remissions, investigation deposits,

and reduced fines and penalties that fall outside the statutory definition of "duty" and to which this case law was never intended to apply. The resulting inconsistency across Customs port locations is difficult to square with the rule of law and with the trade-facilitation objectives the online module was designed to serve.

The paper recommends, first, that the CBIC issue a clarificatory instruction supplementing Circular No. 05/2025-Customs, expressly distinguishing genuine Section 27 duty refunds where the unjust enrichment requirement properly applies from Section 23 remissions and other non-dutiable amounts. Second, it recommends that the module continue routing claims that genuinely depend on a change to the underlying assessment through the re-assessment request process contemplated by the Priya Blue, ITC line of cases, while allowing claims that don't depend on any change to the assessment to proceed directly, with the limitation period starting only after the Bill of Entry or Shipping Bill is modified.

For the CBIC and policymakers, the message of this paper is to complete the automation of customs refunds with equal attention to doctrinal precision, so that a reform aimed at transparency doesn't inadvertently import legal uncertainty in its place. For adjudicating and appellate authorities, the message is to apply the settled discipline of Mafatlal Industries, Flock India, Priya Blue Industries, and ITC Ltd. carefully to the specific category of claim before them, rather than treating every claim routed through the new module as though it were, without more, a Section 27 duty refund. For future researchers, the recent introduction of the online module leaves considerable room for a follow-up empirical study, once a body of reported decisions and a longer period of operational experience are available testing whether the safeguards proposed here have actually reduced the inconsistency this paper documents.

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Conflicts of interest

The authors declare that there are no conflicts of interest regarding the publication of this paper.

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The Twin Pillars of Financial Stability: Navigating Convergence, Disruption, And Sustainability in Banking and Insurance

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Abstract

The global financial services sector is in the middle of a fundamental transformation. Banking and insurance—long seen as the twin pillars holding up financial stability—are no longer operating in separate silos. Instead, they are converging into a tightly integrated, technology-driven ecosystem where the boundaries between lending, risk transfer, and customer experience are rapidly dissolving. This paper explores how these two sectors are evolving together across four critical fronts: structural convergence through bancassurance and embedded finance; technological disruption driven by artificial intelligence, the Internet of Things, and blockchain; escalating systemic vulnerabilities including cyber threats and macroeconomic sensitivities; and the urgent integration of environmental, social, and governance criteria into core financial functions. Drawing on a systematic synthesis of peer-reviewed literature, regulatory publications, and industry reports, the paper offers a unified conceptual framework for understanding how financial intermediaries are rethinking their business models. The central argument is straightforward: future financial stability will not come from keeping banking and insurance apart, but from enabling them to work together—supported by agile technology, grounded in sustainable practices, and shielded by integrated risk management. The paper concludes with a candid assessment of limitations and a roadmap for future empirical research.

Keywords: *financial convergence, bancassurance, embedded finance, Insurtech, systemic risk, ESG integration, climate risk, financial intermediation, cybersecurity.*

Introduction

For most of modern history, banking and insurance occupied distinct worlds. Banks channeled savings into loans and kept commerce moving. Insurers pooled risk and offered protection when life went sideways. Each developed its own culture, its own regulators, its own way of doing business (Allen & Santomero, 1998; Diamond & Dybvig, 1983). Those walls are coming down. Today, a customer might buy travel insurance through the same app they use to check their savings balance. An insurer might offer a loan that looks indistinguishable from a bank product. Embedded finance is weaving lending, payments, and risk protection into everyday transactions so seamlessly that most people no longer notice where one service ends and another begins (Luca, 2025; Shivani, 2025). Three forces are driving this. First, consumers now expect financial services to work as a unified experience, not a patchwork of separate providers. Second, regulators are pushing sectors to collaborate for systemic resilience (Basel Committee on Banking Supervision, 2011; Financial Stability Board, 2025). Third—and most powerfully—technology is making integration inevitable. AI, IoT, and blockchain are rewriting risk assessment, customer engagement, and operational efficiency in ways neither sector can harness alone (Eling et al., 2022; Kumar, Rajan, & Venkatesh, 2023). But convergence brings new dangers. Shared digital infrastructure means shared vulnerabilities. A cyberattack on a cloud provider can freeze both banking liquidity and insurance claims simultaneously. Climate events damage the collateral banks hold and trigger the claims insurers must pay. Macroeconomic shocks ripple across combined balance sheets with no firewall between sectors (Bhatt, 2023; Bolton et al., 2020). This paper argues that financial resilience now depends less on how well banks and insurers operate in isolation, and more on how effectively they integrate, adapt, and evolve together. We examine this across four dimensions: structural convergence, technological disruption, systemic vulnerabilities, and sustainability integration.

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Literature Review

1 From Bancassurance to Embedded Finance

The old bancassurance model was straightforward: a bank sold insurance to its existing customers and earned a commission. Lee and Chen (2022) argue this has evolved into something far deeper—API-driven partnerships where banking and insurance are woven together so tightly that customers no longer see them as separate. These integrated models can cut customer acquisition costs by up to 30%.

Shivani (2025) pushes further: insurance is becoming *invisible*. Book a flight, and travel coverage triggers automatically. Finance a car, and gap insurance is bundled by default. The product is no longer sold; it is simply *there*. Luca (2025) notes that while embedded finance delivers convenience, it raises serious concerns around data privacy, cybersecurity, and regulatory compliance that demand robust governance.

2 AI, IoT, and Blockchain

Technology is changing not just *where* financial services appear but *how* they work. Kumar et al. (2023) show how IoT telematics and AI predictive models have shifted insurance underwriting from static demographics to dynamic behavioural pricing—improving accuracy by 15–25%. A driver who brakes gently gets a better rate, because the data says so in real time.

Zhang and Wang (2021) make the case for blockchain and smart contracts in automating claims processing. The vision is appealing: a flight cancellation triggers an automatic payout with no human adjuster. The catch? Most institutions still run on legacy systems, and integration is neither easy nor cheap.

Eling et al. (2022) and Braun and Häusle (2025) note that legacy IT, outdated products, and entrenched cultures remain the biggest obstacles to digital transformation. Insurers leading the charge have seen marked increases in shareholder value; those lagging face underperformance across the board.

3 Cyber Risk and Cross-Sectoral Contagion

Bhatt (2023) examines what happens when banks and insurers become deeply interconnected: trouble travels fast. A credit failure in a bank's loan book can ripple into an insurer's investment portfolio. Regulators, he argues, need capital buffers designed for the *combined* system, not each sector in isolation.

Khiaonarong et al. (2026) at the IMF identify cybersecurity as the defining systemic risk of digital finance. Their worst-case scenario: a sophisticated attack on a major cloud provider hosting both banking and insurance infrastructure could freeze liquidity and claims processing simultaneously. The NAIC (2025) confirms that 35.5% of 2024 data breaches originated from third-party compromises, with the human element involved in 60% of all incidents.

4 ESG and Climate Risk

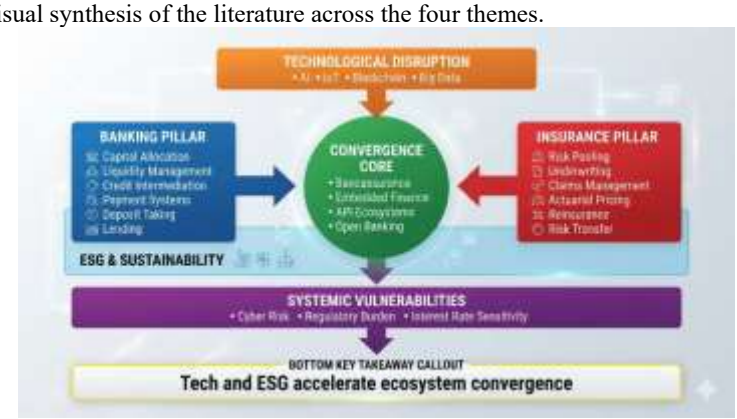
Bolton et al. (2020), in the BIS "Green Swan" report, argue that climate change poses existential risks to financial stability. Physical risks damage bank collateral and trigger insurance claims. Transition risks strand assets and obsolete business models overnight.

The FSB (2025) and IAIS (2025) have developed comprehensive supervisory frameworks for climate risk. China's 2022 Green Finance Guidelines require institutions to build ESG risk assessment into lending and underwriting decisions. Lee and Raschke (2023) add a cautionary note: firms with low ESG performance are more likely to greenwash, making it difficult for stakeholders to distinguish genuine commitment from marketing.

5 The Research Gap

Each of these threads—convergence, technology, systemic risk, ESG—is well studied in isolation. But very little research connects them. The convergence literature rarely addresses cybersecurity implications. AI studies seldom ask how shared digital infrastructure affects systemic risk. ESG is treated as standalone, rarely examined alongside the technological and structural changes reshaping both sectors simultaneously. This paper addresses that gap by treating all four forces as parts of a single, interconnected system.

Figure1: Presents a visual synthesis of the literature across the four themes.



Critical Literature Synthesis: Mapping the Four Themes.

Research Gap: Why We Need to Look at the Big Picture

There is no shortage of research on what is happening in banking and insurance. Scholars have studied bancassurance models in depth. Others have written volumes on how AI is changing underwriting, or how blockchain might streamline claims. Risk management experts have dissected cyber threats, and ESG specialists have mapped out climate risk frameworks

for financial institutions. Each of these threads is well documented on its own.

But here is the problem: very little of this research talks to itself. The literature on sectoral convergence rarely acknowledges the cybersecurity implications of deeper integration. The studies on AI and IoT seldom ask how these technologies affect systemic risk when banks and insurers share the same digital infrastructure. And while ESG integration is treated as a standalone imperative, few have explored how it interacts with the technological and structural changes reshaping both sectors at the same time.

In other words, we know a lot about the pieces, but almost nothing about how they fit together. Banking and insurance are not being transformed by convergence, technology, risk, and sustainability one at a time. They are being hit by all four simultaneously, and the interactions between them are what will ultimately determine whether the financial system becomes more resilient or more fragile.

Objectives

Having identified the gap, this study pursues four specific questions:

a. **Sectoral Convergence:** We examine how banking and insurance are actually merging in practice—through bancassurance partnerships and embedded finance models that blur the lines between lending, payments, and risk protection.
b. **Technological Disruption:** We look at how AI, IoT, and blockchain are rewriting the rules of risk assessment and underwriting, moving both sectors from static guesswork to real-time, data-driven decision-making.
c. **Systemic Risks:** We confront the downsides of deeper integration—cyber threats that can hit both sectors at once, regulatory complexity that grows faster than clarity, and macroeconomic shocks that ripple across combined balance sheets.
d. **ESG and Climate Risk:** We assess whether banks and insurers are genuinely embedding sustainability into their core business or simply greenwashing, and how climate risk is reshaping lending and underwriting from the ground up.

That is the gap this paper tries to fill. Rather than adding another study to one of these well-trodden paths, we step back and ask: what happens when all of these forces collide? By looking at convergence, disruption, systemic risk, and ESG integration as parts of a single, interconnected system, this paper offers a more complete picture of where the twin pillars of financial stability stand—and where they might be headed.

Methodology

Where the data came from. We pulled together evidence from three main sources. First, peer-reviewed academic journals that have tackled pieces of this puzzle—convergence, technology, risk, and sustainability—often in isolation. Second, publications from regulatory bodies such as the Basel Committee on Banking Supervision, the International Association of Insurance Supervisors, and the Financial Stability Board, which offer an authoritative view on where the rules are heading. Third, industry reports from firms like McKinsey, Deloitte, and PwC, which capture what is actually happening on the ground inside financial institutions.

How we made sense of it. We used a thematic synthesis approach. That means we read, coded, and sorted this body of literature against our four research objectives—convergence, technology, systemic risk, and ESG—looking for patterns, tensions, and gaps. Where one study saw opportunity, did another see danger? Where regulators were pushing in one direction, were market forces pulling in another? This cross-cutting analysis allowed us to spot trends that no single study could reveal on its own and to build a unified framework that ties the four themes together.

In short, this is a conceptual paper built on the foundation of existing knowledge. Our contribution is not new data points; it is a new way of seeing how the existing pieces fit.

The Theories Behind This Paper:

To ground our analysis, we draw on four well-established theories from economics, strategy, and organizational studies. Each one helps explain a different piece of the puzzle, and together they give us a coherent lens for understanding what is happening to banking and insurance.

Financial Intermediation Theory: Why Banks and Insurers Exist in the First Place

At its core, this theory says that financial institutions earn their keep by reducing transaction costs and fixing information problems between those who have money and those who need it (Allen & Santomero, 1998; Diamond & Dybvig, 1983). Banks do this by matching savers with borrowers; insurers do it by pooling risk across large groups. We use this theory to make sense of our first two objectives. When a bank and an insurer merge their operations through bancassurance, or when AI and blockchain make it cheaper to move money and price risk, they are essentially finding new ways to perform that same intermediation function—only faster, cheaper, and more seamlessly. This theory helps us judge whether these new models are genuinely more efficient or just more complicated.

Information Asymmetry Theory: Why Knowing More Changes Everything

George Akerlof's (1970) classic work on the "market for lemons" showed what happens when one party in a transaction knows more than the other. Insurance and banking have always been plagued by this problem: the borrower knows more about their ability to repay than the bank does; the driver knows more about their driving habits than the insurer does. We use this theory to evaluate how IoT sensors and AI analytics are flipping that dynamic. When a car telematics device reports real-time driving behavior, or when AI scans a loan applicant's digital footprint, the information gap narrows dramatically. The question is whether this leads to fairer pricing or simply more intrusive surveillance (Akerlof, 1970; Kumar et al., 2023).

Disruptive Innovation Theory: Why Incumbents Struggle to Keep Up

Clayton Christensen's (1997) theory explains how nimble newcomers with simpler, cheaper technology

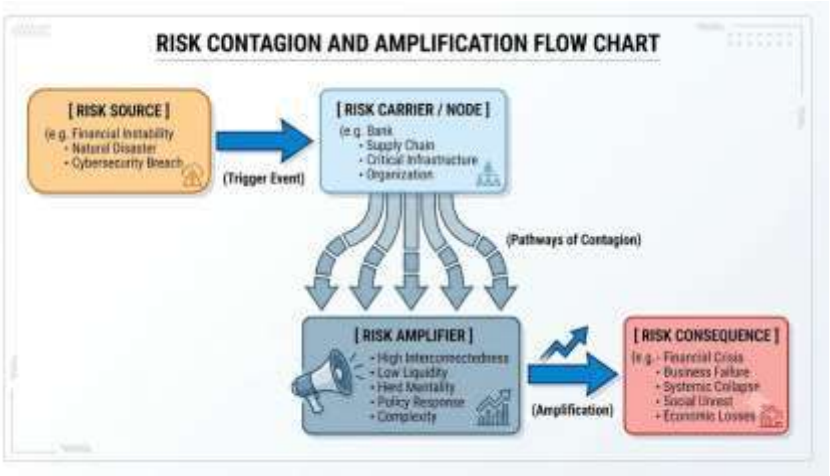
can topple established giants by targeting overlooked customers and gradually moving upmarket. We apply this to our third objective—systemic risk. Fintech and Insurtech startups are not just offering better apps; they are rewriting the business model of financial services. Legacy banks and insurers, burdened by old technology, rigid cultures, and complex regulatory obligations, often cannot respond as quickly. This mismatch creates vulnerabilities: cyber defenses that lag behind threats, regulatory frameworks that chase rather than anticipate innovation, and business models that erode before they can adapt (Christensen, 1997; Stoeckli, Dremel, & Uebernickel, 2018).

Stakeholder and Legitimacy Theory: Why Sustainability Is No Longer Optional

These theories argue that organizations do not survive by serving shareholders alone; they need the trust and support of society at large (Freeman, 1984; Suchman, 1995). If the public, regulators, and communities believe a bank or insurer is harming the environment or exploiting customers, its "social license to operate" crumbles. We use this lens for our fourth objective. It explains why ESG and climate risk are no longer public relations exercises. Banks and insurers are shifting their core lending and underwriting practices because their long-term legitimacy—and by extension, their survival—depends on being seen as responsible stewards of capital in a world facing climate breakdown (Banerjee, 2025; Lee & Raschke, 2023).

How the four theories fit together. Financial intermediation theory tells us what banks and insurers are supposed to do. Information asymmetry theory explains why technology is changing how they do it. Disruptive innovation theory warns us about the risks of moving too slowly. And stakeholder theory reminds us that none of this happens in a vacuum—society is watching, and its trust is conditional. Taken together, these four theories give us a framework for asking not just what is changing in banking and insurance, but whether that change is making the system stronger, fairer, and more sustainable.

Figure 2 presents the unified conceptual framework that guides this study.



The twin Pillars Framework: Convergence, Disruption, Risk, and Sustainability.

Analysis and Discussion

When a Bank Becomes an Insurer (and vice versa)

The convergence of banking and insurance is perhaps the most visible transformation in financial services today. Bancassurance— the sale of insurance products through banking channels—has been around for decades, but what is emerging now is qualitatively different. Lee and Chen (2022) document how API-driven partnerships have reduced customer acquisition costs by up to 30%, fundamentally altering the economics of distribution. Shivani (2025) describes a world in which insurance is no longer a distinct product category but an invisible feature of everyday transactions.

The numbers bear this out. The global insurance platform market is projected to grow from $116.17 billion in 2025 to $207.52 billion by 2030, at a compound annual growth rate of 12.3% (Markets and Markets, 2025). Nearly 40% of Insurtech investment has been captured by B2B SaaS firms focusing on payment solutions, risk management, underwriting software, and claims administration. More than 60% of insurance strategists recognize that shifting customer expectations have sped up their transformation strategies.

Yet convergence is not without friction. Cultural differences between banks and insurers remain significant. Banks tend to prioritize transaction volume and speed; insurers focus on risk selection and reserve adequacy. Integrating these mindsets requires more than technology—it demands organizational redesign. Moreover, convergence creates regulatory ambiguity. When a bank sells insurance, who supervises the product? When an insurer makes loans, which capital rules apply? These questions are still being answered, and the lack of clarity creates both opportunity and risk.

The Machines Are Now Pricing Risk

If convergence is changing *where* financial services show up, technology is changing *how* they work. The AI-powered insurance underwriting market is expected to reach $674.1 billion by 2034, up from $2.85 billion in 2024—a staggering CAGR of 44.7% (Market.us, 2025). By 2025, 91% of insurance companies have adopted AI technologies. AI-powered claims automation is reducing processing time by up to 70%,

generating savings of around $6.5 billion annually. Predictive analytics has boosted fraud detection rates by 28%, and machine learning in underwriting has improved accuracy by 54% (Market.us, 2025).

IoT is the other game-changer. Telematics in auto insurance, wearable devices in health insurance, and smart home sensors in property insurance are generating real-time data that allows for dynamic pricing. Kumar et al. (2023) estimate that this shift from static demographic models to dynamic behavioral pricing has improved underwriting accuracy by 15–25%. For consumers, this can mean fairer prices. For insurers, it means better risk selection. But it also raises profound questions about privacy, consent, and the potential for algorithmic discrimination.

Blockchain, meanwhile, offers the promise of disintermediation. Zhang and Wang (2021) demonstrate that smart contracts can automate claims processing, reducing the need for human adjusters and freeing up capital. However, they caution that interoperability between legacy banking systems and new blockchain networks remains a significant hurdle. The cost and complexity of integration have slowed adoption, and most implementations remain pilot projects rather than production systems.

The Dark Side of Getting Too Close

All this integration and digitization create a vulnerability that earlier generations of financial institutions never had to worry about. The modern financial ecosystem is so interconnected that a single compromise can cascade across multiple organizations. In 2024, 35.5% of all data breaches originated from third-party compromises, with file transfer software and cloud services among the most common enablers for supply chain attacks (National Association of Insurance Commissioners, 2025). The human element remains involved in 60% of all breaches, and generative AI has amplified this risk by enabling attackers to create sophisticated phishing emails and deploy hyper-realistic deepfakes.

The model shows that a systemic shock—whether a cyberattack, climate event, or interest rate spike—does not stay contained within one sector. Shared IT infrastructure, bancassurance balance sheets, and common asset holdings create transmission channels that allow trouble to move freely between banking and insurance. A cyberattack on a cloud provider hosting both sectors can simultaneously freeze banking liquidity and insurance claims processing. A climate event can simultaneously damage the collateral securing bank loans and trigger insurance claims. An interest rate spike can simultaneously erode bank net interest margins and reduce the value of insurers fixed-income portfolios.

The feedback loop is what makes this dangerous. Banking stress reduces consumer wealth, which reduces demand for insurance. Insurance stress reduces coverage availability, which leaves bank collateral unprotected. Neither sector can fully recover without the other, yet neither is supervised as part of a unified system. Bhatt (2023) is right: we need holistic capital buffers, not siloed ones.

Climate Risk Is No Longer a Side Issue

Perhaps the most profound shift in both sectors is the move from treating climate risk as a corporate social responsibility concern to treating it as a core financial risk. The Financial Stability Board (2025) has developed a comprehensive roadmap for addressing climate-related financial risks, including scenario analysis tools, monitoring frameworks, and coordination with the NGFS. The IAIS (2025) now mandates that climate-related risk be effectively addressed in supervisory approaches, and its Application Paper provides guidance on governance, risk management, valuation, and disclosure.

In China, the 2022 Green Finance Guidelines require banking and insurance institutions to formulate ESG risk assessment standards for clients and implement differentiated risk management measures. Banking institutions are expected to adjust loan investigation, review, pricing, and capital allocation based on client ESG profiles. Insurance institutions must implement differential rates according to customer risk conditions (China Banking and Insurance Regulatory Commission, 2022).

The empirical evidence on climate risk is mounting. Fan et al. (2024) found heterogeneous responses of commercial banks to various climate risks, with physical risks affecting collateral values and transition risks impacting borrower profitability. Li and Li (2024) argue that the risk impact of climate change on the insurance industry has a significant time lag, meaning that current supervisory frameworks may be underestimating future exposures.

Yet ESG integration is not without its critics. Lee and Raschke (2023) found that firms with low ESG performance are more likely to greenwash than firms with high ESG performance. This creates a legitimacy problem: if stakeholders cannot distinguish genuine sustainability from marketing, trust erodes. Eccles, Ioannou, and Serafeim (2014) provide evidence that firms with high sustainability orientation significantly outperform their peers in both stock market and accounting measures—but only when the commitment is substantive, not symbolic.

Limitations

Let us be upfront about where this paper falls short. **First,** everything here is built on secondary sources—academic papers, regulatory reports, and industry analyses. That means we are interpreting other people's data, not generating our own. We cannot tell you exactly how much profit a specific bancassurance partnership generated, or whether one bank's ESG strategy outperformed another's in hard dollar terms. For that kind of granular, firm-specific evidence, you would need primary research—surveys, interviews, or access to proprietary balance sheets. This paper simply does not have that.

Second, we are writing about a moving target. By the time this article is published, some of the technologies we discuss—generative AI models, blockchain protocols, IoT standards—will likely have evolved or been replaced. The fintech and Insurtech landscapes shift fast, and any snapshot risks feeling dated. We have done our best to ground the analysis in durable structural trends rather than fads, but readers should

treat the technological specifics as illustrative, not permanent.

Third, this is a macro-level synthesis. We talk about systemic risk, sectoral convergence, and ESG integration in broad strokes. We do not—and cannot—quantify the precise return on investment of an embedded finance strategy, or isolate the causal impact of a specific climate risk framework on an insurer's loss ratio. Those are empirical questions for future researchers with access to the right datasets.

Conclusion

Banking and insurance used to live in separate worlds. Banks handled money; insurers handled risk. Today, those walls are coming down. The two sectors are merging into something that looks less like distinct pillars and more like a single, interconnected ecosystem—one that runs on digital technology and is increasingly judged by how responsibly it behaves toward society and the planet.

This convergence is already changing how financial services reach people. Bancassurance and embedded finance are making it possible to borrow, save, insure, and pay from one place, often without the customer even realizing where one service ends and another begins. That is good for convenience, and in many cases, it is good for cost.

At the same time, technology is rewriting the rules of risk itself. AI and IoT are giving banks and insurers a far clearer picture of who they are dealing with—what you drive, how you drive it, how you spend, and what you might do next. That means pricing can be fairer and more precise, but it also means the industry knows more about us than ever before, raising questions about privacy and fairness that we are only beginning to grapple with.

And then there are the risks that come with all this connection. The more banking and insurance depend on shared digital infrastructure, the more vulnerable they become to the same shocks—a cyberattack, a cloud outage, a sudden spike in interest rates that hits both sides of the house at once. Resilience is no longer about each sector defending itself. It is about the system as a whole holding up under pressure.

Perhaps most importantly, neither banking nor insurance can afford to treat climate change and sustainability as side issues anymore. The risks are showing up on balance sheets and in underwriting models. The institutions that survive and thrive will be the ones that treat ESG not as a marketing exercise, but as a core part of how they allocate capital and price risk.

In short, financial stability in the decades ahead will not come from keeping banking and insurance apart. It will come from bringing them together—intelligently, responsibly, and with a clear eye on the long term.

Where Research Needs to Go Next

This paper raises more questions than it answers, and that is by design. Here is what we hope others will pick up and run with.

First, someone needs to get inside the black box of convergence. We know that bancassurance and embedded finance are growing, but we know surprisingly little about what actually works. Which partnership models create sustainable value? Which ones collapse under their own complexity? Case studies of specific bank-insurer collaborations—successful and failed—would add enormously to what remains largely a theoretical literature.

Second, the technology story needs more critical scrutiny. The literature we reviewed is enthusiastic about AI and IoT, and with good reason. But there is a risk of technological determinism—assuming that because a technology is powerful, its adoption is inevitable and beneficial. Researchers should look harder at the downsides: algorithmic bias in AI-driven underwriting, privacy erosion from IoT data collection, and the environmental cost of blockchain infrastructure. These are not footnotes; they are central to the question of whether these technologies serve the public interest.

Third, systemic risk needs to be measured, not just described. We have painted a plausible picture of how cyber threats and macroeconomic shocks could cascade across integrated banking and insurance systems. But plausible is not proven. Stress-testing models that simulate cross-sectoral contagion, or empirical analyses of how shocks actually propagate between banks and insurers, would move this from informed speculation to actionable intelligence.

Fourth, ESG integration needs to be held to account. There is a lot of talk about green finance and sustainable underwriting, but the evidence on what actually moves the needle—on emissions reduction, on climate resilience, on social equity—is thin. Future research should move beyond counting green bonds and measuring disclosure quality, and ask whether these strategies are changing real-world outcomes.

Finally, the human element deserves more attention. This paper, like much of the literature it draws on, treats banking and insurance as systems, institutions, and technologies. But these sectors are run by people, serving people. How do employees in legacy institutions experience technological disruption? How do consumers navigate a financial landscape where the boundaries between banking, insurance, and commerce have dissolved? How do communities fare when climate risk reshapes lending and coverage in their neighborhoods? These are not soft questions. They are hard questions that get to the heart of what financial stability actually means.

We hope this paper serves as a useful map of the terrain. But maps are not journeys. The real work lies ahead

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Women, Domestic Roles and Mental Well-being: Challenges to Self-Care of Women in Indian Society

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Abstract
This paper explores the relationship between women's domestic roles and their mental well-being in Indian households. Women are often expected to manage household responsibilities while placing their own needs last, which creates stress, burnout, and limited opportunities for self-care. The study examines how gendered expectations within the family restrict time, autonomy, and access to mental health support for women. It argues that poor mental health among women is not just an individual issue but a result of social and cultural pressures tied to domestic work. The paper concludes by highlighting the need for greater recognition of women's unpaid labour and for support systems that encourage self-care as essential to women's well-being.

Keywords*: Women, Domestic Roles, Mental Health, Indian Household*

Introduction

Mental health is increasingly recognized as a critical aspect of overall well-being, yet for women in Indian households it remains deeply intertwined with their domestic roles and social expectations. Women are traditionally positioned as the primary caregivers and managers of the home, responsible for household work, childcare, eldercare, and maintaining family relationships. While these responsibilities are often seen as "natural" duties, they create a constant emotional and physical load that leaves little time or space for women to focus on themselves. As a result, self-care which includes rest, leisure, health check-ups, and seeking psychological support is frequently neglected or considered selfish. This paper examines how domestic roles shape women's mental well-being and creates systemic barriers to self-care. It argues that the stress, burnout, and anxiety experienced by many women are not merely individual problems but are rooted in gendered expectations within the family and society. By understanding these challenges, we can better address the need for support systems, policy interventions, and a cultural shift that allows women to prioritize their own mental health alongside their responsibilities at home.

Review of Literature:

1.Research by Hochschild (1989) on "The Second Shift" highlighted that women who work outside the home still do the majority of housework, leading to a "double burden" and increased stress. In the Indian context, NFHS-5 (2019-2021) data shows that 85% of women spend 5+ hours daily on domestic work, compared to 25% of men. NIMHANS National Mental Health Survey (2016) found that women report higher rates of depression and anxiety, and household stress is a major contributing factor. Scholars like Batliwala (2007) argue that because domestic work is unpaid and invisible, its psychological toll is not recognized by families or policy.

2. Kakar (1978) and Chakravarti (1993) explain how Indian socialization teaches girls that sacrifice and service are core feminine virtues. As a result, women internalize guilt when prioritizing themselves. Patel et al. (2010) in The Lancet noted that in South Asian families, women's health complaints are often normalized as "part of duty" and not treated as medical concerns. This cultural expectation directly limits time and permission for self-care activities like rest, exercise, or therapy.

3. The WHO (2022) reports that unpaid care work is a key social determinant of women's mental health. Research by Budlender (2008) and Hirway (2015) in India shows that women doing 6-8 hours of unpaid work daily have significantly higher levels of fatigue, anxiety, and sleep disorders. A study by Desai & Jain (2011) using IHDS data found that women with heavier domestic workloads had lower life satisfaction and higher psychological distress, even after controlling for income and education.

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Research Gap

While there is extensive literature on women's domestic work and on mental health separately, there are limited qualitative studies focusing specifically on _how women themselves experience the conflict between domestic duties and self-care in the Indian context. Most existing studies are quantitative or focus on working women only. There is a need for more in-depth, experience-based research on homemakers and women in semi-urban areas.

Objectives of the Study

1. To understand how domestic roles and household responsibilities impact the mental well-being of women in Indian families.
2. To identify the social, cultural, and familial barriers that prevent women from prioritizing self-care.
3. To suggeststrategies and support systems that can help women balance domestic duties with self-care and mental health.

Research Methodology

To study the topic "Women, Domestic Roles and Mental Well-Being Challenges to Self-Care of Women in Indian Society "Research will use Qualitative Research Method

Data Sources: Secondary data analysis including existing research paper, Government reports, records, Thesis and Articles.

Analysis:

Impact of Domestic Roles and Household Responsibilities on Women's Mental Well-being

Domestic roles and household responsibilities play a central role in shaping the mental well-being of women, yet this impact is often overlooked because such work is considered "natural" and unpaid. In Indian households, women are expected to be the primary managers of the home. Their responsibilities include cooking, cleaning, laundry, childcare, eldercare, managing family relationships, and ensuring the emotional comfort of all family members. Unlike formal employment, this work has no fixed hours, no weekends, and no clear boundaries. It begins early in the morning and often ends late at night, leaving women with little to no time for rest, leisure, or personal care. The constant demand to be available for everyone creates a state of chronic stress and mental exhaustion. Women frequently describe feeling "tired but unable to stop," because household work is never truly finished. This leads to symptoms of burnout, irritability, anxiety, and sleep disturbances. On an emotional level, the expectation that a woman must always put family first creates internal conflict. When women attempt to prioritize their own health, hobbies, or mental peace, they often face guilt, criticism, or questions like "who will do the work then?" As a result, many women suppress their own needs and normalize suffering as part of duty.

Another important aspect is the invisibility of this labor. Since domestic work is not seen as "real work," the stress and emotional load that comes with it is not validated by family or society. Mental health issues like anxiety, depression, or emotional fatigue are often dismissed as overthinking or moodiness. This lack of recognition increases feelings of isolation, low self-worth, and helplessness. Women who are educated or employed outside the home face a "double burden" managing both professional work and unpaid domestic work which further intensifies stress. Thus, domestic roles do not merely affect a woman's schedule. They directly affect her identity, autonomy, and psychological health. The constant prioritization of others' needs over her own creates a pattern where self-care is seen as selfish. Over the long term, this contributes to poor mental well-being and reinforces gender inequality within the home.

In short, the mental health challenges faced by women cannot be separated from the structure of domestic responsibilities. Addressing women's well-being requires acknowledging domestic work as real labour and creating space for women to care for themselves without guilt.

Social and Cultural Barriers That Prevent Women from Prioritizing Self-Care

In Indian society, self-care for women is not seen as a necessity but as a luxury, and this perception is deeply rooted in social and cultural norms. From childhood, girls are socialized to believe that their primary role is to serve and nurture others. Qualities like sacrifice, adjustment, and putting family before self are praised as signs of a "good woman." As a result, when women grow up and take on domestic roles, they internalize the idea that their own needs, rest, and mental health come last. Taking time for exercise, hobbies, therapy, or even a short break is often labelled as "selfish" or "irresponsible." This creates a strong sense of guilt that prevents women from prioritizing themselves. Another major barrier is the expectation of constant availability. Culturally, a woman is expected to be accessible to her family 24/7 for cooking, for children, for elderly parents, and for guests. There is no cultural script that allows a woman to say "I need an hour for myself." If she tries to set boundaries, she is often questioned by in-laws, husband, or even other women in the family with comments like "Who will manage the house?" or "Earlier women managed everything without complaining." This pressure to conform to traditional standards makes women hesitant to voice their need for rest or support.

The stigma around mental health adds another layer. Discussing stress, anxiety, or burnout is still considered taboo in many households. Women's emotional struggles are often minimized as "drama" or "mood swings." Seeking professional help like counseling is viewed as a sign of weakness or as something "only for people with serious problems." At the same time, women have limited financial autonomy and decision-making power. Even if they want to join a class, go for a health check-up, or take time off, they often need permission from family members, which is not always granted. Media and popular culture also reinforce these norms by portraying the "ideal woman" as someone who manages everything perfectly without ever getting tired or asking for help. This unrealistic image makes women feel inadequate when they do feel

exhausted. Because of all these factors, self-care is not treated as part of health, but as something extra that can be done "only if there is time." Until society begins to recognize that a woman's well-being is essential for the well-being of the family, these social and cultural barriers will continue to stop women from prioritizing themselves.

Strategies and Support Systems to Help Women Balance Domestic Duties with Self-Care and Mental Health

1. Family-Level Strategies

Redistribute household work: Share cooking, cleaning, childcare and eldercare among all family members, including men and children.

Respect "me-time": Fix daily/weekly time for women for rest, hobbies, or health without guilt or interruption.

Emotional validation: Families should acknowledge stress and mental health concerns instead of dismissing them as "overthinking."

2. Community-Level Support Systems

Childcare and eldercare services: Affordable creches, day-carecentres, and eldercare facilities to reduce women's burden.

Women's self-help groups: Safe spaces to discuss mental health, share experiences, and learn coping strategies.

Awareness programs: Community workshops on gender equality, stress management, and the importance of self-care.

3. Healthcare and Counselling Support

Mental health screening: Primary health centres should include basic counselling and check-ups for women.

Accessible therapy: Low-cost, tele-counselling and mobile mental health services for women who cannot leave home.

Wellness workshops: Training on mindfulness, yoga, and stress management by NGOs and health workers.

4. Policy and Workplace Interventions

Recognition of unpaid work: Include domestic labor in policy discussions and welfare planning.

Support for working women: Maternity leave, flexible hours, work-from-home options, and workplace.

Financial autonomy: Promote women's control over income to enable independent decisions about health and self-care.

5. Social and Cultural Change

Education and media: Challenge stereotypes by showing women prioritizing health as normal, not selfish.

Peer support networks: Encourage friendships, hobby groups, and online communities for emotional support.

Early socialization: Teach boys and girls in schools about equal sharing of domestic work and mental well-being.

In short no single strategy works alone. Women need a combination of family support, community services, healthcare access, and policy recognition to balance duties with self-care. Cultural attitudes must shift to see women's mental health as essential, not optional.

Findings of the Study:

1. Domestic Work is Constant and Overwhelming

- Most women reported having no fixed working hours. Household duties start early morning and end late at night.
- The work is repetitive and "invisible," leading to physical fatigue and mental exhaustion.
- Women described feeling "always on duty" with no real break.

2. Self-Care is Treated as Low Priority and Guilt-Inducing

- Majority of women said they do not get time for exercise, hobbies, health check-ups, or rest.
- When they try to prioritize themselves, they face guilt and questions from family: "Who will do the work?"
- Self-care is viewed by families and by women themselves as "selfish" or "extra," not necessary.

3. Strong Social and Cultural Barriers Exist

- Cultural expectation: A "good woman" sacrifices and puts family first.
- Stigma around mental health: Stress and anxiety are dismissed as "mood swings" or "drama."
- Lack of autonomy: Many women need permission from family for even basic personal activities like going to a doctor or class.

4. Clear Link Between Unpaid Domestic Work and Mental Health Issues

- Women reported symptoms of chronic stress, anxiety, irritability, sleep problems, and burnout.
- Working women face a "double burden" of job plus home, which increases stress levels significantly.
- Lack of recognition for domestic work leads to low self-esteem and feeling of being taken for granted.

5. Lack of Adequate Support Systems

- Very few women had access to counselling, women's groups, or community support.
- Household help or shared responsibility from male family members was rare.
- Most women manage everything alone and do not have anyone to talk to about mental health.

6. Awareness vs. Practice Gap

- Most women are aware that self-care is important for mental health.
- But due to time pressure, social expectations, and lack of support, they are unable to practice it.

The study finds that domestic roles directly impact women's mental well-being. The combination of endless household work, cultural pressure to sacrifice, stigma around mental health, and lack of support creates major barriers to self-care. Women's mental health suffers not because they are unaware, but because the system does not give them space, time, or permission to care for themselves.

Conclusion:

This study highlights that domestic roles and household responsibilities have a deep impact on the mental well-being of women. The constant, unpaid, and unrecognized nature of domestic work leaves women physically tired and emotionally drained, with very little time or energy left for self-care. Social and cultural norms that expect women to always prioritize family over themselves, along with the stigma around mental health, create major barriers for women to seek rest or support. The findings show a clear link between

heavy domestic workload and issues like stress, anxiety, burnout, and low self-esteem. While most women are aware of the importance of self-care, they are unable to practice it due to lack of time, autonomy, and family support. Therefore, addressing women's mental health requires more than individual effort it needs a shift in family attitudes, community support systems, and societal recognition that a woman's well-being is essential for the well-being of the entire family. Only when domestic work is shared and self-care is normalized can women truly achieve a balance between their responsibilities and their mental health.

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The Preamble of Indian Constitution Road Map of Indian Democracy: An Analytical Study

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Abstract:
The Preamble of the Constitution of India serves as a foundational statement of the constitutional philosophy and democratic aspirations of the nation. This study analytically examines the role of the Preamble in establishing and strengthening democracy in India. The study focuses on key expressions contained in the Preamble, including "We, the People of India," Sovereign, Socialist, Secular, Democratic, Republic, Justice, Liberty, Equality, Fraternity, and the Unity and Integrity of the Nation. It also examines the constitutional significance of the Preamble through important judicial decisions, particularly Re Berubari Union, Kesavananda Bharati v. State of Kerala, Life Insurance Corporation of India v. Consumer Education and Research Centre, and S.R. Bommai v. Union of India. The research adopts a doctrinal methodology and analyzes constitutional provisions, judicial interpretations, and relevant legal literature. The study finds that the Preamble embodies essential democratic principles and provides an important framework for understanding the Constitution. It emphasizes popular sovereignty, equality, liberty, justice, secularism, fraternity, and national unity. The study concludes that the Preamble has played a significant role in establishing the constitutional foundation of Indian democracy and continues to guide the interpretation and implementation of constitutional values.

Keywords: *Preamble of the Constitution, Indian Constitution, Indian Democracy, Constitutional Values, Democratic Principles, Sovereignty, Secularism, Socialism, Justice, Liberty, Equality, Fraternity, Constitutional Interpretation, Basic Structure.*

Introduction:

Preamble is sin qua none in constitutional perspective. Idea of preamble was borrowed form United Nations organizations preamble. It is preluded what is expected to come in future or in upcoming document. Indian constitution begins with an introduction called as preamble of Indian constitution. It contains the aspirations of Indian and Goles to be achieved by India. The question was asked in Re Breubari Union's case[i] there, whether preamble is part of constitution or not, it was held that preamble is not part of Indian constitution. This stance of apex court was changed in Keshwanand Bharti Vs State of Kerala[ii] and it was treated as integral part of constitution, which was reiterated in LIC of India vs. Consumer Education and Research Centre[iii]. Preamble demonstrates the establishment of democracy in India. Now is settle rule, that Preamble is part and parcel of Indian constitution, rather it is inseparable part of Indian constitution. India adopted the democratic form of government. It means system of people and actually people of this country will be governed by themselves. This idea of democracy reflected in our preamble of Indian constitution. Democracy is the one of the forms of government where will and wishes of people are considered for policy making process. Preamble guarantees the implementation of democracy in its real shape.

Objectives of the Study:

To study the preamble of Indian constitution
To analyze the preamble of Indian constitution in the light of establishment of democracy in India.

Hypothesis:

Preamble of Indian constitution contains democratic principles which lead to establishment of democracy in India.

Significance of Topic:

Preamble of Indian constitution is important document contains will and wishes of Indian citizens. Hence it must be studied in deep to understand the democracy in India. Preamble created a path which led to establishment of democracy in India.

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Research Methodology:
The researcher adopted doctrinal research methodology to conduct the present research. The contains of preamble of Indian constitution analyzed to check the establishment of democracy in India.

Definition of Preamble: Preamble means prelude to main part of text or principal literature. It is introduction to bulk part of text. Preamble of Indian constitution is most important part of Indian constitution.

Need of Preamble: Everybody or buddy require introduction. It is essential to understand the basic documents. It is gist of bulk literature. It is summary of contains of buckeye literature. Preamble of Indian constitution is much needed under Indian constitution for healthy democracy in India.

Analysis of the Preamble of Indian Constitution:

We The People of India: It shows the social contract theory under Indian constitution. It means all people present in India at that making of Indian constitution, all were consented indirectly to make the constitution. It shows real reflection of democracy.

The peoples of consented making of constitution. In real sense preamble shows democratic principle where by all Indians and their will was considered in the process of making of Indian constitution.

Sovereigion: It means India free to take its decisions and there is no external control over India. India as nation can make own decisions.

Socialist: It shows the social involvement in the constitution. We are not capitalist as USA or neither communist like China. The means of production are so distributed for the public good. The state is also empowered to hold property. Commnity rights protected under Indian constitution.

Secular: India is very much neutral about religious affairs. As like other theocratic countries like Saudi Arabia, Oman, we don't have official religion of India. We are also not like Srilanka, Pakistan, Bhutan, Nepal where democracy is adopted but they have their official religion. Indian constitution provides freedom of religion to all Indians but subject to public order and morality. In S.R. Bommai vs. Union of India[iv] Supreme Court of India held that secularism is a basic structure of Indian constitution.

Democratic: It shows the real democratic principle where demos are the base of Indian constitution.

Republic: Head of the nation is elected by the citizens of India and it is not hereditary like United Kingdom. After Every five there is an indirect election for presidential election.

Justice Social, Economic and Political: Preamble of Indian constitution guarantees three kinds of justice with all Indians. It requires in country like India where generations were deprived form basic human rights like food, shelter, clothing. In democratic countries all citizens are equal and state shall give equal treatment to all. It is basic principle that reflets democracy in India.

Freedom of…: Five-fold principles were also guaranteed to all Indian whereby, every Indian is having five kinds basic freedom for the progress and development of personality.

A: Thought: It means Indian citizens are free to think anything, no state control over thinking of Indian citizens. It gives almost freedom to all Indias in the area of thought.

B: Expression: Indian citizens are allowed to express themselves through various modes of expressions like Writing, Reading, Dancing, Singing, Painting, Speaking, etc.

C: Belief: Indians are free to have faith or may not have faith in any religion or sect. Freedom of religion of is guaranteed to all Indian citizens and it is a fundamental right enforceable before Supreme Court of India and respective High Courts of the state.

D: Faith: Indian citizens are free to decide to mode of faith also, and express themselves.

E: Worship: There is various form of worship allowed to Indian citizens. Generally, state never interfere in the matters of religion, state regulation of worship is allowed through any legislation, in Gopalkrishnan vs. State of Kerala[v] top court of India held that secular society is different form atheist society where state allows all religions and disrespect one. It means Indian legislature can make laws for the regulation of worship.

Equality of Status and Opportunity: preamble of Indian constitution guarantees the equality among all equals and opportunity shall be given equally to all without discrimination. Article 14 to 18 of Indian constitution specifically provides fundamental right regarding equality and equal opportunity. The parliament and state legislatures passed various laws to executive the concept of equality.

Fraternity Assuring the dignity of individual: We all Indians are brother and sisters. The element of fraternity binds the nations. It is necessary principle where by all Indians are united in thread. The dignified life guaranteed under preamble to every Indian citizen.

Unity and Integrity of the Nation: We came together and surrender our rights to form a democratic country. Hence unity and integrity of the nation must give top priority. In Ashwini Kumar vs. Union of India[vi] top court of India held that unity and integrity phase under Indian constitution acts as an active binding force to preserve social harmony and national integrity.

In our constituent Assembly: The Constituent assembly of India elected by the people drafted the constitution. Members of assembly were elected by the Indians.

Adopt, Enact and give ourselves this Constitution: It give specific Date and year of enactment of Indian constitution. 26 November 2026 is an official date of adoption and enactment of Indian constitution.

Findings:

Preamble of Indian constitution is guiding document for interpretation of provisos of constitution. The concept of democracy adopted under the constitution imprinted in preamble. Amendment of preamble is also possible through Article 368 of the constitution. The word Socialist and Secular were added by 42nd Amendment Act1976 to confirm that India is a socialist and secular. Secularism in much

needed under democracy like India where population is heterogeneous. This amendment shows that we are very much concern with peoples of the country. The Supreme court and High Courts are under obligation to interpret the provisions of Indian constitution in light of preamble of Indian constitution. The phrase unity and integrity also emphasis on bonding of all Indians with national interest. The word and phrases used under preamble strengthens the democracy in India.

Conclusion:

The preamble of Indian constitution clearly reflects democratic values in various phrases used under preamble. Preamble is a key to open the minds of legislatures. The words and phrases used shows that democratic principles are most important for all Indians. Preamble played very important role in establishment of democracy in India. It set out the path for democracy in India. The hypothesis drafted by the researcher is proved. Preamble is much necessary document for healthy democracy in India. Preamble is the genus of constitution. We the People always cherish the preamble because, it enshrines The Supreme Court of India interpreted the provisions of the preamble in many cases where, it is stated that preamble is the integral part of Indian constitution. Contribution of preamble in the establishment democracy can be tested on various parameters. The Preamble of Indian constitution is amended from time to time to insert apt provisions to cope up with need of time. If we observe the judgments of The Supreme Court of India and High Cours then it is clearly understood that the proviso under preamble interpreted in more liberal manner for to strengthens democracy in India.

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1 AIR 1960
2 AIR 1973
3 AIR 1995
4 AIR 19994
5 AIR 2005
6 AIR 2023

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Indian Knowledge Systems and Indigenous Knowledge Folk Traditions: Orality, Material Culture, And Ecological Wisdom

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Abstract
(IKS) encompass a vast, heterogeneous continuum of intellectual, spiritual, and empirical traditions developed over millennia across the Indian subcontinent. While formal text-based traditions-such as the Vedic, Buddhist, Jain, and classical scientific treatises (Sastras)-have historically received significant scholarly focus, the foundational bedrock of IKS lies within indigenous folk traditions (Loka Parampara). This paper explores the multidimensional architecture of Indian indigenous knowledge, specifically focusing on folk traditions as dynamic, decentralized repositories of living knowledge. Through an interdisciplinary analysis combining ethnography, oral history, and ecological humanities, this study examines how oral narratives, performative arts, visual material culture, and localized resource management strategies function as sophisticated cognitive systems. It addresses the mechanisms of knowledge transmission, the integration of traditional ecological knowledge (TEK) within community rituals, and the socio-cultural strategies that sustain these practices. Finally, the paper discusses contemporary challenges-including globalization, linguistic erosion, and intellectual property expropriation-advocating for a decolonial framework that validates folk epistemologies alongside formal scientific paradigms.

Keywords: *Indian Knowledge Systems (IKS); Indigenous Knowledge; Folk Traditions; Loka Vidya; Oral Traditions; Traditional Ecological Knowledge (TEK); Ethnobotany; Sacred Groves; Folk Arts; Decolonial Perspectives; Cultural Heritage; Sustainable Development.*

Introduction

The discourse surrounding Indian Knowledge Systems (IKS) often privileges codified, textual heritage recorded in Sanskrit, Pali, Tamil, or Persian. However, a significant portion of India's intellectual heritage resides in unwritten, community-held indigenous knowledge systems. Known broadly as Loka Vidya or Desiya Parampara, these folk traditions represent empirical knowledge accrued through centuries of continuous interaction between communities and their immediate ecosystems. Indigenous knowledge systems in India are characterized by their contextualized, holistic, and experiential nature. Unlike Cartesian epistemologies that enforce a strict dichotomy between mind and matter, culture and nature, or subject and object, Indian folk traditions perceive human existence as inherently embedded in the natural and cosmic order (Rta or Prakriti). Folk traditions do not merely constitute entertainment or aesthetic expression; they serve as pedagogical vehicles, ethical frameworks, environmental management protocols, and historical archives.

This paper investigates the structures of indigenous knowledge embedded within folk traditions, evaluating their epistemic value, modes of transmission, ecological utility, and contemporary resilience.

2. Epistemology of Orality and Narrative Transmission

The primary vector for the preservation and dissemination of folk knowledge is orality. In indigenous contexts, memory is structured through structured oral genres including folklore (Loka Katha), folk songs (Loka Geet), proverbs (Kahawat or Muhanvare), riddles, and epic recitations.

Epistemic Architecture of Orality

Oral transmission in Indian folk traditions relies on mnemonic devices, rhythmic structures, and formulaic phrasing that facilitate precise recall across generations.

Collective Memory: Knowledge is not privatized but held in trust by the community or specialized guilds (e.g., Bards, Charans, Bhats, and Gawans).

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Contextual Adaptation: Unlike fixed written texts, oral traditions possess fluid stability. The core ethical or empirical principle remains stable while the narrative frame adapts to contemporary socio-political realities.

Pedagogical Function: Folk tales frequently encode practical knowledge. For instance, narratives surrounding changing seasons (Ritu Chakra) embedded in agricultural folk songs guide planting schedules, crop rotation, and pest control without requiring written manuals.

3. Performative and Visual Arts as Repositories of Lore

In indigenous Indian frameworks, aesthetics and utility are interconnected. Performative and visual arts act as visual-auditory texts, communicating complex philosophical concepts and practical wisdom to non-literate populations.

Performative Traditions

Regional theatre forms-such as Yakshagana (Karnataka), Jatra (West Bengal), Therukoothu (Tamil Nadu), Nautanki (North India), and Chhau (Jharkhand/Odisha)- translate classical epics and local histories into accessible vernacular mediums.

Ethical Frameworks: These performances act as public forums for debating moral dilemmas, social justice, and governance.

Historical Documentation: Oral performance chronicles local lineages, migrations, natural disasters, and resistance movements against external incursions, preserving histories omitted from state archives.

Visual and Material Culture

Material expressions such as Patta Chitra (Odisha/West Bengal), Warli (Maharashtra), Madhubani (Bihar), and Gond (Madhya Pradesh) art utilize natural pigments, organic motifs, and geometric grids to map indigenous cosmologies.

Art Form	Region	Primary Medium	Embedded Knowledge Domain
Warli Painting	Maharashtra	Rice paste, natural ochre, mud walls	Agrarian cycles, sacred ecology, community labor organization
Pattachitra	Odisha / West Bengal	Cloth canvas, mineral pigments	Mythological narrative sequence, botanical pigment extraction
Madhubani	Bihar	Natural dyes, twigs, bamboo nibs	Fertility rituals, biodiversity documentation, spatial geometry
Gond Art	Madhya Pradesh	Natural colors, patterned lines	Sacred forestry, animistic relationships, fauna behavioral patterns

4. Ethnobotanical Knowledge and Traditional Ecological Wisdom (TEK)

One of the most practical expressions of Indian indigenous knowledge is Traditional Ecological Knowledge (TEK). Deeply intertwined with folk beliefs, TEK provides sustainable models for natural resource management, bio-resource conservation, and community health.

Sacred Groves (Kavus, Orans, Devarakadus)

Sacred groves represent community-protected forest patches dedicated to local deities (e.g., Sarna in Jharkhand, Devrai in Maharashtra, Kavu in Kerala). These sites serve critical ecological functions:

1. **In-situ Biodiversity Conservation:** Acting as micro-refugia for endangered flora and fauna.
2. **Hydrological Management:** Preserving local water tables and protecting natural aquifers.
3. **Genetic Aquifers:** Serving as repositories of wild crop ancestors and medicinal plants preserved from deforestation.

Folk Medicine and Ethno-botany

While Ayurveda represents the formalized, codified system of Indian medicine, the vast majority of rural healthcare historically relied on local healers (Vaidyas, Gunis, Nati Doctors).

Empirical Validation: Folk medicine utilizes thousands of plant species tailored to specific regional micro-climates.

Preventative Care: Seasonal dietary guidelines (Pathya) embedded in regional culinary practices integrate medicinal herbs (e.g., turmeric, neem, tulsi, and gooseberry) directly into daily food systems to bolster immunity.

5. Community Dynamics and Decolonial Perspectives

Socio-Cultural Cohesion

Folk traditions serve as mechanisms for social integration and resource sharing. Community-driven water harvesting systems such as the Jihaads of Rajasthan, the Ahar-Pyne system of Bihar, and the Zabo system of Nagaland depend on folk social structures (Shramdaan or collective labour) and customary laws rather than centralized state control.

Challenges Facing Indigenous Knowledge

Despite their historical resilience, Indian folk traditions face unprecedented systemic risks:

Epistemicide and Marginalization: Colonial and post-colonial educational models have historically prioritized Western institutional frameworks, marginalizing vernacular knowledge as "superstition" or "primitive."

Environmental Degradation: Industrialization and deforestation disrupt the ecological foundations upon which sacred groves and ethnobotanical practices depend.

Commercialization and Biopiracy: Unregulated extraction of traditional knowledge without Benefit Sharing Frameworks risks commodifying community intellectual property.

Framework for Epistemic Integration

To preserve and revitalize Indian indigenous knowledge, an integrative approach is necessary:

1. **Documentation with Consent:** Systematic recording of oral narratives and ethnobotanical usages using Prior Informed Consent (PIC) protocols.
2. **Educational Reform:** Integrating Loka Vidya alongside contemporary science in school curricula to foster bi-cultural competence.
3. **Legal Protection:** Strengthening Sui Generis legal frameworks, such as the Traditional Knowledge Digital Library (TKDL) and the Biological Diversity Act, to protect community rights against unauthorized commercial exploitation.

Conclusion

Indian Knowledge Systems cannot be understood through classical texts alone. Folk traditions constitute the living, evolving baseline of indigenous knowledge across the sub-continent. Encoded within oral narratives, material arts, performative genres, and community ecological management, Loka Vidya provides sustainable models for living that remain relevant in the face of contemporary global challenges such as climate change, biodiversity loss, and socio-cultural alienation. Reclaiming and validating these indigenous ways of knowing is not merely an exercise in heritage preservation, but an essential step toward epistemological pluralism and sustainable development.

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Legacy Of Satyashodhak Movement in Shaping Contemporary Human Rights Discourse in India

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Abstract
The Satyashodhak Movement, founded by Jyotirao Phule in 1873, was among colonial India's earliest systematic critiques of caste hierarchy. It challenged social inequality by advancing equality, education, dignity, and social justice for Shudras, Ati-Shudras, and women. Although its role in anti-caste reform is well established, its contribution to contemporary human rights discourse remains comparatively underexamined. This study examines the extent to which Satyashodhak Movement's principles continue to influence human rights discourse in India, focusing on caste equality, educational access, gender justice, and social inclusion. It also assesses their relationship with constitutional values and legal frameworks addressing discrimination and marginalization. The analysis identifies significant continuities between Satyashodhak Movement's principles and constitutional commitments, particularly Articles 14–17 and 21A, affirmative action, and laws addressing caste discrimination and educational rights.

Keywords: *Satyashodhak Movement; Jyotirao Phule; Human Rights; Caste; Equality; Gender Justice; Right to Education; Social Inclusion*

Introduction

The recognition of human dignity, equality, and justice as inalienable rights did not emerge in a historical vacuum; it was shaped by centuries of social struggle against entrenched hierarchies. In colonial India, one of the earliest and most radical challenges to institutionalized inequality came from the Satyashodhak Samaj, founded by Jyotirao Phule in 1873. Emerging in a society structured around rigid caste hierarchies that denied education, property, and social dignity to Shudras, Ati-Shudras, and women, the Satyashodhak Movement articulated a comprehensive critique of Brahminical dominance and religious sanction for inequality.[i] Its core tenets — equality irrespective of caste or gender, access to education for the marginalized, and the assertion of human dignity against ritual hierarchy — positioned it as a foundational moment in India's long engagement with what would later be recognized, in international and constitutional terms, as human rights.[ii] The historiography of the Satyashodhak Movement has, understandably, focused extensively on its role within the anti-caste social reform tradition and its place in the broader history of caste politics in western India. Scholars have traced its influence on subsequent anti-caste thinkers and movements, most notably its intellectual inheritance by Dr. B.R. Ambedkar. What remains comparatively underexplored, however, is a sustained examination of Satyashodhak Movement's ideological contribution specifically to the language and architecture of contemporary human rights discourse in India — that is, how its 19th-century vocabulary of equality and dignity finds continuity in present-day constitutional guarantees, anti-discrimination law, and policy debates on caste equality, educational access, and social inclusion.

Hypothesis

1) The principles of equality, social justice, and human dignity advocated by the Satyashodhak Movement continue to influence contemporary human rights (HR) discourse in India, particularly in debates on caste equality, educational access, and social inclusion.
2) The Satyashodhak Movement provided the ideological foundation for contemporary discourse on caste equality and social justice in India.
3) The philosophy of the Satyashodhak Movement continues to shape public policies and legal frameworks aimed at protecting the rights of marginalized communities.
4) The values promoted by the Satyashodhak Movement remain relevant in addressing contemporary issues of discrimination, equality, and human dignity.

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Objectives

1) To examine the core principles of Satyashodhak Movement
2) To analyze movement's contribution to evolution of Human Rights discourse in India
3) To assess the influence of movement on constitutional values relating to equality and social justice

Literature Review

Rosalind O'Hanlon (1985), in *Caste, Conflict and Ideology: Mahatma Jotirao Phule and Low Caste Protest in Nineteenth-Century Western India*, argues that Phule transformed the anti-caste struggle into a broader movement for social equality and human dignity. She demonstrates how the Satyashodhak Movement questioned Brahmanical dominance and sought to democratize knowledge and education, thereby creating the ideological basis for social emancipation.

G. P. Deshpande (2002) in *Selected Writings of Jotirao Phule* analyses Phule's writings as a critique of caste-based oppression and social inequality. He argues that the movement emphasized rational thinking, education, and social reform rather than merely religious criticism.

Uma Chakravarti (1993) in *Conceptualising Brahmanical Patriarchy in Early India* examines the intersection of caste and gender in nineteenth-century India. She identifies the efforts of Jyotirao and Savitribai Phule in promoting women's education and challenging patriarchal norms as significant milestones in the development of gender justice.

Although extensive historical and sociological research has been conducted on the Satyashodhak Movement, significant gaps remain in understanding its contribution to contemporary human rights discourse. Most existing studies focus on the historical achievements of Mahatma Jyotirao Phule and the movement's role in combating caste discrimination during the colonial period. Comparatively fewer studies examine how its principles continue to influence modern debates on human rights, constitutional equality, educational inclusion, gender justice, and social welfare.

Research Methodology

The present study adopts a qualitative and descriptive research design, primarily employing the historical-analytical method to examine the ideological legacy of the Satyashodhak Movement and its relevance to contemporary human rights discourse in India. The study relies on primary as well as secondary sources, including books, peer-reviewed journal articles, doctoral theses, government reports, constitutional documents, human rights reports, and authentic academic databases.

Historical Background of the Satyashodhak Movement

The Satyashodhak Movement emerged from the socio-economic, religious, and caste-based conditions of nineteenth-century Maharashtra, where caste shaped access to education, religious institutions, social status, and economic opportunities. Brahminical authority exercised considerable control over ritual practices and religious mediation, while Shudras, Ati-Shudras, and women faced systematic exclusion from education and social participation.[iii] Jyotirao Phule, born in 1827 into the Mali (gardener) community, encountered caste discrimination personally and developed a strong critique of hierarchical social structures. His exposure to Western education and ideas of equality and rationalism further influenced his intellectual development. In 1848, Phule and Savitribai Phule established one of the early schools for girls in Pune, demonstrating their belief that education could become an instrument of social emancipation. Phule's ideas were further articulated in *Gulamgiri* (1873), where he compared the oppression of Shudras and Ati-Shudras with slavery and challenged the ideological foundations of caste hierarchy.

On 24 September 1873, Jyotirao Phule founded the Satyashodhak Samaj (Society of Truth Seekers) in Pune to promote equality, rational thought, education, and social justice. The movement sought to liberate Shudras and Ati-Shudras from Brahminical domination and questioned the necessity of priestly mediation in religious and social life.[iv] Its membership largely comprised non-Brahmin communities, including Malis, Kunbis, Telis, and Dhangars, reflecting its grassroots character. Savitribai Phule played an important role in advancing women's education and challenging gender-based exclusion. Through publications such as *Deenbandhu* and public debates, the movement disseminated anti-caste ideas and encouraged marginalized communities to question established forms of social and religious authority. Its emphasis on education, dignity, rationality, and equality distinguished it from reform initiatives that sought limited changes within the existing caste framework.[v]

Legacy of the Movement in Contemporary Human Rights Discourse

Equality and Human Dignity

The Satyashodhak Samaj's insistence on equality, dignity, and freedom from caste-based discrimination finds significant resonance in Articles 14–17 of the Constitution of India. Article 14 guarantees equality before the law, Article 15 prohibits discrimination on grounds including caste and sex, Article 16 provides equality of opportunity in public employment, and Article 17 abolishes untouchability.[vi] These provisions transformed the principle of social equality into enforceable constitutional guarantees. The movement's critique of structural caste inequality also resonates with the constitutional approach to affirmative action, particularly reservations for historically marginalized communities. This reflects a shift from merely formal equality toward substantive equality, recognizing that equal rights require addressing historical and structural disadvantages.[vii] In this context, the Satyashodhak Movement's emphasis on dismantling inherited social hierarchies remains relevant to contemporary debates on social justice and affirmative action.

The movement also placed human dignity at the centre of its opposition to caste hierarchy,

challenging the idea that ritual or social status could determine an individual's worth. This principle finds a strong contemporary parallel in the interpretation of Article 21, through which Indian constitutional jurisprudence has developed the right to live with dignity. Although Article 21 emerged within a twentieth-century constitutional framework, its emphasis on the inherent worth of every individual echo the movement's rejection of social degradation.

Caste-based Discrimination

The Satyashodhak Movement's critique of caste hierarchy finds a significant constitutional expression in Articles 15 and 17 of the Constitution of India. Article 15 prohibits discrimination on grounds including caste, while Article 17 abolishes untouchability and prohibits its practice in any form.[viii] These provisions gave legal force to a principle that anti-caste movements had articulated during the colonial period, and the constitutional framework was subsequently strengthened through legislation such as the Protection of Civil Rights Act, 1955[ix], and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.[x] The latter recognizes caste-based violence and exclusion as serious rights violations and provides specific legal safeguards for marginalized communities. The development of this legal framework demonstrates the institutionalization of the broader anti-caste principle that discrimination is a structural social wrong rather than merely an individual act.

However, the persistence of caste-based discrimination demonstrates a continuing gap between constitutional guarantees and social reality. Practices such as social exclusion, residential segregation, discrimination in education and employment, and caste-based violence continue to affect marginalized communities despite legal prohibition. Challenges in implementation, including delayed trials, inadequate awareness, and inconsistent enforcement, further limit the effectiveness of protective legislation. This gap reinforces the relevance of the Satyashodhak Movement's central insight that legal equality requires broader social transformation. Phule emphasized education, economic independence, rational thought, and grassroots mobilization as essential instruments for challenging entrenched social hierarchies. Contemporary Dalit rights movements and civil society initiatives similarly combine legal advocacy with social mobilization.[xi] At the international level, caste discrimination has also entered broader human rights debates, including discussions within United Nations mechanisms.[xii] Thus, the continuing struggle against caste-based discrimination demonstrates that the Satyashodhak Movement's critique remains relevant to contemporary efforts to translate constitutional equality into substantive social justice.

Right to Education

Education occupied a central position in Jyotirao Phule's critique of caste society, as he regarded exclusion from knowledge as a major mechanism through which social inequality was reproduced across generations. Unlike reform approaches focused primarily on ritual change, Phule emphasized education as an instrument of emancipation for Shudras, Ati-Shudras, and women.[xiii] In 1848, Jyotirao and Savitribai Phule established one of the early schools for girls in Pune and subsequently promoted education among marginalized communities. Their efforts reflected the principle that education should be treated as a social right rather than a privilege controlled by dominant groups. This approach finds a significant constitutional parallel in Article 21A,[xiv] introduced through the 86th Constitutional Amendment Act, 2002[xv], which recognizes free and compulsory education for children aged six to fourteen as a fundamental right. The Right of Children to Free and Compulsory Education (RTE) Act, 2009[xvi], subsequently provided a legislative framework for implementing this right.

The principles underlying the RTE framework, particularly equality and non-discrimination, resonate with the Satyashodhak Movement's emphasis on educational inclusion. The Act prohibits discrimination against children and provides for a 25 percent reservation in private unaided schools for children from economically weaker and disadvantaged sections, seeking to reduce educational segregation. The movement's concern with gender equality is also reflected in Savitribai Phule's pioneering work for girls' education and contemporary efforts to address gender-based educational exclusion. However, significant challenges remain, including inadequate school infrastructure, teacher shortages, unequal educational quality, and difficulties in implementing inclusion measures. Children from marginalized communities, particularly girls, may continue to face barriers arising from poverty, social stigma, and other structural disadvantages. Thus, the continuing gap between the constitutional right to education and its realization reinforces the Satyashodhak insight that formal legal access alone cannot ensure substantive equality. Contemporary debates on educational equity, reservations, and social inclusion therefore demonstrate the continuing relevance of Phule's vision of education as a foundational instrument of social transformation.

Gender Justice

The Satyashodhak Movement's commitment to gender justice was reflected in concrete social and institutional interventions undertaken by Jyotirao and Savitribai Phule. In 1848, they established one of the early schools for girls in Pune and subsequently expanded educational opportunities for girls from marginalized communities. Savitribai's efforts extended beyond education to broader questions of women's dignity and rights.[xvii] The establishment of the Mahila Seva Mandal, support for widows, and initiatives against female infanticide demonstrated the movement's opposition to practices that subordinated women. The Phules also promoted widow remarriage and Satyashodhak marriages conducted without priests or dowry, challenging both patriarchal customs and Brahminical ritual authority.[xviii] These interventions reflected the movement's wider principle that social institutions should serve human dignity rather than reproduce inherited hierarchies. By addressing

education, marriage, widowhood, and protection of women, the movement expanded its anti-caste agenda into a broader critique of gender inequality.[xix]

The movement's emphasis on women's equality finds significant continuity in India's constitutional and legal framework. The reformist tradition associated with Phule also resonates with Dr. B. R. Ambedkar's efforts to advance women's legal rights through reforms concerning marriage, inheritance, and property. However, significant inequalities remain, particularly for women belonging to historically marginalized communities. Gender discrimination, educational disparities, social stigma, and caste-based violence demonstrate that legal equality has not fully eliminated structural disadvantages. The Satyashodhak Movement's distinctive contribution lies in recognizing that caste and gender oppression were interconnected rather than isolated forms of inequality. Its legacy therefore remains relevant to contemporary human rights discourse, where meaningful gender justice requires attention not only to discrimination based on sex but also to the intersecting effects of caste, social status, and economic marginalization.

Social Inclusion

Social inclusion, in contemporary terms, involves ensuring meaningful participation of historically marginalized groups in social, economic, political, and educational life. Although the terminology is modern, the underlying principle was strongly articulated by the Satyashodhak Movement, which sought to challenge the exclusion of Shudras, Ati-Shudras, and women from institutions and opportunities. The movement's practical initiatives in education, social reform, and religious life reflected an emphasis on participation rather than mere tolerance.[xx] Its largely non-Brahmin membership, including Malis, Kunbis, Telis, and Dhangars, further demonstrated its commitment to expanding social participation and challenging institutionalized exclusion. [xxi] By questioning priestly authority and promoting access to education, the movement anticipated the broader principle that marginalized communities required institutional access to overcome historical disadvantages.

This principle finds significant continuity in India's constitutional framework, particularly Articles 15(4) and 16(4), which provide the basis for affirmative action and reservation for historically disadvantaged communities[xxii]. The expansion of reservation policies to include Other Backward Classes further reflects the recognition that formal equality alone cannot overcome structural exclusion. These measures have contributed to increased participation of marginalized communities in education, employment, and public institutions. However, formal inclusion has not always resulted in substantive social integration, as discrimination, stigma, and social distance continue to affect marginalized groups.[xxiii] Thus, the movement's legacy remains relevant to contemporary debates on affirmative action, representation, educational access, and the achievement of substantive equality in India.

Conclusion

This study examined the legacy of the Satyashodhak Movement in shaping contemporary human rights discourse in India, with particular emphasis on equality, social justice, human dignity, educational access, gender justice, and social inclusion. The findings substantially support the hypothesis that the principles articulated by Jyotirao and Savitribai Phule continue to resonate within contemporary debates on caste equality and social justice.

The study demonstrates significant conceptual continuity between the Satyashodhak Movement and India's constitutional and legal framework. The Movement challenged caste hierarchy, priestly domination, gender discrimination, child marriage, dowry, and restrictions on education. Its emphasis on transforming discriminatory social institutions rather than merely demanding formal equality anticipated the broader principle of substantive equality reflected in Articles 14–17 and Article 21A of the Indian Constitution. Contemporary measures such as reservations, the Right to Education framework, and legislation addressing caste-based atrocities reflect similar commitments to social justice and inclusion.

However, the legacy of the Movement also highlights the continuing gap between rights and their implementation. Persistent caste discrimination, uneven educational access, gender inequalities, and incomplete social integration demonstrate that constitutional guarantees alone cannot eliminate structural inequalities. Thus, the Satyashodhak legacy remains relevant as an analytical framework for understanding these unresolved challenges.

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Algorithmic Authorship, Data Sovereignty, And Intellectual Property Rights: Navigating the Intersection of Law, Science, And Society in the Age of Generative AI

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Abstract
The rapid convergence of artificial intelligence (AI), data science, and legal frameworks has created a profound crisis within global and domestic Intellectual Property Rights (IPR) regimes. Traditionally, copyright and patent laws were constructed around the central premise of human agency, recognizing intellectual labor as an extension of human dignity and personality. However, the rise of Generative AI platforms, machine learning models, and autonomous algorithmic systems disrupts foundational legal principles including authorship, inventiveness, originality, and infringement. This paper examines the multidisciplinary intersection of law, computer science, and social sciences regarding IPR. It deconstructs three critical dilemmas: (1) the legal status of AI-generated works and the "human author" requirement under copyright law; (2) the patentability of AI-invented subject matter and the doctrine of the "Person Having Ordinary Skill in the Art" (PHOSITA); and (3) the socio-economic implications of training data scraping, digital commons, and data sovereignty. By analyzing statutory provisions, recent judicial precedents across jurisdictions, and socio-legal frameworks, this study highlights the inadequacy of existing legal doctrines to address non-human innovation. The paper proposes a balanced normative framework incorporating a sui generis legal model for AI outputs, compulsory licensing for dataset training, and transparent algorithmic disclosure to foster technological innovation while protecting human creators and public domain integrity.

Keywords: *Intellectual Property Rights, Generative AI, Copyright Law, Patent Law, Algorithmic Authorship, Data Sovereignty, Social Stratification.*

Introduction

Intellectual Property Rights (IPR) have historically functioned as the socio-legal bridge balancing private innovation incentives with public knowledge access. Rooted in Enlightenment philosophy, economic incentives, and human labor theories—such as Locke's (1689/1988) labor theory of property and Hegel's (1820/1991) personality theory—IPR frameworks protect human intellect expressed through science, technology, literature, and art.

However, the twenty-first century has witnessed a paradigm shift driven by artificial intelligence (AI), deep neural networks, and automated decision-making (Surden, 2014). AI systems no longer function merely as passive instruments or sophisticated calculation tools used by human researchers; rather, they independently generate complex computer code, original artwork, literary essays, musical compositions, and chemical patent structures (Abbott, 2020; Gervais, 2020).

This technological evolution challenges the core pillars of IPR across disciplines:

- ***Legal Science & Doctrine:*** Can a non-human entity be recognized as an author or inventor under constitutional and statutory frameworks (Ginsburg, 2003; Hristov, 2017)?
- ***Computer Science & Technology:*** Where does automated data processing end and autonomous creation begin when non-intelligent algorithms produce intelligent outputs (Surden, 2014)?
- ***Social Sciences & Economics:*** How does the monopolization of training data by technology conglomerates affect human artists, labor markets, and equitable access to knowledge (Lemley, 2015)?

This multidisciplinary research paper critically evaluates how current IPR systems handle AI-generated outputs and training datasets, identifying systemic legislative gaps and presenting a forward-looking normative roadmap.

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Algorithmic Authorship and the Copyright Dilemma

The "Human Agency" Imperative in Copyright Law

Copyright protection relies heavily on the concepts of *originality* and *authorship*. Under most global legal systems (such as the United States Copyright Act of 1976, the UK Copyright, Designs and Patents Act 1988, and the Indian Copyright Act of 1957), copyright is explicitly or implicitly tied to human intellect (Ginsburg, 2003; Samuelson, 1985).

Courts and regulatory bodies have consistently maintained that copyright requires a human creator:

The "Human Author" Rule: In *Feist Publications, Inc. v. Rural Telephone Service Co.* (1991), the United States Supreme Court established that copyright requires a modicum of creative originality resulting from human intellectual labor.

- ***The Non-Human Precedent:*** In *Naruto v. Slater* (2018), the United States Court of Appeals for the Ninth Circuit held that non-humans lack statutory standing under the Copyright Act to hold copyright ownership.
- ***Generative AI Rejections:*** In *Thaler v. Perlmutter* (2023), the U.S. District Court for the District of Columbia affirmed that works produced entirely by automated machine algorithms without human creative control are ineligible for copyright protection, reiterating that human authorship is a bedrock requirement of copyright law.

Prompt Engineering vs. Original Expression

A central debate in computer science and legal scholarship revolves around whether human "prompt engineering"—inputting detailed text instructions into an AI model—constitutes sufficient creative control to grant copyright ownership to the human user (Gervais, 2020). Legal systems differentiate copyrightability based on three primary operational tiers:

- **Direct Generation (Pure Prompting):** In scenarios where a user inputs basic text prompts, and the AI executes all synthesis, shading, syntax, and structural choices, the resulting work enters the **Public Domain**. Courts view this as lacking sufficient human creative control, ruling that raw AI output cannot be copyrighted (*Thaler v. Perlmutter*, 2023).
- **Hybrid Creation:** In scenarios where a user generates AI elements and subsequently edits, arranges, or merges them with substantial original human content, the law provides **Selective Copyright**. Under this threshold, human-created or human-edited portions are protected, while underlying raw AI elements remain uncopyrightable (Gervais, 2020).
- **AI as an Assistive Tool:** In scenarios where a human author uses software tools (such as spellcheck, digital brushes, or CAD tools) to assist their own independent expression, the final work remains **Fully Copyrightable**, as the human retains primary creative execution and control (Hristov, 2017).

Patent Law, Inventorship, and AI-Driven Discovery

The DABUS Precedents and Statutory Interpretation

While copyright governs literary and artistic works, patent law protects technical inventions, chemical formulas, and industrial processes. Patent statutes across major jurisdictions require that an "inventor" be named on patent applications (Abbott, 2020).

The legal boundary of AI inventorship was directly tested worldwide by Dr. Stephen Thaler through his AI system, **DABUS** (*Device for the Autonomous Bootstrapping of Unified Sentience*). Thaler filed patent applications naming DABUS as the sole inventor for two creations: a food container based on fractal geometry and an emergency warning light.

The global judicial response highlights the traditional legal insistence on human personality:

1. ***United States:*** In *Thaler v. Vidal* (2022), the U.S. Court of Appeals for the Federal Circuit held that the Patent Act explicitly defines an inventor as an "individual," which unambiguously refers only to a natural human person.
2. ***European Union & United Kingdom:*** The European Patent Office (2020) and the UK Supreme Court in *Thaler v. Comptroller-General of Patents, Designs and Trademarks* (2023) rejected the applications, ruling that an inventor must possess legal personality to hold and transfer patent rights.
3. ***South Africa:*** In contrast, the Companies and Intellectual Property Commission of South Africa (2021) issued a patent naming DABUS as the inventor. However, scholars attribute this exception to South Africa's formalistic depository patent registration system rather than substantive judicial scrutiny (Abbott, 2020).

3.2 Redefining the "PHOSITA" Benchmark

In patent law, whether an invention is "non-obvious" is evaluated against a legal standard: the **Person Having Ordinary Skill in the Art (PHOSITA)**.

With AI tools accelerating scientific discovery in biotechnology, pharmacology, and materials science, the traditional baseline of PHOSITA is facing an operational crisis:

The Dilemma: If a human researcher utilizing deep learning algorithms can screen millions of molecular compounds in hours (Surden, 2014), what constitutes "ordinary skill"?

- ***The Technological Shift:*** As AI tools become standard practice across research laboratories, the threshold for what constitutes an "inventive step" must logically rise, potentially rendering standard AI-assisted discoveries unpatentable due to obviousness (Abbott, 2020).

Social Sciences, Data Sovereignty, and Fair Use

Dataset Mining vs. Content Creator Rights

Generative AI models require training on petabytes of text, images, code, and audio—much of it scraped indiscriminately from public repositories without explicit consent or compensation to original creators (Lemley, 2015).

This practice has triggered significant litigation between technology firms and content creators:

The Technology Sector Perspective: AI developers contend that web scraping for dataset training constitutes **"Fair Use"** under Section 107 of the U.S. Copyright Act of 1976 (or text and data mining exceptions), asserting that the model extracts uncopyrightable statistical patterns rather than reproducing protected expression.

- ***The Content Creator Perspective:*** Authors, visual artists, and news publishers argue that training commercial AI models on copyrighted works without license or credit violates their exclusive economic rights, using their intellectual labor to produce competing commercial products that erode their market sustainability (Gervais, 2020).

Data Sovereignty, Bias, and Knowledge Monopolies

From a sociological and economic perspective, the current AI training pipeline amplifies global structural inequalities:

- ***Digital Neocolonialism:*** Technology conglomerates situated predominantly in the Global North scrape cultural and linguistic data from diverse global populations, centralizing commercial profits while raising data sovereignty concerns for developing nations (Lemley, 2015).
- ***Algorithmic Bias in IPR:*** Because training datasets reflect historical human biases, AI models risk reproducing discriminatory cultural, linguistic, and social assumptions in automated search, translation, and creative tools (Surden, 2014).

Comparative Analysis of Jurisdictional Approaches

Different international legal regimes have responded to AI-generated works, inventorship, and text and data mining (TDM) through distinct statutory mechanisms:

- **United States Jurisdiction:**
  - *Copyright Stance:* Applies a strict human author requirement; purely non-human works enter the public domain (*Thaler v. Perlmutter*, 2023).
  - *Patent Stance:* Enforces a strict human inventor requirement (*Thaler v. Vidal*, 2022).
  - *Data Mining Status:* Highly contested under the judicial "Fair Use" doctrine (Section 107, Copyright Act of 1976).
- **European Union Jurisdiction:**

Copyright Stance: Requires the "author's own intellectual creation" (Directive 2001/29/EC).

  - *Patent Stance:* Mandates a natural human inventor under European Patent Convention rules.
  - *Data Mining Status:* Provides statutory TDM exceptions under Articles 3 and 4 of the EU Digital Single Market Directive (2019/790).
- **United Kingdom Jurisdiction:**
  - *Copyright Stance:* Uniquely offers statutory protection for "computer-generated works" lacking a human author, assigning ownership to the person who made the arrangements necessary for the work's creation (Section 9(3), CDPA 1988).
  - *Patent Stance:* Enforces a strict human inventor requirement (*Thaler v. Comptroller-General*, 2023).
  - *Data Mining Status:* Features a narrow statutory exception limited strictly to non-commercial research.
- **Indian Jurisdiction:**
  - *Copyright Stance:* Requires human authorship under Section 2(d) of the Copyright Act of 1957, creating legal ambiguity surrounding automated tools.
  - *Patent Stance:* Enforces a mandatory human inventor requirement under the Indian Patents Act of 1970.
  - *Data Mining Status:* Lacks an explicit statutory TDM exception, forcing reliance on general fair dealing defenses under Section 52.

Policy Recommendations & Future Framework

To reconcile technological progress with equitable legal protection, the global community should pursue a four-tiered policy reform strategy:

- **Establish a *Sui Generis* Protection System for AI Outputs:** Instead of stretching traditional copyright laws to cover non-human creators (Gervais, 2020), nations should introduce a distinct, short-term economic protection regime (e.g., 3 to 5 years). This would protect commercial investments in AI-generated software and media while ensuring that public domain knowledge remains accessible.
- **Implement Statutory Data Licensing & Fair Compensation Mechanisms:** Legislatures should establish collective licensing frameworks for text and data mining. AI developers should pay statutory royalties into a global or national fund managed by collective rights management organizations (CMOs) to compensate artists, authors, and researchers whose works are utilized to train foundational AI models (Lemley, 2015).
- **Enforce Mandatory Watermarking and Disclosure:** In line with emerging technology policies (such as the European Union AI Act), legal systems must mandate clear transparency labels and digital watermarks for any commercial content generated by AI. This protects consumer rights, maintains academic integrity, and assists in preventing digital misrepresentation.
- **Update Patent Assessment Criteria for AI-Assisted Research:** Patent offices should refine their evaluation metrics for inventions created using AI assistance. While maintaining that legal title rests with human scientists, patent guidelines must adjust the PHOSITA benchmark to reflect standard computer-assisted laboratory practices (Abbott, 2020).

Conclusion

The rapid rise of Artificial Intelligence represents one of the most transformative disruptions to Intellectual Property Rights since the Industrial Revolution. By decoupling creation from human labor, Generative AI challenges the core philosophical and legal tenets of copyright, patent, and data ownership.

A strictly rigid application of outdated legal doctrines risks either stifling technological innovation or systematically disenfranchising human creators. By

adopting an interdisciplinary approach—combining legal rigor, computer science insights, and socio-economic fairness—lawmakers can establish an updated IPR ecosystem. Such a framework must protect human creative dignity, foster ethical scientific innovation, and ensure that the benefits of technological progress serve the collective interest of society.

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A Doctrinal Analysis of Abolition of the Non-Agricultural (NA) Permission Framework under Maharashtra Land Revenue Code, 1966

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Abstract

Land administration in India, historically governed by agrarian regulatory frameworks, has underwent profound transformations to meet the requirements of rapid urbanisation, industrial expansion, and spatial planning. Under the Maharashtra land Revenue Code, 1966 the requirement of obtaining Non-Agricultural (NA) permission from the Revenue Department specifically under Sections 42, 44, and allied provisions acted as a procedural gateway for converting agricultural land for residential, commercial, or industrial uses. This dual-regulatory framework created institutional friction, administrative delays, and regulatory duplication between the Revenue Department and Planning Authorities under the Maharashtra Regional Town Planning Act, 1966. This research paper presents a comprehensive doctrinal analysis of the statutory evolution and eventual legislative abolition of the traditional NA permission regime in Maharashtra. Tracing the historical origin from colonial land revenue systems to the statutory provisions of the MLRC, 1966, the paper evaluates the incremental legislative amendments including Sections 42A, 42B, 42C, 42D, and Section 44A culminating in the recent complete structural overhaul substituting Section 42 and abolishing recurring annual NA taxes. The paper examines the doctrinal implications of decoupling land tenure from land-use regulation, the harmonization of revenue law with urban planning statutes, and the constitutional considerations under Article 300A of the Constitution of India.

Keywords: *Maharashtra land Revenue Code, 1966, Maharashtra Regional Town Planning Act, 1966, Incremental Legislative Reforms, Land Use and Land Tenure, New and Old Framework.*

Introduction

The regulation of land use and land revenue in India represents a complex interplay between sovereign revenue collection, property rights management, and statutory urban planning. Historically, state intervention in land use was primarily driven by sovereign revenue extraction, wherein agricultural land yielded revenue to the state treasury based on crop yields and classification. The conversion of agricultural land to non-agricultural purposes altered the revenue yield potential, prompting statutory mechanisms that mandated state permission before any change in land use could occur. In Maharashtra, the primary legislative enactments governing land revenue administration and land-use control were enacted in the same year i.e. the Maharashtra land Revenue Code, 1966 and the Maharashtra Regional Town Planning Act, 1966. While the MRTP Act created a modern legal framework for planning, master plans, and development permissions through local Planning Authorities, the MLRC retained a colonial-era requirement, obtaining prior Non-Agricultural (NA) permission and a subsequent Sanad from the Revenue Department headed by the District Collector.

Historical Genesis and Statutory Scheme of the MLRC, 1966

1 Colonial Antecedents of Land Conversion Controls

To understand the legal structure of Section 42 of the MLRC, 1966, one must analyse its statutory predecessors. Under the Bombay Land Revenue Code, 1879, land revenue was the primary source of state income. Any conversion of land from agricultural to non-agricultural deployment altered the land's value and economic returns, threatening the state's revenue stability unless regulated.

2 The Original Framework of the MLRC, 1966

Under the original scheme of the MLRC, 1966, the statutory framework governing land conversion rested upon two anchor provisions: Section 42 and Section 44.

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Section 42 (Permission for Non-Agricultural Use) *"No land used for agriculture shall be used for any non-agricultural purpose; and no land assessed one non-agricultural purpose shall be used for any other non-agricultural purpose, except with the permission of the Collector."* Section 44 (Procedure for Conversion of Use) Section 44 detailed the elaborate, multi-stage administrative procedure required to obtain such permission:

Application: The occupant class-I or occupant class-II had to submit a formal application to the Collector specifying the intended non-agricultural purpose.

Revenue Inquiry & Reports: The Collector initiated inquiries through the Tahsildar, Circle Officer, and Talathi to inspect the site, verify title documents, check for revenue arrears, and assess whether the proposed conversion violated public health, safety, or local land records.

NOC: The applicant was required to secure No Objection Certificates (NOCs) from various line departments, including Pollution Control Boards, Highways, Irrigation, and Public Works Departments.

Grant or Denial: The Collector could grant permission subject to conditions or refuse it on grounds of public interest or conflict with statutory schemes.

Issuance of Sanad if granted: Upon grant of permission and payment of conversion tax and revised assessment, the Collector issued a formal legal document known as an NA Sanad.

Penalty for Unauthorised Conversion: Section 45 prescribed severe penalties, including summary eviction, demolition, and heavy fines for converting land without prior permission under Section 44.

3 The Functional Friction with the MRTP Act, 1966

In the same legislative session, the Maharashtra State Legislature passed the Maharashtra Regional Town Planning Act, 1966 to regulate planned urban growth. This resulted in a direct legal dichotomy: If a piece of agricultural land fell within a Residential Zone under a statutory Development Plan sanctioned by the Urban Development Department, the land's macro-use was already legally designated for residential development. Despite the statutory Development Plan designation, the landowner could not legally lay a single brick without going through the independent administrative process under Section 44 of the MLRC to obtain the Collector's NA permission.

Incremental Legislative Reforms

1 Section 44A: Bona Fide Industrial Use (1994)

Inserted via amendment in 1994, Section 44A was the initial statutory breach in the mandatory Collector centric regime. It provided that no prior permission under Section 42 or 44 was required for converting agricultural land for bona fide industrial purposes in designated industrial zones or industrial areas under the Maharashtra Industrial Development Act, 1961.

2 The 2017 Amendments: Sections 42A, 42B, and 42C

In 2017, the Legislature enacted the Maharashtra Land Revenue Code (Amendment) Act, 2017, introducing Sections 42A, 42B, and 42C to harmonize the MLRC with the MRTP Act.

Section 42A - Provided that where a Draft Regional Plan was published, land proposed for non-agricultural use aligned with the plan was deemed converted upon grant of development permission under the MRTP Act, subject to payment of prescribed conversion tax and NA assessment.

Section 42B - Stipulated that upon publication of a Final Development Plan under the MRTP Act, any land situated within its boundaries was deemed to be converted to the non-agricultural use specified in the plan upon payment of conversion tax and government dues. No separate application under Section 42 or Section 44 was necessary.

Section 42C - Allowed automatic deemed conversion upon the grant of development permission by the Planning Authority under Section 18 or Section 45 of the MRTP Act.

3 Section 42D: Periphery Areas of Cities and Towns (2018)

Enacted via the Maharashtra Land Revenue Code (Fifth Amendment) Act, 2017 Section 42D extended the deemed conversion mechanism to land situated within a 200-meter Gaothan/City Belt, streamlining peripheral urban growth.

The Complete Shift: Abolition of the NA Permission Regime

1 Legislative Overhaul and Substitution of Section 42 - The decisive legal transformation occurred through sweeping legislative amendments that restructured the MLRC, 1966. By repealing the complex cluster of Sections 42A, 42B, 42C, 42D, and 44A, the Legislature substituted a streamlined, unified under Section 42 of Maharashtra land Revenue Code, 1966.

Under the new amended regime: Elimination of Collector's NA Permission - Where land is situated within an area governed by a sanctioned Development Plan, Regional Plan, or Town Planning Scheme under the MRTP Act, no separate permission of the Collector is required for converting land from agricultural to non-agricultural use, provided the proposed use aligns with the zoning under the MRTP Act. Single-Window Integration - The Planning Authority became the sole nodal agency for development permission and building plan sanction. Planning Approval as Deemed NA Order - The grant of development permission or approval of building plans by the Planning Authority under the MRTP Act operates as the complete, legal authorization for non-agricultural land use.

2 Abolition of Recurring NA Tax and Shift to One-Time Conversion Premium - A core financial change within this legislative reform is the complete state-wide abolition of the annual, recurring Non-Agricultural (NA) Assessment/Tax Historically, once land was converted to non-agricultural use, the Revenue Department assessed an annual NA tax per square meter under Chapter VI of the MLRC, revised periodically every 10 to 15 years. This resulted in dual

taxation, as municipal authorities also levied annual municipal property taxes on the same developed land.

4.3 Redundancy of the NA Sanad - Under the reformed framework, the traditional administrative requirement of obtaining a separate physical NA Sanad from the Collector was rendered obsolete for lands backed by planning sanctions.

Comparative Doctrinal Analysis: Old vs. Reformed Regime

To appreciate the scope of this legislative transition, the key legal distinctions between the traditional MLRC framework and the reformed statutory scheme are summarized below:

Parameter	Old MLRC Framework	New MLRC Framework
Primary Regulatory Authority	Revenue Department (Collector) under MLRC + Planning Authority under MRTP Act.	Planning Authority under the MRTP Act acts as the sole nodal interface.
NA Permission Requirement	Mandatory separate permission under Section 42/44 from Collector prior to development.	Abolished in DP/RP covered areas. Planning permission acts as legal NA conversion.
Statutory Complex	Fragmented across Sections 42, 42A, 42B, 42C, 42D, 44, and 44A.	Consolidated and simplified through the substitution of Section 42.
Financial Burden Structure	Conversion Tax + Recurring Annual NA Assessment /Tax levied indefinitely.	Annual NA Tax Abolished. Replaced by One-Time Conversion Premium based on ASR.
Documentary Proof of Conversion	Mandatory physical NA Sanad issued by the Collector.	Sanad rendered redundant. Sanctioned plan + payment receipt serves as proof.
Impact on Banking & Finance	Severe delays; banks insisted on Sanad before disbursing construction loans.	Streamlined; financial institutions rely on planning approvals and digital revenue receipts.
Taxation Overlap	High; dual levy of Annual NA Tax by State and Property Tax by Municipal Body.	Eliminated; single property tax structure with one-time initial state conversion premium.

Doctrinal Jurisprudence, Constitutional Alignment and Tenure

1 Decoupling Land Tenure from Land Use - A major legal insight arising from this doctrinal analysis is the distinction between Land Use and Land Tenure.

Under the MLRC, 1966, land ownership/occupancy is divided primarily into:

1. **Occupant Class-I:** Absolute occupants with unrestricted rights of transfer and alienability.
2. **Occupant Class-II:** Restricted tenure occupants (e.g., lands granted by the State to weaker sections, tribal holdings, Inam lands, or agricultural tenants) where alienation, partition, or mortgage requires prior sanction/NOC from the Collector and payment of Nazarana (premium).

The abolition of NA permission **does not alter or upgrade the land tenure status**:

1. The simplified single-window NA conversion applies automatically to **Occupant Class-I** lands.
2. For **Occupant Class-II** lands, while the separate *NA permission for land use* is integrated with planning approval, the tenure restriction remains intact. The occupant must still obtain a prior No Objection Certificate (NOC) or pay the requisite Nazarana / unearned increase to the Revenue Authority to clear the tenure restriction before the development permission can be acted upon.

2 Constitutional Compatibility under Article 300A

Article 300A of the Constitution of India provides that *"No person shall be deprived of his property save by authority of law."* While the State retains eminent domain and regulatory authority over private property, administrative procedures that impose unreasonable, duplicate, or burdensome delays on the enjoyment of land rights violate the principle of statutory proportionality under Article 14 and Article 300A. By eliminating bureaucratic delays under Section 44 and replacing a discretionary, multi-tiered approval process with an objective, single-window planning process, the statutory reform strengthens constitutional rights under Article 300A. It converts what was once an administrative burden into an objective, statutory procedure tied to publish development plans.

3 Rule of Harmonious Construction between MLRC and MRTP Act

Where two statutes enacted by the same legislature operate on the same subject matter the MLRC governing land revenue and the MRTP Act governing urban planning the doctrine of Harmonious Construction requires that they be interpreted to avoid conflict and advance legislative intent (*Sirsilk Ltd. v. Government of Andhra Pradesh*, AIR 1964 SC 160).[1] In early land jurisprudence, courts struggled with cases where a Collector refused NA permission for land that was designated for residential use under an approved Development Plan. The statutory substitution of Section 42 resolves this statutory conflict. It gives legal primacy to the MRTP Act for land-use determinations while preserving the MLRC's core mandate over tenure verification and land records maintenance.

Critical Challenges and Judicial/Administrative Roadblocks

Despite the legislative clarity brought about by the abolition of the NA permission framework, several operational and legal challenges remain in implementation-

1 **Resistance from Revenue Administration-** Historically, the Revenue Department exercised significant administrative control over land conversion. In practice, local revenue officials at the Tahsil level occasionally delay updating digital 7/12 extracts (Mutation Entries) following planning permissions, citing lack of formal physical communication from urban local bodies. Fully automated digital integration between municipal BPMS (Building Plan Management System) portals and state land revenue software (like e-Mahabhumi / Mahabhulekh) is essential to eliminate manual interference.

2 **Handling Pre-Existing Arrears and Regularisation-** The transition from recurring annual NA taxes to a one-time premium model presents administrative complexities for properties converted prior to the amendment:

1. Property owners with historical NA tax arrears require clear administrative guidelines to regularize past conversions without being subjected to compounding penalties.
2. The State Government's administrative notifications must ensure that one-time conversion rates for past un-regularized conversions remain reasonable to prevent protracted litigation.

3 **Environmental and Agricultural Safeguards-** Critics of rapid urbanisation express concern that removing the Revenue Department's vetting process under Section 44 might lead to unrestricted conversion of fertile multi-crop agricultural land. However, this concern is addressed by the legal design of the reform-

- Conversion is not unregulated; it is strictly restricted to land allocated for non-agricultural zones under statutory Regional and Development Plans.
- Environmental impact assessments, coastal zone regulations, and forest clearances under applicable central and state laws remain fully mandatory and independent of the MLRC reform.

Conclusion and Recommendations

Instead of running to two different offices, everything goes through one local planning office. This saves time and stops departments from doing the exact same work twice. Instead of paying a confusing tax every single year, property owners pay a one-time fee upfront based on fixed government land rates. This makes payment transparent for owners and easy for the government to collect. Non-agricultural (NA) permission comes automatically with building plan approval. This gives developers and landowners a clear schedule without unexpected delays. Once your plan is approved online, government databases talk to each other automatically such as for updating mutation entries in record of rights. Your 7/12 land records update digitally without you having to visit the local Tahsil office.

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Indian Writing in English: Critical Perspectives

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Abstract
This research paper is a brief review of Indian writing in English. It explains the difference between three important genres 'Indo-Anglian Literature', 'Anglo-Indian Literature', and 'Indo-English Literature'. It also clarifies the term 'Transcreation' with examples. It elaborates the importance of English language and how it became a passage for intellectual intercourse between East and West. It also analyzes different forms of literature and their respective growth in India. It studies first of all 'Poetry' the oldest form of literature, which is traced back to almost the beginning of the nineteenth century. The paper also compares Rabindranath Tagore with contemporary significant poets and proves his genius among all the others. The poetry written in English before independence and after independence is taken into consideration. This research paper also unfolds the initiation and development of English 'Novel', and discloses the impact of European and American models on Indian English novelists. It also clarifies the influence of Bankim Chandra Chatterjeeon on the great writer like Tagore. It studies the third and one of the most important genres of literature that is 'Drama'. It reviews Aristotle's treatise 'Poetics' and Indian dramatic tradition perpetuated in 'Natyashstra'. The comparison is made between drama, poetry and novel and a number of important dramatists are discussed with their respective dramas here.

Keywords: *Indo-Anglian Literature, Anglo-Indian Literature, Indo-English Literature, Transcreation, intellectual intercourse, European and American models, Aristotle's treatise Poetics, Indian dramatic tradition, prominent, literary panorama, poetry, novel, drama, initiated, evolve, flourished.*

Introduction

"Indo-Anglian Literature is not essentially different in kind from English Literature. It is a part of it." [1]

Indian Writing in English, which forms almost an inseparable part of English Literature, has now obtained a prominent place in the literary panorama of India. English language began to exercise its impact on the intellectuals of the people, with the establishment of British power in India. A new intellectual and literary perspective opened before the people of India which awakened their literary and creative genius. Macaulay's momentous '*Minute'*, making English the medium of instruction and the vehemence of Ram Mohan Roy and others precipitated the spread of this influence. Indian Literature has already been written in many languages viz. Assamese, Kannad, Gujrati, Bengali, Marathi, Hindi, Kashmiri, Maithili, Malayalam, Panjabi, Tamil, Sindhi, Urdu, and Telgu. There is so much to be appreciated and admired about Indian writers. But the matter of fact is that there were few writers who had tried to write in English. Their work is considered to be significant as they have tried their hand in a language which is not their mother tongue, and which is the international language.

The literary creation in English language by Indians is called *'Indo-Anglian literature'*. It denotes to literature written in English by authors of Indian lineage. This unique literary tradition developed during the colonial period when English became an important language of learning and communication in India, largely due to British rule. Indo-Anglian literature is evidence to the cultural and linguistic multiplicity of India, proposing a unique perception on Indian society and history through the medium of English language storytelling. English language has magnetism; it was just like a gateway of western knowledge for the Indian youth. People could see their bright future with this language. Those who were fluent in English, they were having lucrative openings. English provided a window for the intellectuals to have a look to the wide world. It also served as common medium of communication among the educated persons of different provinces in India. Srinivasa Iyengar states that,

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*"*Indians have written and are writing in English for communicating with one another and with the outside world for achieving self-expression too artistically, using English, if necessary, or necessarily, in an Indian way." [2]

It is undoubtedly true that English has become a passage for intellectual intercourse between East and West rather we should say, between India and England. It was not only Indians who were interested and curious about foreign land but Britishers were also equally concerned about Indian languages and Indian cultures. The language English is the only source of it. The Indian thoughts, from Vedic to modern times have found its way to the West. R. N. Roy states,

"The nations speaking English enjoy political, cultural, commercial, technological and material blessings. English is also one of the essential commercial languages of the world" [3]

Many brilliant writers from Ram Mohan Roy, Keshab Chandra Sen, Vivekananda, Rabindranath Tagore, Sri Aurobindo, Mahatma Gandhi and Radha Krishnan have made themselves heard in the West. Many of them have influenced the international social thought. We cannot anyhow compare these writers with each-other but we can surely say that they were among the makers of modern India and what they said and wrote must, therefore be cherished as our national literature.

'Anglo-Indian Literature' is the writing of English men in English about India and Indian life. It denotes to literary works written by authors of mixed British and Indian tradition, particularly during the British colonial era. These writers often discovered themes related to traditional distinctiveness, belonging, and the intricacies of living between two worlds. The literature replicates an amalgamation of British and Indian impacts, offering unique viewpoints on imperialism, society, and personal proficiencies within the context of British India. Outstanding Anglo-Indian writers include Rudyard Kipling, Flora Annie Steel, and E.M. Forster, whose works often depict the cultural and social dynamics of the time.

This literature is also very significant as it serves to introduce India to the West. But most of it is very unrealistic as they interpret it rather romantically. But the Indian writers in English serve to correct this unrealistic picture and project a more exact image of India. Which is reliable and which is trustworthy as compared to interpretation of Britishers.

There is one more genre *'Indo-English Literature'* which is used for the translation of Indian works from vernacular, into English. During the 19th and early 20th centuries, Indian writers began to write in English mostly to connect with the British rulers and to reach a broader, often international, audience. Post-Independence, Indo-English literature lengthened further. Contemporary Indo-English literature continues to flourish with writers such as Amitav Ghosh, Vikram Seth, Jhumpa Lahiri, and Aravind Adiga, who discovered a wide range of themes including globalization, migration, gender, and eco-friendly issues. These authors often amalgam traditional Indian storytelling techniques with Western literary forms, creating a unique literary landscape that echoes both in home and abroad.

Overall, Indo-English literature serves as a powerful medium for enunciating the intricacies of Indian society, culture, and history while contributing significantly to the global literary canon. It continues to develop, imitating the energetic and varied voices of contemporary India in dialogue with the broader world. Through this distinct literature, literary classics, in whatever languages they are, have become available in English to those who do not know these languages, both in home and abroad. This '*Indo-English Literature'* has been further distinguished into '*Classical Indo-English Literature'* and *'Modern Indo-English Literature'.*

There is one more category of translation, to which the term *''Transcreation''* rather than translation is applied. These are the translations in English, made by the author of his own work in which original is not literally adhered to, but transfigured and rearranged while translating. It is therefore '*Transcreation'* not translation. Rabindranath Tagore's *'Gitanjali'* is the best example of this category**,** for he took liberties with the originals and reworked on the verses in English instead of doing only literal translation.

Thus '*Indian Writing in English'* is a separate genre, reinforced by internationally distinguished figures as Rabindranath Tagore, Aurobindo Ghosh, Mahatma Gandhi, Toru Datt, Sarojini Naidu, and Jawaharlal Nehru. This Literature continues to prosper, proliferate, and attain higher and higher summit of eminence with the writers like R.K. Narayan, Mulk Raj Anand, Raja Rao, Nissim Ezekiel, Kamla Das, and Ramanujan. Let us analyze different forms of literature with their respective growths and development in India.

Poetry

"While it may be readily conceded that prose is the staple food of the countries of the mind, yet the point needs urging that without the wine of poetry life would lose its savour and become merely a tasteless traffic of hours accumulating into years that presently make a whole life-time." [4]

Henry Louis Vivian Derozio is called as 'Father of Indian English Poetry'. He published his volume of poems in 1823. He wrote several beautiful sonnets, lyrics and long poems. In one of his lyric, '*My Native Land'* he has described fascinating picture of the past and the present of our country and visualizes India as an Eagle whose feathers are restricted and groveling in the dust. His sonnet '*Poetry*', deals with the concept of poetic creations like Romantic Poets of English Literature.

Kashiprasad Ghosh had published his volume of poetry entitled '*The Shair and the Other Poems*' in 1830. His poetry was made up of conventional description and tiresome moralizing but it is a tiresomeness brightened by odd flashes of originality. These two writers are historically important because

they have tried their hands at English poetry much before Macaulay's '*Minute'*. Though their work is largely imitative of English Poets, still their writings show remarkable command over English language and versification. They scattered the seeds of poetic creation which was to nurture, flourish and multiply in the years to come.

It is widely known fact that Poetry is the oldest form of literature. Indian poetry in English can be traced back to almost the beginning of the nineteenth century. Much before Macaulay's 'Minute' and the execution of his policy on English education. Indians have started using English for their creative expression. The early Indian writers in English are Cavally Brothers, Derozio, Kashiprasad Ghosh, Hasan Ali, Mohan Lal etc. They are followed by Michael Madhusudhan Dutt. Indian English poetry is considered by its distinct blend of linguistic impressions, cultural multiplicity, and thematic scope. It seemed as a retort to expansionism but promptly developed into a medium for carrying Indian experiences, distinctiveness, and goals. Early poets often struggled with the tensions between Western literary forms and Indian cultural contexts, building a different poetic voice that combines English language expertise with indigenous viewpoints.

Themes in Indian English poetry range widely, covering issues of identity, tradition against innovativeness, political and social struggles, mysticism, and the intricacies of postcolonial life. Poets often draw on Indian mythology, history, and legends, intertwining these features into their verse to reflect on existing issues and personal journeys. The language itself is richly textured; amalgamating English with regional languages, dialects, and idioms, creating poetic scenery that reverberates with both local and worldwide audiences.

Moreover, Indian English poetry has also comprised tentative forms and styles, inclined by worldwide literary movements and the multiplicity of India's literary traditions. This experimentation has permitted poets to push limitations, inspiring conventional norms while enriching the broader spectrum of contemporary English poetry. Overall, Indian English poetry continues to flourish vigorously, reflecting the ever-changing socio-cultural landscape of modern India.

Novel

When English prose is examined thoroughly. We notice that though the prose writing has got its roots much later than poetry, it has gone far ahead of poetry in both quality and quantity. It was written with eloquence, efficacy, potency, and fluency. Before the middle of the nineteenth century novels and short stories were practically nonexistent. After the introduction of the English language in India, there was a gush out of translation in a sudden and forceful stream and a lot of English classics were translated into various Indian languages and the development of the novel and short story in regional languages was inspired by these translations. The English classics were the ideals for the 'Indians writing in English'.

Indian English novels constitute a lively literary genre that appeared during the colonial period and has since prospered with different tales and themes. Initially influenced by British literary forms, the Indian English novel developed to replicate Indian social, cultural, and political realisms. Early innovators such as R.K. Narayan, Mulk Raj Anand, and Raja Rao portrayed rustic life, caste undercurrents, and the influence of colonialism on Indian society.

Post-independence, Indian English novels expanded further, discovering themes of distinctiveness, diaspora, globalization, and the changing roles of women. Writers like Salman Rushdie, Arundhati Roy, and Vikram Seth gained international acclaim for their inventive narratives and consideration of Indian history and mythology. Contemporary authors such as Aravind Adiga, Kiran Desai, and Amitav Ghosh continue to push boundaries, blending local and global viewpoints while addressing pressing issues such as economic discrepancy, environmental concerns, and cultural shifts in modern India. Overall, the Indian English novel remains a powerful medium for storytelling, offering insights into India's complex realities and engaging readers worldwide.

Drama

Drama is the most fascinating and most elusive of all types of literature. Dramatic theory has possessed the minds of critics and philosophers from ancient Greek to present day. Aristotle the great Greek philosopher, presented a systematic treatise on this genre called 'Drama' in his *'Poetics'*. Indian drama also has got a rich and glorious tradition which is perpetuated in the '*Natyashastra'*. It claims to have the religious origin. It also has a close relevance with the sacred *'Vedas'*.

Indian English drama, similar to Indian English literature as a whole, has a rich and varied history that replicates the cultural, social, and political contexts of India. It appeared mostly during the colonial period when English was recognized as a medium of education and communication. Early Indian English drama often mirrored British theatrical traditions but progressively began to combine Indian themes, characters, and settings. Contemporary dramatists continue to discover these themes while experimenting with descriptive techniques and theatrical forms. Indian English drama plays a dynamic role in expressing varied Indian voices and viewpoints, donating to the global discourse on theatre and representing India's complex socio-cultural landscape on stage.

Summing Up

Indian Writing in English, which forms almost an inseparable part of English Literature has now obtained a prominent place in the literary panorama of India. In this paper, researcher has disclosed the way, how poetry, novel, drama have initiated, evolved and flourished. This chapter also unravels multiple critics with their views regarding Rabindranath Tagore and other contemporary writers.

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A Study of CSR Management Practices for Social Development with Special Reference to Pune District in Financial Year 2020-21

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Abstract

The Companies Act, 2013, enacted by the Government of India, includes Corporate Social Responsibility (CSR) as an important provision. According to this Act, eligible companies are required to spend a certain portion of their profits on various social development activities. Corporate Social Responsibility (CSR) has become a significant means for industrial organizations to contribute to social development. Pune district is known as one of the most developed districts in Western Maharashtra. The district has experienced substantial industrial growth, resulting in the concentration of industries in this region. Along with industrialization, there has been a concentration of population in Pune district, which has consequently created pressure on various infrastructural resources. The present study analyses the CSR management practices of industries in Pune district during the period in financial year 2020-21, focusing on their impact on social development. The main objective of the research is to examine how CSR funds are allocated, how they are implemented, how monitoring is carried out, and what impact these initiatives have on social development. The study is based on secondary data collected from company reports, CSR reports, and government documents. Special emphasis has been placed on fund allocation and its impact in key sectors such as education, healthcare, environment, rural development, and skill development. The findings of the study indicate that CSR funds are largely spent on education and healthcare sectors. However, certain challenges remain in project implementation, transparency, and impact assessment. Proper planning, need-based allocation of funds, regular monitoring, and active stakeholder participation can make these initiatives more effective. This study provides guidance for improving CSR management practices in Pune district and for enhancing the effectiveness of industrial contributions toward sustainable social development.

Keywords: *Corporate Social Responsibility (CSR), Companies Act, 2013, CSR Management Practices, Social Development, Pune District.*

Introduction

Under the Companies Act, 2013 enacted by the Government of India, the concept of Corporate Social Responsibility (CSR) was legally implemented. According to this law, companies meeting certain prescribed criteria are required to spend at least 2 percent of their average net profits on various social development activities. This provision has transformed industries from being merely profit-making entities into active participants in the overall development of society. In the present era of globalization and industrialization, industrial expansion has increased significantly. Industrial development generates employment, economic growth, and infrastructure; however, it also leads to challenges such as environmental issues, urbanization, pressure on resources, and social inequality. In this context, CSR plays an important role in maintaining a balance between industry and society. Pune district is recognized as one of the most developed and industrially advanced districts in Western Maharashtra. It is known as a major hub for automobile industries, the IT sector, manufacturing industries, and pharmaceutical companies. Due to rapid industrial development, there has been a concentration of population in the district, creating considerable pressure on infrastructure such as education, healthcare, transportation, water supply, environment, and housing. Therefore, the need for well-planned and effective CSR initiatives for social development is strongly felt

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The period from 2020 to 2022 is particularly significant because the COVID-19 pandemic had a major impact on healthcare, education, and employment sectors. During this time, CSR funds were utilized for healthcare facilities, oxygen supply, food assistance, digital education tools, and skill development programs. Hence, it becomes essential to study CSR management practices during this period. For the effective implementation of CSR projects, eligible companies are required to form a three-member CSR Committee of the Board of Directors, which must include at least one independent director. The objective of this research is to study the CSR management practices of industrial organizations in Pune district and analyse their impact on social development. The study examines how CSR funds are allocated across different sectors, how projects are implemented, how monitoring and evaluation processes are carried out, and the extent to which society actually benefits from these initiatives. This study focuses particularly on major sectors such as education, healthcare, environmental protection, rural development, and skill development. It also considers aspects such as transparency, accountability, and alignment with local needs in the implementation of CSR activities. Overall, this study aims to provide guidance on how CSR management practices in Pune district can be made more effective, transparent, and sustainable. It also seeks to enhance the impact of industrial contributions toward meaningful social development.

Objective of study

1. To study the CSR management practices of industrial organizations in Pune district.
2. To analyse the sector-wise distribution of CSR funds and the extent of expenditure during the period 2020-21

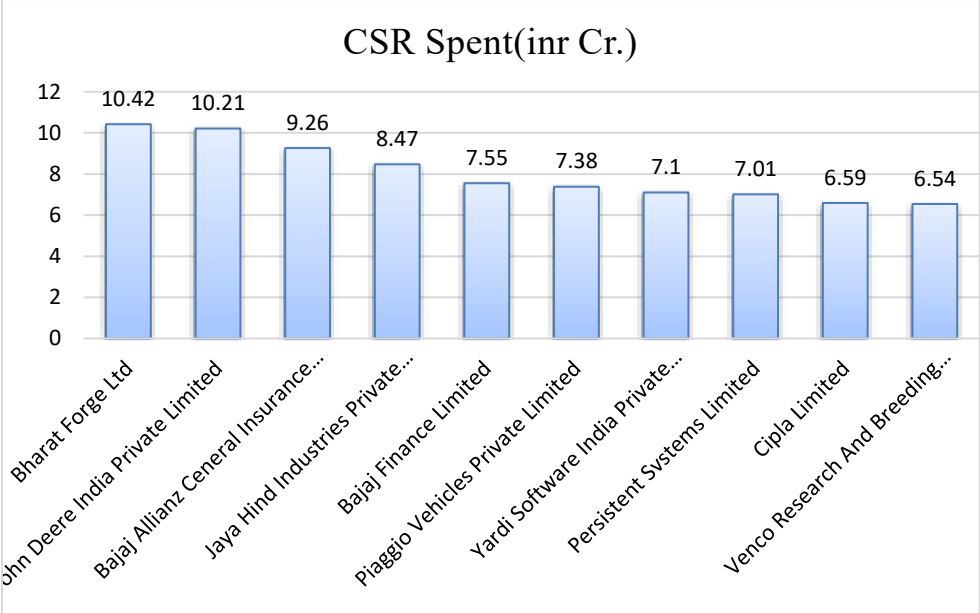
Research Methodology

The present research is based on the topic "A Study of CSR Management Practices for Social Development with Special Reference to Pune District in financial year 2020-21 and is descriptive and analytical in nature. This study undertakes an in-depth examination of the CSR management practices of industrial organizations in Pune district from the perspective of social development. The period 2020-21 has been selected for the study. Due to the COVID-19 pandemic, a significant portion of CSR funds during this period was utilized in sectors such as healthcare, education, food security, and emergency assistance. Therefore, it became essential to analyse the planning, implementation, and social impact of CSR initiatives undertaken during this time. The research is primarily based on secondary data. This includes annual reports of companies, CSR reports, government documents related to the Companies Act, 2013, information available on ministry websites, research articles, and government publications. The collected data was classified and examined through comparative and analytical methods. For sample selection, selected industrial organizations in Pune district that incurred CSR expenditure and were eligible under the Companies Act, 2013 were chosen using the Purposive Sampling Method. This enabled an in-depth study of the management practices of companies that actively implemented CSR initiatives. The study considers the amount of CSR funds and their sector-wise distribution, initiatives undertaken in education, healthcare, environmental protection, rural development, and skill development, as well as the implementation process of CSR projects. The data was analysed using tables, percentage analysis, comparative analysis, and qualitative analysis techniques.

Overall, this study is useful for understanding the structure of CSR management, fund allocation, and its impact on social development in Pune district.

CSR fund implantation in Financial Year 2020-21 - In the financial year 2020–21, a total of 920 companies in Pune district were eligible to spend on various social initiatives under CSR. These companies collectively spent ₹392.59 crore on different social development activities. The companies that spent the highest CSR amounts and the management

practices adopted by them are as follows:



Source- Ministry of Corporate affairs national CSR Portal

In the financial year 2020–21, the following ten leading companies in Pune district spent crores of rupees under CSR on various social development initiatives. These companies primarily utilized CSR funds in the areas of education, healthcare, rural development, skill development, environmental protection, and digital empowerment. A detailed overview is given below:

1. **Bharat Forge Ltd (₹10.42 Crore)**

This industrial company focused on rural development, healthcare services, and skill development.

- Implemented water supply and sanitation projects in rural areas.
- Provided financial assistance to ITIs and skill training centres.
- Organized health camps and enhanced the availability of medical equipment.

CSR fund mainly utilized for improve the quality of life in rural areas and enhance employability.

2. **John Deere India Pvt. Ltd. (₹10.21 Crore)**

Implemented initiatives related to agriculture and rural development.

- Provided modern agricultural technology training for farmers.
- Repaired rural schools and introduced digital facilities.
- Conducted women empowerment and self-employment training programs.

CSR fund mainly utilized for increase agricultural productivity and strengthen rural economic stability.

3. **Bajaj Allianz General Insurance Co. Ltd. (₹9.26 Crore)**

Focused on healthcare, disaster management, and education.

- Organized health check-up camps and provided medical assistance during COVID-19.
- Supported disaster-affected communities and conducted awareness programs.
- Provided scholarships to economically weaker students.

CSR fund mainly utilized to enhance health security and social protection.

4. **Jaya Hind Industries Pvt. Ltd. (₹8.47 Crore)**

Focused on industrial training and environmental protection.

- Conducted technical training programs.
- Implemented tree plantation and environmental conservation campaigns.

CSR fund mainly utilized to promote skill enhancement and environmental sustainability.

5. **Bajaj Finance Ltd. (₹7.55 Crore)**

Contributed to education and skill development.

- Established digital laboratories.
- Conducted employment-oriented training programs for youth.

CSR fund mainly utilized to promote digital empowerment and employment generation.

6. **Piaggio Vehicles Pvt. Ltd. (₹7.38 Crore)**

Focused on environment and community development.

- Conducted cleanliness drives.
- Implemented water conservation projects.

CSR fund mainly utilized to promote clean and sustainable community development.

7. **Yardi Software India Pvt. Ltd. (₹7.10 Crore)**

Focused on education and digital empowerment.

- Provided computer education facilities.
- Supplied e-learning tools and resources.

CSR fund mainly utilized to reduce the digital divide.

8. **Persistent Systems Ltd. (₹7.01 Crore)**

Focused on technology education and healthcare.

- Implemented STEM education programs.
- Supported rural healthcare projects.

CSR fund mainly utilized to improve technology-based education and healthcare services.

9. **Cipla Ltd. (₹6.59 Crore)**

Focused on public health and medical assistance.

- Distributed free medicines.
- Conducted awareness programs on tuberculosis and respiratory diseases.

CSR fund mainly utilized to make healthcare services accessible to all sections of society.

10. **Venco Research & Breeding Farm Pvt. Ltd. (₹6.54 Crore)**

Focused on rural development and livestock training.

- Promoted employment generation in rural areas.
- Conducted livestock and agricultural training programs.

CSR fund mainly utilized to strengthen rural economic development and self-employment opportunities.

Management practices adopted by the above companies for effective utilization of CSR funds is as follows:

1. **CSR Committee and Strategic Governance Structure** All companies, in accordance with the Companies Act, 2013:

- Established a CSR Committee under the Board of Directors
- Formulated an annual CSR Policy
- Identified priority areas (Education, Healthcare, Environment, Rural Development)
- Prepared an Annual Action Plan

This structured governance system is clearly observed in large companies such as:

- Bharat Forge Ltd
- Bajaj Finance Limited
- Persistent Systems Limited

2. **Need-Based Planning Approach**

Before implementing CSR initiatives, companies:

- Conducted surveys of local communities
- Held discussions with Gram Panchayats and local institutions
- Studied social and economic needs

This approach was particularly used by:

- John Deere India Private Limited
- Venco Research and Breeding Farm Private Limited

3. **Implementation through Partnership Model**

While utilizing CSR funds, companies adopted the following implementation models:

- Implementation through NGOs / Trusts
- Execution through company foundations
- Public-Private Partnership (PPP) model with government agencies

For example:

- Cipla Limited
- Bajaj Allianz General Insurance Company Limited

implemented healthcare and disaster management projects through NGOs.

4. **Direct Implementation Model**

Some companies executed CSR projects directly through their in-house CSR teams:

- Employee volunteering programs
- Direct operation of skill development centers

Particularly observed in:

- Yardi Software India Private Limited
- Piaggio Vehicles Private Limited

5. **Monitoring and Impact Assessment**

To ensure proper utilization of CSR funds, companies adopted:

- Quarterly progress reports
- Financial audits
- Impact Assessment Studies
- Disclosure of CSR expenditure in annual reports

This monitoring system is effectively practiced by:

- Bharat Forge Ltd
- Persistent Systems Limited.

6. **Sector-Focused Allocation Strategy**

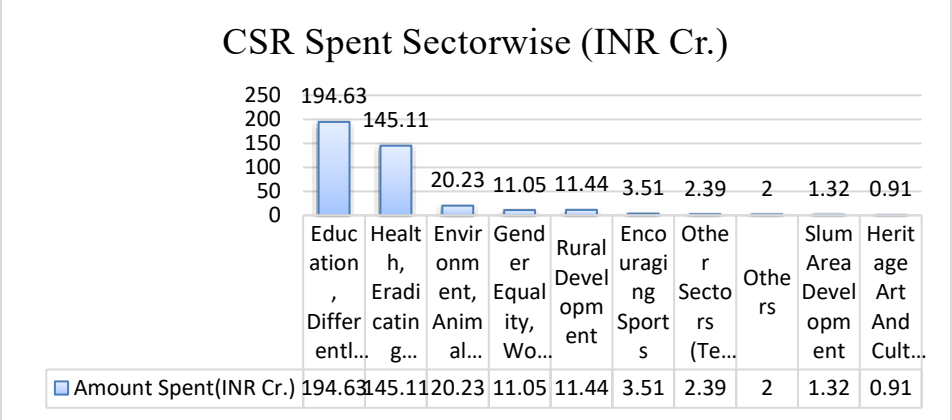
Companies selected CSR priority areas based on the nature of their business:

Industry Type	CSR Priority Area
Pharmaceutical Industry (Cipla)	Public Healthcare
IT Industry (Persistent, Yardi)	Digital Education
Automobile Industry (Bharat Forge, Piaggio)	Skill Development
Insurance & Financial Sector (Bajaj Finance, Allianz)	Education & Healthcare

The above companies established CSR Committees in accordance with the Companies Act, 2013 and adopted a systematic and well-planned CSR strategy to ensure effective utilization of funds. Before implementing projects, they conducted community need assessments and followed a need-based planning approach. CSR initiatives were executed either directly by the companies or through partnerships with NGOs, trusts, and government agencies. To ensure proper utilization of funds, quarterly reports, financial audits, and impact assessment processes were carried out. Additionally, companies strategically allocated CSR funds to sectors such as education, healthcare, skill development, and environmental sustainability based on the nature of their industry.

Sector-wise Detailed Analysis of CSR Funds in Pune District (Financial Year 2020–21)

companies in Pune district allocated CSR funds across various social sectors, with the highest priority given to Education and Healthcare. A detailed overview of each sector is presented below:



Source- Ministry of Corporate affairs national CSR Portal

1. **Education, Differently Abled Welfare and Livelihood (₹194.63 Crore)**

The highest allocation of CSR funds was made in this sector.

- Infrastructure support to schools and colleges
- Digital learning tools and computer laboratories
- Special education and assistive devices for persons with disabilities
- Skill development and employment training for youth

Education and employment generation have been considered key instruments for long-term social development.

2. **Healthcare, Eradication of Hunger and Malnutrition, Safe Drinking Water and Sanitation (₹145.11 Crore)**

- Health check-up camps
- Medical assistance during crises such as COVID-19
- Malnutrition eradication programs
- Development of water supply and sanitation facilities

Significant emphasis has been placed on public health and the fulfilment of basic needs.

3. **Environment, Animal Welfare and Conservation of Resources (₹20.23 Crore)**

- Tree plantation drives
- Water conservation projects
- Environmental awareness programs
- Animal protection initiatives

Efforts were made to ensure sustainable development and environmental balance.

4. **Gender Equality, Women Empowerment, Old Age Homes and Reducing Inequalities (₹11.05 Crore)**

- Self-employment training for women
- Support to self-help groups
- Assistance to old age homes
- Social inclusion programs

Focus on promoting social justice and equality.

5. **Rural Development (₹11.44 Crore)**

- Development of rural infrastructure
- Agriculture and livestock training
- Rural employment generation initiatives

Contribution toward economic and social upliftment of rural areas.

6. **Encouraging Sports (₹3.51 Crore)**

- Distribution of sports equipment
- Organization of rural sports competitions
- Promotion of sports culture among youth

Focus on the holistic development of youth.

7. **Other Sectors – Technology Incubators, Benefits to Armed Forces and Administrative Overheads (₹2.39 Crore)**

- Promotion of startups and technological innovation
- Support for armed forces
- CSR administrative expenses

8. **Others (₹2 Crore)**

Funds allocated to specific and small-scale projects.

9. **Slum Area Development (₹1.32 Crore)**

- Improvement of basic infrastructure
- Sanitation and water supply facilities

10. **Heritage, Art and Culture (₹0.91 Crore)**

- Cultural programs
- Conservation of heritage sites
- Promotion of traditional arts

The largest share of CSR funds in Pune district was spent on education, welfare of persons with disabilities, and livelihood development, followed by priority allocation to healthcare, eradication of malnutrition, water, and sanitation. A significant amount was also invested in environmental conservation, animal welfare, and resource protection. Moderate funding was allocated to women empowerment, social inclusion, and rural development initiatives. Comparatively lower funds were directed toward sports promotion, technology incubation, support to armed forces, slum development, and heritage conservation. Overall, the primary focus of CSR expenditure was on human development, fulfillment of basic needs, and achieving sustainable social development.

Conclusion

Based on the above information, it can be concluded that the concerned companies adopted structured, transparent, and result-oriented management practices for the effective utilization of CSR funds. In accordance with the Companies Act, 2013, they established CSR Committees and created a systematic governance structure, thereby providing a formal framework for CSR initiatives. Through need-

based planning, consultation with local institutions, and sector-wise prioritization, CSR activities were aligned with the actual needs of society rather than being treated merely as a statutory obligation. By implementing projects through partnerships with NGOs, trusts, and government agencies, as well as through direct execution, companies enhanced operational efficiency. Moreover, monitoring mechanisms such as quarterly reports, financial audits, and impact assessments ensured transparency and accountability. Overall, the CSR management practices of these companies clearly reflect a focus on sustainable development, social responsibility, and long-term positive social transformation.

The sector-wise analysis of CSR funds in Pune district for the financial year 2020–21 clearly indicates that companies adopted a systematic and priority-based approach toward social development. The highest allocation was made to education, welfare of persons with disabilities, and livelihood development, demonstrating that companies placed top priority on human capital development. This was followed by significant spending on healthcare, eradication of malnutrition, safe drinking water, and sanitation, thereby strengthening social security through fulfilments of basic needs. Substantial funds were also allocated to environmental conservation, women empowerment, rural development, and social inclusion, supporting the objectives of sustainable development. Although comparatively lower funds were spent on sports, heritage conservation, and slum development, these sectors were not neglected. Overall, the study highlights that CSR expenditure in Pune district was primarily focused on improving human development indicators, meeting basic needs, and fostering long-term sustainable social transformation.

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Indian Knowledge Systems as a Source of Legal Terminology in India: A Study of Legal Semantics

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Abstract

Language and law are intertwined. Legal institutions create special terminology to define rights, duties, obligations, authority, procedure, responsibility, punishment and justice. Sanskrit, Pali, Prakrit, Persian, Arabic, regional Indian languages and English have shaped India's legal lexicon since ancient to modern era. Indian Knowledge Systems (IKS) are also important in the history of legal terminology. The lexicon of classical Indian writings covers justice, government, dispute resolution, evidence, property, debt, inheritance, punishment, social duties and many more. This article analyses IKS as a source of Indian legal language from a legal semantics perspective, focusing on several essential semantic processes such as expansion, narrowing, specialisation, polysemy, semantic shift and translation describing the words like Dharma, Nyaya, Vidhi, Vyavahara, Danda, Achara, Pramana, Sakshi, Rina, Vibhaga, Stridhana, Aparadh etc. The article analyses these terms as historical equivalents of English legal terminology. Their meanings have expanded, specialised, shifted, translated and adapted in philosophical, social, political and legal contexts. IKS may improve Indian legal education by improving awareness of the historical and philosophical roots of the legal terminology.

Keywords: *Indian Knowledge Systems, Legal Language, Legal Terminology, Legal Semantics, Legal Education*

Introduction

Law is made, understood, transmitted and enforced through language. Statutes are stated in language, court decisions depend on interpretation and legal rights and liabilities are communicated in unique legal language. Hence, only knowledge of rules is not sufficient to understand law. The link between language and law is particularly intriguing in the case of India, where Indian legal language has evolved throughout centuries of linguistic and intellectual exchange. The law of modern India is based on the Constitution and is reinforced by court precedent and other accepted sources. The British common-law has been the basis for shaping the current legal system as well. English, thus plays a vital role in legislation, judicial judgements, legal education and professional practice. But it is not enough to understand the lexicon of Indian legal discourse without reference to English or colonial legal history. Sanskrit, Pali, Prakrit, Persian, Arabic and regional languages have enriched the vocabulary in which Indians have traditionally debated justice, obligation, authority, property, punishment, proof, government and dispute resolution. Indian Knowledge Systems are a particularly important source for the study of this historical lexicon.

Indian Knowledge Systems is a word that represents a range of intellectual traditions that have arisen in India in the domains of philosophy, linguistics, medicine, mathematics, astronomy, architecture, economics, political thinking, ethics and jurisprudence. This multidisciplinary quality is evident in the word itself. For instance, the word ‘Dharma’ can mean duty, righteousness, social obligation, normative order or proper action. Nyaya can mean justice, appropriateness, method or reason. Vyavahara is concerned with judicial procedure and settlement of disputes. Danda can mean either punishment or coercive power. Pramana is related to legitimate knowledge and is conceptually relevant to considerations of proof and evidence. These examples show that IKS may be examined as a historical source of legal institutions and as a source of legal language and conceptual vocabulary. The study investigates the way of creation of legal meanings, alteration, transfer from one language to another and new meanings in various institutional settings.

Legal Semantics

Semantics is in general, the study of meaning. Legal semantics studies the meaning, development, contextual usage and interpretation of legal words and phrases. It explores specialised meanings of legal language.

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It analyses the effect of those meanings on historical and institutional circumstances and also effect of semantic change, specialisation, polysemy and translation on interpretation of legal concept. Some terms have different legal and common meanings. For instance, the word consideration means thought in General English. In contract law, consideration is a technical phrase denoting anything of value exchanged for a promise. Similarly, the word possession in general English may mean having something. Legal possession includes factual control, intent depending on the circumstances.

Indian Knowledge Systems and the Historical Development of Legal Vocabulary

Indian Knowledge Systems contain several textual traditions relevant to legal thought. These include Dharmasutras; Dharmashastras; Arthasastra; epic literature; Buddhist literature; Jain literature; philosophical schools such as Nyaya and Mimamsa; customary practices and regional traditions. The Dharmashastra tradition discusses questions involving duties, dispute resolution, property, inheritance, debt, marriage, punishment, evidence, and kingship. The Arthashastra contains extensive discussions of administration, governance, economic regulation, taxation, punishment and political authority. Philosophical traditions provide concepts relating to knowledge, reasoning, interpretation and testimony. Consequently, the historical vocabulary of Indian law emerged from variety of intellectual tradition.

Semantic Processes in Indian Legal Terminology

Indian legal terminology shows several essential semantic processes such as expansion, narrowing, specialisation, polysemy, semantic shift and translation. Terms borrowed from Indian Knowledge Systems sometimes took on specialist meanings within the framework of legal discourse. Indian legal language is dynamic and has changed in meaning over time with historical, social, linguistic and institutional developments. Hence, it is essential to know the link between IKS and current Indian legal language to understand the semantic processes.

Semantic Processes in Indian Legal Terminology

Semantic Expansion

Semantic expansion is the process when a term takes on new meanings while keeping or developing its old meaning. One of the most evident examples of semantic expansion in the Indian Knowledge Systems is the Sanskrit word, Dharma. It is derived from the Sanskrit root dhṛ meaning to hold, sustain, support, uphold. Dharma in the first instance refers to something which preserves or maintains order. Its semantic range was gradually broadened to include duty, righteousness, justice, moral behaviour, social obligation, religious responsibility, normative order and acceptable behaviour. In traditional Indian law and normative literature, Dharma might refer to norms guiding individual conduct, social relationships, obligations, property, inheritance, kingship and dispute resolution. In modern discussions, it is typically interpreted as religion, duty, morality or law depending on context. But none of these English phrases reflects its full spectrum of meaning. For example, the translation of word Dharma as simply 'law' may result in a conceptual misunderstanding since modern law is often connected with legally acknowledged legal institutions. But the word Dharma incorporates legal, ethical, social and moral elements simultaneously. Hence, the semantic development of Dharma shows an indigenous idea which may acquire a rich and diversified vocabulary throughout time and its meaning must always to be read in its historical, literary, philosophical and legal context. Dharma is a relevant case for law students to show the problems in legal translation and interpretation due to semantic expansion. Another example of semantic expansion in the Indian legal and political vocabulary is `Artha'. Artha is derived from the Sanskrit word 'arth' which denotes meaning, purpose or desire. At present, it has expanded meaning such as meaning, purpose, wealth, material prosperity, economic interest and political or administrative ambitions. The Arthashastra tradition connects artha to financial prosperity, economic administration, statecraft and state interests. Some of the modern legal concepts like as property, economic interests, financial rights and public interests may overlap with Artha but they are not interchangeable. Thus, Artha illustrates that one IKS term may develop a broad semantic space and acquire distinct meanings in different philosophical, economic, political and legal situations.

Semantic Specialisation

Semantic specialisation happens when a term having a wide or general meaning takes on a more precise and technical meaning in a particular discipline such as law. The noteworthy examples of this procedure in Indian legal vocabulary are the phrases Vyavahara and Sakshi. Vyavahara originally meant broadly conduct, behaviour, deals, engagement or practical affairs. However, in traditional Indian legal literature it gained a particular connotation connected to litigation adjudication and settlement of disputes. Therefore, its semantic evolution may be described as general transactions → conflicts → legal processes → adjudication. Similarly, the word Sakshi means generally a person who sees, observes or has knowledge of an event. In legal discourse, it acquired the more particular sense of a witness who gives testimony or evidence in a court proceeding. Thus, the semantic specialisation is described as observer → knower of an event → legal witness → testifier. These examples reveal that everyday words can become technical legal terms through regular usage in legal organisations and writings. For law students, Vyavahara and Sakshi express that the meaning of a legal term cannot be derived from its ordinary dictionary definition alone. Its legal context, historical usage and institutional function must also be taken into account.

Semantic Narrowing

Semantic narrowing is the method by which a term that has a broad meaning acquires a more specialised or restricted meaning in a particular context, particularly in legal discourse. The phrases Vibhaga and Stridhana

are good examples of semantic restriction in the Indian legal vocabulary. Vibhaga commonly denotes division, separation or distribution. In ancient Indian law, in property and family law, it gained the more precise sense of division or partition of property among those having an interest in it. Its conceptual evolution can thus be expressed as general division →division of property → legal partition. Similarly, Stridhana is a combination of Stri (woman) and Dhana (wealth or property) and means in general wealth or property of or pertaining to a woman. However, in classical legal literature, it became a specific legal category for property acknowledged as belonging to a woman under specified circumstances. This included some gifts and property obtained in conjunction with marriage or familial connections. Its conceptual development may be schematically described as woman's wealth → woman's property → legally acknowledged category of women's property. Such instances indicate the general conceptions of division and wealth were turned into technical legal categories in specific fields of law, notably property, family and succession. For law students, Vibhaga and Stridhana explain that legal word is made precise by use in context and in institutional settings.

Polysemy

Polysemy is a language phenomenon. One word may have numerous related meanings with the context of the word determining the correct interpretation. Indian legal vocabulary is rich in polysemy with some important examples being the phrases Nyaya and Vidhi. Nyaya can mean justice, fairness, appropriateness, method, reasoning or logical procedure and the term's wide semantic range. In legal discourse Nyaya is generally connected with justice, fairness and a just result. In philosophical discourse, Nyaya refers to a significant Indian school of logic and epistemology concerned with reasoning, inference, legitimate knowledge and techniques of establishing truth. Thus, the meaning of Nyaya cannot be defined apart from its context. Justice / fairness→ proper method → reason / logical method. The word Nyaya shows that for law students, one IKS phrase may operate at the same time in legal and philosophical languages. Similarly, Vidhi also has several interpretations including rule, prescription, injunction, prescribed way, process and regulation. Vidhi can refer to a prescribed rule or injunction in a normative or philosophical setting. In a legal and administrative context, Vidhi can refer to law, legal norms or prescribed legal procedure. Therefore, interpreting Vidhi as 'law' alone may not express its wider semantic scope. The meaning of the text is to be decided by reference to the text itself, the historical time, the subject matter and the institutional environment in which it is found. Therefore, the words Nyaya and Vidhi reveal that the meaning of legal terminology cannot be explained by one dictionary definition alone because of the polysemous quality of the terms. The students should analyse the meaning in context, the historical usage and the interaction between the ordinary, philosophical and technical legal meanings.

Semantic Shift

Semantic shift takes place when a word's meaning, usage or interpretation changes over time or in social and institutional contexts. The word aparadha denoted wrongdoing, transgression, fault, crime or violation of norms. Its implications went beyond existing crimes. Modern Indians associate aparadh with crime, criminal misbehaviour or a penalised transgression. The semantic process is misbehavior/transgression to penalised misconduct to crime/offense. This shows that legal systems and words may criminalise moral or normative ideas.

Achara usually indicates conduct, habit, practice, custom or established way. Achara may have become legitimate in ancient Indian normative and legal systems through customary practice. Now the word Achara is more commonly used to relate to conduct, attitude or conventional practice than technical regulation. Thus, it indicates that a term may have legal significance in one historical context but change meaning. Thus, the words Aparadha and Achara show that words may alter meaning when social behaviours, legal institutions, political systems and languages evolve. Law students must study semantic shift since old legal words should not be interpreted today without considering its historical, linguistic and legal background before defining the phrase.

Translation as Interpretation

In the legal and jurisprudential contexts, translation is also a process of interpretation. This is especially true in the case of translating terminology from Indian Knowledge Systems into English, as many of the traditional Indian notions have no modern counterpart. For example, Danda and Rina. The word Danda, usually translated as 'punishment', has a significantly greater connotation in the old Indian political and judicial philosophy which means "rod". But this word has evolved to imply discipline, punishment, coercive authority, enforcement and the ruler's ability to keep social order. Thus, the meaning of Danda as 'punishment' may accent one aspect and obscure its connection to political power and administration. Its conceptual evolution is rod→ disciplinary weapon → punishment → coercive authority/enforcement. The translator should consider the context before selecting an English equivalent.

Similarly, the word Rina is frequently translated as 'debt,' but in traditional Indian philosophy, it may suggest obligation, duty, responsibility and an amount owed to another. It may also refer to financial debt and debtor-creditor relationships in legal and economic terms. So, considering Rina as 'debt' could reflect its financial meaning but not its sense of ethical responsibility. The semantic shift is obligation/indebtedness→ owed → financial debt/legal responsibility.

The examples indicate that translation influences legal interpretation. The semantic scope of an IKS word can be limited by one English counterpart and the old concept may look the same as its legal equivalent. Danda and Rina thereby increase the consciousness of law students in the direction of the need for context

sensitive translation that preserves the original term and describes its historical, philosophical and legal meaning instead of substituting it with an exact English equivalent.

IKS and Contemporary Indian Legal Language

The IKS terminology serves to create a semantic awareness in students which helps them to realise that legal terms can change the meaning in different historical, cultural and legal contexts. Students will be able to assess the literal meaning, historical significance, legal context, closest contemporary equivalent and translation alterations or losses of an unknown legal word. Pramana, meaning 'evidence' or 'proof', is a valid type of knowing that extends beyond legal evidence. This approach of semantic analysis helps learners to comprehend better the historical setting of legal language.

Challenges and Limitations in the Use of IKS in Legal Scholarship

The use of Indian Knowledge Systems (IKS) in legal scholarship requires a critical and contextual approach. Scholars need to avoid romanticising ancient knowledge or assuming that historical practices are automatically superior or applicable today. Anachronism must also be avoided. One cannot just put current legal principles on old documents. India has multiple legal and normative traditions and so IKS should not be presented as a single uniform system. Another problem is Translation, as terminology like Dharma, Nyaya and Danda sometimes do not have identical English counterparts. Finally, historical ideas must be separated from present constitutional law; they may be historically meaningful but they are not necessarily applicable today. These constraints underline the necessity for evidence-based, inter-disciplinary and constitutionally informed research on IKS.

Conclusion

Indian Knowledge Systems form an essential historical and intellectual basis for comprehending the Indian legal language and terminology. Dharma, Nyaya, Vidhi, Vyavahara, Danda, Achara, Sakshi, Pramana, Aparadha, Rina, Vibhaga, Stridhana – these words include complex notions about duty, justice, government, process, punishment, proof, property, debt and inheritance. Students of law who study these concepts find that legal language is a function of historical, philosophical, cultural and institutional settings. The aim of IKS research is not to substitute current legal ideas with old-fashioned language. The historical conceptions need to be critically studied within the framework of constitutional ideals like equality, liberty, dignity, justice and basic rights. Such an approach might strengthen jurisprudence, legal linguistics, interpretation, comparative law and legal education. Most crucially, the semantic study of IKS teaches students that knowing a legal rule starts with comprehending the language in which the rule is expressed. IKS can thus contribute to a more historically informed, linguistically sensitive and intellectually pluralistic understanding of Indian law.

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Resource Management, Innovation and Sustainable Development: A Multidisciplinary Assessment of Nashik District, Maharashtra.

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Abstract

Nashik District is a special place in Maharashtra where many things like farming, gardening making things using water building cities, tourism, technology and country life all happen together. The economy of Nashik District is closely linked to grapes, onions, vegetables, pomegranates and flowers while food processing, making things and wine-related activities provide ways for the economy to grow. However, Nashik District also faces problems like changes in rainfall stress on groundwater, soil damage, uncertainty about the climate changes in agricultural markets, uneven country development and growing city-industry activity. This study looks at how research and innovation can help Nashik District develop in a fair way. We used an analytical approach looking at information from government institutions district publications, policy material and scholarly sources. We combined views from geography, farming, the environment, technology, economics and society to understand the development conditions of Nashik District. We paid attention to sustainable farming, groundwater and watershed management, GIS and Remote Sensing climate adaptation adding value to farm products, country businesses, renewable energy and community resource management. The study suggests that for Nashik District to develop in a way we need to work together to connect environmental conservation with economic opportunity and community participation.

Keywords: *Nashik District, Sustainable Development, Multidisciplinary Research, Innovation, Farming, Water Management, GIS, Remote Sensing, Climate Resilience, Country Development*

Introduction

The way a region develops is influenced by things like the environment, economic activities, technological change and social processes. Today we are concerned about things like changes in the climate, water insecurity, soil damage, farming risks, city expansion, jobs and social inequality. To address these issues, we need to look at them from different perspectives. A geographical and multidisciplinary approach is useful because it looks at how people, resources, environments and economic activities interact with each other in a region.

Nashik District is a place to study this. Its varied physical environment, established farming economy, industrial base and growing cities create opportunities for regional growth. However, these processes also put pressure on land and water resources. Nashik District covers around 15,548 km². Has 15 talukas and 1,960 villages. The district also has an industrial base with many manufacturing units in and around Satpur, Ambad, Sinnar, Igatpuri, Dindori and Vinchur which provide jobs and economic diversification. Farming, industrialization and city growth are all. Form a regional system.

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Study Area: Nashik District

Nashik District is located in Maharashtra and has many different physical and socio-economic features. The western part has hills and areas with rainfall like Peint, Kalwan, Dindori, Igatpuri, Trimbakeshwar and Surgana. These areas also have forests and tribal communities. In parts of the district farming, city expansion and industrial activity are more prominent. This variation has implications for development planning. Environmental conditions, resource availability and livelihood patterns differ from one part of the district to another. Therefore, development plans need to consider characteristics instead of using a single approach for the whole district.

Research Problem

Nashik Districts economic transformation has created opportunities for farming, industrial and country development but it has also increased pressure on natural resources. Commercial farming, groundwater use, city expansion, industrial growth, climate change and unstable agricultural markets all interact with each other. The research problem is to find a way to balance development with environmental sustainability and social inclusion. This requires combining analysis, farming knowledge, environmental management, technology, economics and social participation.

Objectives of the Study

The study aims to:

1. Look at the components of sustainable regional development in Nashik District.
2. Evaluate the importance of farming and gardening in the district economy.
3. Examine challenges related to groundwater and other water resources.
4. Explore the use of GIS, Remote Sensing and digital technologies for planning.
5. Identify opportunities for farming innovation, value addition and country entrepreneurship.
6. Develop recommendations for sound and socially inclusive regional development.

Research Questions

The study is guided by the following questions:

1. What environmental and socio-economic conditions pose sustainability challenges in Nashik District?
2. How can multidisciplinary research improve the management of farming and natural resources?
3. What role can GIS, Remote Sensing and digital technologies play in planning?
4. How can local knowledge and modern scientific methods be combined to improve resilience and livelihoods?

Methodology

The study uses a analytical and multidisciplinary research design. It looks at the relationships between resources, economic activities, technology and society in the context of Nashik District.

Sources of Information

The study primarily uses information from:

* Nashik District Administration
* Department of Agriculture Government of Maharashtra
* Groundwater Surveys and Development Agency (GSDA)
* District Industries Centre
* Divisional Commissioner, Nashik
* Relevant policy documents and scholarly literature

7. Dimensions of Nashik District

Farming and Gardening

Farming is a crucial part of Nashik Districts economy. The district has a profile in gardening with crops like grapes, onions, tomatoes, pomegranates, vegetables and flowers. Despite these advantages the farming system is vulnerable to changes in rainfall and temperature water constraints and soil damage. Therefore, farming planning should consider not farming science but also climatology, soil science, geography, economics, information technology and rural sociology.

Water Resources and Groundwater Management

Water availability is critical for farming and regional sustainability. Nashik District has areas with rainfall and areas with water stress. The study identifies 80 watersheds and emphasizes groundwater monitoring and recharge conditions. Rainfall alone does not guarantee water security. Runoff, storage capacity, geological conditions, watershed characteristics, land use and irrigation practices all affect how rainfall contributes to water supplies. Sustainable management requires a view of rainfall, geology, watershed systems, groundwater recharge, land use, irrigation efficiency and community participation.

Soil Conservation and Sustainable Land Management

Soil is a resource for Nashik Districts farming economy. Long-term productivity can be weakened by erosion, repeated cultivation, declining organic matter and poor land-management practices. Sustainable land management should combine soil-resource assessment, erosion control, improved organic-matter management and suitable cropping practices. Spatial information systems can help identify areas where soil-conservation measures are needed.

Climate Change and Farming Resilience

Climate change is increasingly important for farming decision-making. Changes in rainfall, temperature, drought conditions, intense rainfall events and crop-specific climatic requirements can all affect production and farm income.

A resilient farming strategy for Nashik District should include:

1. Crop planning based on conditions.
2. Efficient irrigation practices.
3. Weather-based farm advisories.
4. Crop varieties suitable for drought and heat conditions.
5. Combining climate information with farmers practical experience.

10. Application of GIS and Remote Sensing

GIS and Remote Sensing are tools for spatial analysis, monitoring and planning. They can improve our understanding of farming change across the district.

Possible applications include:

* Soil-resource mapping
* Monitoring farming and crop areas

* Land-use and land-cover analysis
* Delineation
* Identifying locations
* Spatial prioritization of development interventions

Integrating geospatial information with farming and socio-economic datasets can provide planners with a stronger evidence base for decision-making.

Farming Innovation

Innovation in farming is not about machines. It includes solutions, improved institutions, knowledge systems, digital services and better management practices.

Smart Irrigation

Sensor-based monitoring, automated scheduling and crop-specific irrigation planning can improve water-use efficiency. Reduce waste.

Precision Farming

Combining satellite observations, GIS, soil information and crop monitoring can support location-specific decisions about irrigation, fertilizers and other farm inputs.

Digital Farm Advisory

Digital and mobile platforms can provide farmers with information about weather, pests, crop management, markets and farming programs.

-Harvest Technology

Improved grading, storage, cold-chain facilities and processing infrastructure can reduce post-harvest losses and enhance the value of farming products.

Farming Value Addition

Processing crops like grapes, onions, pomegranates and vegetables into market-oriented products can diversify farm income. Strengthen rural value chains.

Integrating Traditional Knowledge with Modern Science

development can benefit from local knowledge when it is combined with modern scientific methods. Traditional practices should not be seen as alternatives, to science; instead, they can be documented, tested and adapted where appropriate.

The study identifies local practices that could be relevant including:

* Seed preservation
* Mixed cropping
* Organic manure use
* Crop rotation
* Traditional water-harvesting practices

Scientific evaluation can determine where these practices are still effective where improvements are needed and how they can be combined with technologies. This integration can preserve local experience while strengthening it through research and monitoring.

Nashik has a base for manufacturing and industry. Places like Satpur, Ambad, Sinnar, Igatpuri, Dindori and Vinchur are good for production, jobs and economic growth.

To make these connections stronger we can work on things like food processing, cold storage, agricultural equipment, renewable energy, packaging and rural tourism. This can add value to products and create jobs beyond farming.

14. Rural and Societal Development

For growth to be sustainable everyone in society should have access to opportunities. This includes communities and marginalized groups. They should be part of innovation and development initiatives.

Important areas to focus on include:

- Women starting their businesses
- Young people learning skills
- Farmer Producer Organizations
- Self-help groups
- Digital literacy

The western and hilly parts of Nashik are home to communities who depend on agriculture and forest resources. Development programs in these areas should balance improving livelihoods with protecting the environment.

Results and Discussion

The analysis shows that Nashiks development is shaped by relationships between agriculture, water, technology, industry and society.

One major finding is that Nashiks agricultural specialization creates opportunities for processing, market expansion and entrepreneurship. However, this depends on water management, soil conservation and adapting to climate change.

Another finding is that water security should be approached differently in parts of the district. Since environmental conditions vary watershed-oriented strategies are more suitable.

Geospatial technologies can improve planning by combining agricultural and socio-economic information. This can help monitor, assess vulnerability and allocate resources.

Closer connections between production and industrial activities can strengthen local value chains.

Finally, development should be inclusive and participatory. Farmers, women, youth, tribal communities, researchers, industries, local organizations and government agencies should all have a say in planning and implementation.

Major Challenges

The major challenges in Nashik are:

1. Rising pressure on water resources.
2. Increasing climate. Extreme weather.
3. Soil. Declining soil quality.
4. Unstable agricultural. Markets.
5. Post-harvest losses.
6. Uneven access to development opportunities.

Because these issues are connected coordinated interventions are likely to be more effective.

Recommendations

We should establish a Multidisciplinary District Research Platform where universities, colleges, research centers, government agencies, industries and community organizations work together.

We should encourage entrepreneurs to start businesses related to agriculture, water management, renewable energy, logistics, food processing and digital rural services.

Research should aim to produce solutions that can be adopted by farmers and communities.

Water planning should consider characteristics groundwater recharge, land use, irrigation practices and community participation.

We should use digital technologies to support decision-making.

Women, youth, tribal communities, farmers and other rural groups should be given opportunities to participate in innovation, entrepreneurship and resource management programs.

Nashik District has potential for sustainable development due to its diversified agriculture, industrial infrastructure, human resources and natural resources. However, there are challenges like pressure on water resources, climate variability, soil degradation, market fluctuations and unequal socio-economic opportunities.

The study shows that these issues are interconnected. Agricultural productivity depends on water and climate; water security is influenced by factors; industrial development affects environmental resources; and technology is effective only when it responds to local needs. Consequently sector-specific programs alone are unlikely to provide a long-term solution. GIS, Remote Sensing, precision agriculture, digital advisory services, climate-resilient farming, value addition, renewable energy, rural entrepreneurship and participatory governance can help build resilience.

The relationship between research and local knowledge is equally important. The central idea of this study is that Nashiks long-term development should bring together knowledge, local experience, technological innovation, environmental conservation and social participation.

Stronger cooperation among government institutions, academic organizations, researchers, farmers, industries and civil-society groups can support a resilient, inclusive and sustainable development pathway.

Conclusion

Nashik District has strong potential for sustainable and inclusive development because of its diversified agricultural base, industrial infrastructure, natural resources and human resources. At the same time, pressure on water resources, climate variability, soil degradation, agricultural market uncertainty, post-harvest losses and unequal access to development opportunities present important challenges. The study shows that these challenges are interconnected and therefore require coordinated, multidisciplinary solutions. Sustainable farming, efficient water and watershed management, soil conservation, climate-resilient agriculture, GIS and Remote Sensing, digital advisory services, value addition, renewable energy and rural entrepreneurship can contribute to greater resilience. Equally important is the integration of local knowledge with modern scientific methods and the active participation of farmers, women, youth, tribal communities, researchers, industries and government institutions. A collaborative and participatory approach can help connect environmental conservation with economic opportunity and social inclusion. Strengthening cooperation among these stakeholders will support a resilient, inclusive and sustainable development pathway for Nashik District.

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Home As Refuge and Prison: The Plight of Women Amid the Covid-19 Lockdown in Namita Gokhale's the Blind Matriarch

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Abstract
The COVID-19 pandemic completely upended how we view the domestic space. While public health campaigns pushed the home as a safe haven from the virus, for millions of women, it turned into an overwhelming pressure cooker of unpaid labor, domestic stress, and zero personal space. Namita Gokhale's 2021 novel, The Blind Matriarch, *captures this exact shift through the lens of a multi-generational Indian household struggling to survive the lockdown. This paper examines how Gokhale uses the domestic sphere not as a static backdrop, but as a deeply conflicted space that offers physical security while simultaneously trapping its female occupants. Focusing on Matangi-Ma, Shanta, and Ritika, the study highlights how the pandemic reinforced traditional expectations around caregiving, femininity, and family duty. Matangi-Ma's character exposes the immense mental and physical toll of invisible emotional labor. Shanta's story illustrates the mental trap of living under deep-seated patriarchal judgments without any outside distractions. Meanwhile, Ritika's trajectory shows what happens when the lines between professional careers and household chores completely blur. Ultimately, the paper demonstrates that Gokhale rejects any idealist view of the home, revealing how a global health crisis exposed and amplified gender inequalities already baked into private life.*

Keywords: *Domesticity, Emotional Labour, Patriarchy, Professional Identity*

Introduction

When COVID-19 hit, ordinary life vanished overnight. Strict stay-at-home orders, office closures, and endless uncertainty turned the household into the absolute center of human existence. Suddenly, the four walls of a house became our primary shield against a deadly global threat. But this ideal of the home as a cozy sanctuary wasn't reality for everyone. For women across India, staying home meant extra work, not extra rest. Domestic chores, eldercare, child management, emotional upkeep, and remote job duties all crashed into the exact same physical living room. The clean break between working hours and domestic life disappeared entirely, exposing the heavy, unequal burden of home care that women had already been carrying for generations. Namita Gokhale sets *The Blind Matriarch* right in the thick of this chaotic moment. The novel follows an extended Indian family forced to stay cooped up together under one roof during the pandemic. Anchoring the story is Matangi-Ma, elderly, visually impaired matriarch who holds the household together. Around her, characters like Shanta and Ritika navigate their own distinct struggles with family expectations and personal boundaries. This paper approaches Gokhale's novel by treating the home as a thoroughly gendered environment. Rather than viewing the lockdown strictly through health metrics or general psychology, it looks at what happens to women when private life swallows' public life whole. When family members cannot leave, professional expectations enter the living room, domestic demands multiply, and personal emotions have nowhere to hide. Each key female character brings a different piece of this puzzle to light. Ritika's experience highlights the nightmare of working remotely while managing continuous household demands. Shanta's path exposes how physical confinement brings old family trauma and patriarchal judgments back to the surface. Matangi-Ma shows how older women exercise real authority through emotional care and memory, even while trapped inside systems that limit their independence. By placing these stories side by side, Gokhale dismantles the romantic myth of the home as an effortless place of peace. The walls that keep a dangerous virus outside can just as easily trap women inside unresolved family dynamics, endless caregiving, and invisible burdens.

The Covid-19 Lockdown and The Gendered Home

Before 2020, public and private spaces had clear physical boundaries. People went out to offices, colleges, or shops, and returned home at the end of the day.

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The lockdown shattered that boundary by moving professional obligations straight into the domestic sphere.

This shift hit women exceptionally hard. Because traditional gender roles already loaded home care onto women, adding remote professional work to the mix created an overwhelming double burden. Drawing a line between office deadlines and family needs became nearly impossible. Within this context, Gokhale paints the home as far more than concrete and brick; it is a tense site of memory, expectation, and daily friction.

For Matangi-Ma, the home offers a sense of grounding. Her daily rituals and long memories bring stability to a family spiraling over real-world chaos. Her connection to the household is built on genuine love and belonging, yet it also shows how a woman's entire identity can get swallowed up by her duty to look after others.

This setup creates a clear paradox. Running the household gives Matangi-Ma considerable influence, but that authority stops at the front door. She matters because she does the invisible work that keeps the family from falling apart. Her standing isn't purely powerful or purely submissive—it's a messy mix of both.

The lockdown brings this dynamic straight to the surface. With everyone locked inside, cooking, cleaning, maintaining routines, and keeping tempers cool become vital for daily survival. The person managing those tasks becomes indispensable, yet that exact work leaves her exhausted because society assumes it comes naturally to women.

Matangi-Ma: Care, Domesticity and Women's Invisible Power

Matangi-Ma is the emotional anchor of *The Blind Matriarch*. Though elderly and blind, her lack of physical sight doesn't stop her from reading the family's emotional pulse better than anyone else. Her authority doesn't come from aggressive control, but from decades of experience, deep memory, and an ability to hold fractured family ties together.

During the crisis, her basic domestic routines take on deep meaning. When external realities break down, simple things like home-cooked meals, consistent schedules, and family stories offer comfort. They ground the family when everything else feels out of control.

At the same time, Matangi-Ma's role highlights just how easy it is for society to ignore women's labor. Managing emotional health, anticipating people's needs, soothing conflicts, and maintaining household stability aren't treated as real work. They are simply written off as standard female duties.

Her character shows female agency in all its complexity. Matangi-Ma holds real power inside the family, but that power is earned through the very domestic setup that confines her life. She commands respect because the family relies on her emotional endurance, but that influence comes at a steep personal cost.

This dynamic becomes obvious during times of crisis. When public systems stall, the heavy lifting of keeping people mentally grounded falls on women like Matangi-Ma. But Gokhale ensures the reader sees the hidden fatigue that comes with being everyone else's emotional foundation. Her strength isn't just a sweet personal trait; it is a heavy expectation pushed onto women who are expected to stay strong for others no matter what they are feeling internally.

Home As a Space of Confinement: Shanta's Experience

Shanta's storyline offers a stark contrast to Matangi-Ma's. Rather than finding purpose in domestic routine, Shanta experiences the home as a pressure cooker where unresolved emotional wounds cannot be ignored.

Normally, social outings, work routines, and external distractions allow people to run from past trauma. The lockdown shut down all those escape routes. Stripped of outside movement, the home forced Shanta to sit face to face with painful personal history, turning the house into a mental cage.

Much of this pain traces back to her relationship with her father. Her memories are stained by harsh comments about her looks, her character, and her unmarried status. These personal criticisms reflect broader patriarchal standards that judge women strictly by their appearance, marital status, and willingness to conform.

The stay-at-home orders made these lingering memories impossible to evade. Physical confinement meant mental confrontation. The domestic space became a house of mirrors reflecting every judgment she had ever faced.

Yet Shanta's narrative isn't just about suffering. Being forced to confront these painful memories eventually gives her a chance to process them. By recognizing how deeply patriarchal views shaped her self-worth, she begins taking small steps toward reclaiming her identity.

Her struggle becomes a battle for internal space. Even if she cannot change the physical confinement of the lockdown, she begins rejecting the unfair expectations that kept her mentally trapped. In her world, coming to peace with herself is a quiet, powerful act of rebellion.

Ritika And the Disappearing Boundary Between Home and Work

Ritika's story captures the reality of millions of professional women during the pandemic. Once offices shut down, the physical wall separating her career from her home life collapsed completely.

While corporate remote work was widely sold as a convenient perk, the actual reality was exhausting for women. Professional deadlines did not pause to make room for housework, nor did family demands pause for work calls. Both worlds collided in the same room at the exact same time.

Ritika's experience highlights what happens when paid professional work is dumped into a domestic space that traditionally demands unpaid labor. Without an office building to define working hours, the line between job tasks and family obligations evaporated. Her home was forced to serve as a high-pressure office, a care facility, and a living area simultaneously.

Gokhale directly challenges the modern idea that remote work grants women ultimate flexibility. In practice, that flexibility often meant working round-

the-clock. Office obligations bled straight into late nights, while household responsibilities repeatedly interrupted professional focus, forcing women to juggle both without breaking.

This dynamic strikes at the core of a woman's professional identity. A career isn't just a paycheck; it provides external validation, independence, and a life outside family role. When home and work collapse together, keeping that hard-won professional identity alive becomes an exhausting struggle.

Domestic And Emotional Labour During the Pandemic

A critical piece of *The Blind Matriarch* is its honest look at emotional labor. During a major crisis, families need far more than basic groceries and medical supplies; they need reassurance, calm communication, and someone to de-escalate constant tension.

Matangi-Ma takes on the bulk of this emotional lifting. She serves as the structural glue holding everyone together when outer chaos threatens to break their spirits. But this work drains the person offering it. Society expects women to play the calm, selfless caregiver, leaving little room for their own fears, anxiety, or heartbreak.

The text explicitly connects this emotional demand to deep-rooted patriarchal views on women's roles. Shanta's painful memories show how easily family members enforce rules about how women should look, act, and endure hardship. Instead of loosening these old rules, the pandemic brought them into sharp relief. Trapped indoors, family members fell right back into old habits, proving that physical isolation often highlights gender inequalities rather than erasing them.

This makes Shanta's internal growth crucial. Her struggle to separate her identity from her family's harsh evaluations shows a conscious effort to break free from internal bias. Patriarchy in the novel doesn't just show up through overt cruelty; it operates quietly through subtle family expectations, casual comments, and internalized guilt. Unpacking that quiet pressure is a key step toward true self-ownership.

Women's Agency and Resistance

Despite the immense pressures highlighted throughout *The Blind Matriarch*, Gokhale does not write her female characters as helpless victims. Each woman finds her own unique way to push back and claim space.

Matangi-Ma exercises power through deep family memory, cultural wisdom, and quiet authority. She doesn't need traditional patriarchal tools to lead; her ability to keep people connected gives her real, undeniable weight in the household.

Shanta's resistance is internal. She fights back by refusing to let past family judgments define her present worth. Her growth proves that psychological freedom can happen even when you are physically stuck inside.

Ritika's fight centers on her professional life. By refusing to give up her career despite overwhelming domestic chaos, she fights to protect her independence and identity outside the home.

Together, these three women reveal distinct paths of female resilience: Matangi-Ma through family leadership, Shanta through self-definition, and Ritika through professional drive. Resistance doesn't always require loud public protests; it often shows up in quiet decisions to hold onto your identity, challenge unfair expectations, and demand your fair place within the family unit.

A feminist lens reveals that the pandemic was never an "equalizer". While the virus threatened everyone equally, social structures dictated who carried the extra weight during lockdown. Women entered the crisis already carrying heavy loads of caregiving and domestic management, and the pandemic simply doubled that weight. The home is deeply political because it is where power, work, and personal boundaries are fought over daily.

The Paradox of Female Strength

Female resilience is central to *The Blind Matriarch*, but Gokhale forces us to look closer at what that resilience costs. Matangi-Ma stays strong because her family depends on her. Shanta builds inner strength because she has to endure harsh family judgments. Ritika pushes through burn-out because she is expected to manage both home and career perfectly.

Glorifying this resilience can easily become dangerous. When society constantly praises women for being "strong," it hides the unfair systems that force them to be strong in the first place. Calling a woman resilient can be a convenient way to ignore the fact that she is simply overworked and unsupported.

Therefore, a real feminist analysis must move beyond romanticizing female strength. It has to ask why women are constantly backed into corners where endurance is their only choice. The COVID-19 lockdown exposed this truth clearly by relying heavily on women's unpaid physical and emotional work to keep households running smoothly. The women in Gokhale's novel survive and adapt, but their daily lives expose the unfair social structures that demand such sacrifices.

Conclusion

Namita Gokhale's *the Blind Matriarch* gives us a clear, uncensored look at women's lives during the COVID-19 pandemic. Through Matangi-Ma, Shanta, and Ritika, the novel shows that the lockdown was far more than a health emergency or a temporary inconvenience; it was a high-stress test that laid bare deep structural issues around domestic work, identity, and gender dynamics.

By framing the home as both a safe refuge and a prison, the novel captures a profound truth. While four walls protected families from a deadly virus outside, they simultaneously amplified domestic pressures, invisible care labor, and psychological traps inside. Physical safety came packaged with emotional confinement.

Matangi-Ma highlights the sheer weight of invisible emotional work, showing how a woman can hold a family together while remaining restricted to the domestic realm. Shanta's story reveals how physical isolation can force a terrifying reckoning with long-buried family trauma, while proving that mental healing is still possible. Ritika's reality exposes the myth of work-from-home liberation, showing how

easily professional life and domestic duties can collapse into non-stop labor.

Ultimately, Gokhale dismantles the idea that home is an automatically safe or peaceful place for women. Home can protect you while restricting you. It can bring family together while making you feel entirely alone. It can grant you domestic authority while stripping away your personal independence.

The COVID-19 pandemic brought these hidden conflicts out into the open because public life froze, dumping every single piece of human existence straight into the private house. *The Blind Matriarch* proves that any real understanding of a global crisis must look beyond statistics and health mandates to examine what actually happened behind closed doors.

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The authors declare that there are no conflicts of interest regarding the publication of this paper.

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Transformative Indian Constitutionalism: Problems And Prospects

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Abstract
Indian constitution is the product of conscious ideological struggle. It aims to annihilate all forms of discrimination prevalent in contemporary society. It also aims to reconstitute India in to socialist, secular, democratic, republic by securing justice, liberty, equality and fraternity to its citizens. In other words, it is a long-term plan for reconstruction of society through egalitarian revolution. The preamble endorses this objective. Therefore, the constitution is considered as transformative. The Indian constitution also upholds the principle of rule of law, separation of powers as well as judicial review. This connotes the notion of constitutionalism. Social contractarian thinkers, philosophers of natural law school of jurisprudence endorse this fact. The judiciary has been instrumental in social transformation. But the historic social prejudices many a times have hampered the transformation. Dr. Ambedkar, in his speech in Constituent Assembly, has warned that without social and economic democracy political democracy would fail to succeed. Therefore, Dr. Ambedkar's expectations regarding 'constitutional morality' can be helpful in materializing the constitutional dream in true sense.

Keywords: *Liberty; Equality; Fraternity; Fundamental Rights; Indian Constitution; Rule of law; Separation of powers; Judicial review; Transformative constitutionalism; Constitutional morality; Social transformation*

Introduction

Indian democratic legal system has unique place in contemporary history. India has history of hundreds of years' colonial rule. Still constitutional democracy is the most successful in Indian subcontinent. This remarkable outcome is due to consciously drafted constitution. The preamble to the constitution lays down guidelines for modern democracy. The very words of the preamble assert the desire to reconstitute India. This desire is reflected in the use of words namely Socialist, Secular, Democratic, Republic, Justice, Liberty, Equality and Fraternity. These are not mere words but are the principles on the basis of which we have to constitute future of Indian polity. The constitution further upholds principles of rule of law, separation of power and limited government i.e. constitutionalism. It was an initiation for reconstruction of not only Indian polity but society as well. Therefore, Indian constitution is often considered as transformative. Since its inception, we the Indian citizens have achieved a lot. At the same time, according to various jurists, the state and citizenry yet to deliver up to the mark. The present paper aims to analyse the transformative role of the Indian constitution, the hurdles and obstacles in achieving the ultimate goal. It also aims to study positive prospects as well.

1. Transformative Constitutionalism: Jurisprudential Review

Jurisprudence is considered as the science or philosophy of law. Various schools of jurisprudence have their own kind of analysis of law. The social contractarian thinkers of Natural Law School have propounded that the state and law came in to existence as a matter of social contract, either by way of unconditional agreement or by reasoned consent. They also understood the importance of natural rights like life, liberty, equality, property etc. Thomas Hobbes, Rousseau, John Locke are such examples. John Locke advocated essence of the natural rights, liberty and estate and imposed compulsory duty upon the state and law to protect the same. While advocating law, some jurist opposed uncontrolled or absolute sovereign. One of such philosopher Montesquieu, propounded idea of separation of powers. His doctrine proved to be guiding lamp for the drafting of modern constitutions all over the globe. This was a framework for constitutionalism. Though, positivist Austin believed and justified law as command of sovereign backed by sanction, in modern democracies operating under their respective constitutions upheld the necessity of law being moral, just and ethical. *Dr. Bonham's case* (1610) in England and *Maneka Gandhi' case*[1] in India indicate the same.

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[1] Maneka Gandhi v. UOI, 1978 AIR 597: 1978 SCR (2) 621.

The concept of judicial review allows the courts to declare the law unconstitutional if that abridges inalienable and fundamental rights. This is the argument of natural law school. Even Natural Law school has its own limitations as it failed to define the true meaning of '*morality*'. Positivist claimed that the law made by the sovereign defines and demarcates morality. *Sabarimala case*[2] is an example of determining scope of religious morality. Hence it can be said that the judiciary is playing role to define nature and scope of rights. The role of judges and judicial process in law making proves the Legal Realist school its relevance. The judiciary, being interpreter of the constitution in India, decides the nature of constitution. It is the judicial interpretation that makes the constitution either conservative, evolutionary, revolutionary or transformative. The power of judicial review has helped the judiciary sometimes to assume superior position to that of legislature. Basic structure doctrine laid down in *Kesavananda Bharati* v. *State of Kerala*[3] proves such fact. The conservative approach of judiciary may prove hurdle in enforcing social and progressive legislations. This again may jeopardise the balance in materializing separation of power as expected by Montesquieu. Under such circumstances Dr. Ambedkar has provided philosophical mechanism as a guideline to the generation to come in achieving the polity based on fraternity. His argument regarding '*constitutional morality'* could be an answer to remove obstacles in achieving goals of transformative constitutionalism. As we know that the Indian constitution aims to establish a true kind of political democracy. But Dr. B. R. Ambedkar[4] believed that political democracy may adversely affect if that lacks social democracy. For him social democracy is 'a way of life' that recognizes liberty, equality and fraternity as the essential principles of life. He further [5] articulated that this trinity is interdependent and inseparable. He explains fraternity means *'...a sense of common brotherhood...'* amongst Indians being one. This principle ensures *'unity and solidarity'* in social life. He sincerely felt this task is difficult to achieve because of hierarchal society a caste, gender prejudices. He further argued that without realising fraternity in true sense it would jeopardise liberty and equality. Hence, he emphasised the need to have an authority to enforce these principles.'[6] Indian constitution has been designed to enforce these principles. It is the duty of every organ of the state to respect the spirit of constitution. If the legislative or executive organ of the state fails to perform constitutional duty then judiciary has duty perform role in transformation. But the inimical historic prejudices could create hurdle in this regard. Therefore, '*constitutional morality*' propounded by Dr. Ambedkar is a philosophical lamp for the whole state machinery. With this the judiciary can transform the Indian polity as well as society. While referring historian Grote Dr. Ambedkar in his speech in the Constituent Assembly [7] , emphasised essential elements of Constitutional morality, which could be a guide for Indian polity, as follows:

1. A paramount/ supreme sense of honour and respect for the forms of Indian Constitution.
2. Obedience towards the authorities of state provided the authorities are strictly working within constitutional framework.
3. If public actions of the authorities go beyond constitutional limits, then citizens shall have freedom of speech and expression to openly criticise the authorities.
4. Despite being bitter political differences, every citizen shall feel confident that the opponents have same respect and commitment towards the constitution.

The constitutional morality expected by Dr. Ambedkar can be seen as more advanced formulation of rule of law propounded by A. V. Dicey. While abiding by the duty towards transformative constitutionalism the judiciary is expected to deliver up to mark. But according to Saurabh Kirpal[8], the judiciary's approach has kept on changing with change in the policies of the government. He went to such an extent and argued that '. the Courts became more loyal than the queen,'. In this context this paper critically analyses problems and prospects of transformative constitutionalism.

2. Historical Background of Indian Constitution

According to Prof. Dr. G. Mohan Gopal[9], the Constituent Assembly witnessed ideological struggle between four prominent warring camps. He categorises them as Economic right, Economic left, social right and social left. He argues that Economic right emphasised that the Constitution should be drafted in such a way that economic interests of capitalist would be served. Economic left wished the Constitution be used to attain state socialism led economy. The social right emphasised to make India a religion based conservative social order while the social left was fighting for reconstructing the Indian society based on liberty, equality and fraternity. Dr. Ambedkar was a foresighted philosopher. He articulated the idea of modern democracy referring democracies that prevailed in history of ancient India. Further in order to attain true democracy and social, economic objectives he emphasised the need to follow constitutional methods. Hence, he suggests to abandon the bloody and violent methods of revolution as well as grammar of anarchy[10] and resort to only constitutional mechanism. In order to maintain and sustain democracy we must refrain from hero worship and surrender our liberties to any great man could subvert democratic institution as cautioned by John Stuart Mill[11]. He gave a strong warning to all the Indians that, from January 26th, 1949 onwards, Indians are going to enter into contradictory life. Hence, he advised the need

[2] Indian Young Lawyers Association v. State of Kerala, MANU/SC/1094/2018.
[3] AIR 1973 SC 1461.
[4] Speech in Constituent Assembly, 25th November 1949, *CONSTITUENT ASSEMBLY DEBATES*, Vol. XI, LOK SABHA SECRETARIAT, NEW DELHI, p. 979.
[5] Id.
[6] Id.
[7] Speech on 4th November 1948, *CONSTITUENT ASSEMBLY DEBATES*, Vol. VII, LOK SABHA SECRETARIAT, NEW DELHI, p. 38.
[8] Saurabh Kirpal, *FIFTEEN JUDGMENTS,* Penguin Random House, Gurugram, 2022, p. x.
[9] Sabha Talks | Dr. G. Mohan Gopal | ഭരണഘടനയെ എങ്ങനെ മനസിലാക്കാം | The Constitution of India | Ep 08, https://www.youtube.com/watch?v=cnztz4n8jRo.
[10] p. 978.
[11] Id., p. 979.

for political democracy that stands upon social democracy. This could be achieved by ensuring equality in all spheres of social as well as economic life. We can experience reflection of Dr. Ambedkar's idea of social democracy, vision and expectation under the constitution. Right from preamble, fundamental rights and directive principles of state policy provides for revolutionary transformation through the means of Indian constitution.

3. Preamble: The Lighthouse for Transformation

The preamble reflects philosophy dedicated towards transformation. It represents collective general will of Indians towards common good as propounded by Rousseau[12]. This shows strong determination and resolve to constitute India into modern socialist, secular, democratic, republic by securing to its citizens justice, liberty, equality and fraternity. Aakash Singh Rathore in his book *AMBEDKAR'S PREAMBLE*[13] has explored the evolution of the preamble and Dr. Ambedkar, influence and contribution in its making. Rathore[14] argues that Dr. Ambedkar believed that the concept of liberty is more political than spiritual and encompasses birthright of every citizen irrespective of social status. Therefore, he deliberately preferred word Liberty instead for spiritualized concept of Freedom.

Another principle enshrined under the preamble that aims to bring transformation is Equality. Dr. Ambedkar knew the historical struggle of millennia to ensure equality in society argues Rathore. In order to attain legal egalitarian revolution, discriminatory legal system ideologically endorsed by *Manusmriti* like texts had to go. The Constitution initiates such egalitarian revolution.[15] This revolution aims to annihilate graded inequality of caste and gender. The Preambular Equality has such philosophical foundations.

4. Indian Constitution: Fountain Source of Transformation

According to Granville Austin[16] Indian Constitution aims to foster social revolution. Austin cites reference of K. Santhanam,[17] to define social revolution i.e. social transformation via transformative constitutionalism. K. Santhanam opines that, the social revolution meant to take out India and Indians narrow mindset. Such mediaevalist outlook is product of discrimination on the grounds of caste, gender, social status, religious customs. It aims to reconstruct India's social structure on modem foundations rule of law, secular education rather than birth-based privileges. The constitution serves the said purpose. Preambular jurisprudence, as referred above, also prove Dr. Ambedkar's efforts in making the social revolution possible through the transformative Indian constitution. The constitution positively takes note of such efforts provides for fundamental right to liberty as well as equality. But this right to life and personal liberty and equality have close relation with other fundamental rights as well. Similarly, right to equality has been guaranteed under Articles 14 to 18 encompass other rights as well as the directive principles of state policy. The judiciary, through the doctrines of waiver and severability, aims to guarantee and enforce fundamental rights to liberty and equality.

5. Judiciary and Social Transformation: An Overview

It is the constitutional duty of the judiciary to deliver as custodian of rights. Through its activism the judiciary has provided dynamic momentum to transformative constitutionalism. In *Francis Coralie Mullin* v. *Union Territory of Delhi*[18] Justice Bhagwati has given wider meaning to right to life. This includes life with human dignity, all basic necessities like nutritious adequate food, shelter, clothing, reading, writing and freely mingling with fellow citizens. This judgment shows transformative potentials of the constitution in the frame of constitutionalism.

Since promulgation of the Constitution the issue of liberty has been raised many a times before the courts. In *Sareetha's*[19] constitutional validity of matrimonial remedy in the form of restitution of conjugal rights was challenged on the ground of violation of fundamental rights under Articles 14 as well as 21. The Cout upheld her right of personal choice to not to live with husband forcefully. The instrument of state and law cannot be used to subjugate her will and surrender herself before another. This view of court was seen as an obstacle before institution of marriage, therefore lost support in future. Even then, *Sareetha's judgement* remains important in terms of transformative constitutionalism according to Gautam Bhatia[20]. *Maneka Gandhi's* case is another milestone that has expanded the jurisprudence of right to life and personal liberty by reading under its due process of law.

Dr. Ambedkar advocated Annihilation of graded inequality i.e. caste. He opined that every man and woman should be liberated from the bondage of caste. In order to annihilate the caste, he was convinced that, inter-caste marriages is the real remedy.[21] This view was supported by the Supreme Court in *Lata Singh* v. *State of UP and Ors.*[22] In this case, after the inter-caste marriage relatives of woman went for criminal prosecution against the man. The issue before the court was the right to

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[12] Du Contra Social (The Social Contract:1762), https://www.britannica.com/topic/general-will accessed on 9th Aug. 2026.

[13] Aakash Singh Rathore, *AMBEDKAR'S PREAMBLE*, Penguin Random House India, 2020.

[14] Id, pp. 29-56.

[15] Id, p. 60.

[16] Granville Austin, *THE INDIAN CONSTITUTION: CORNERSTONE OF A NATION,* Clarendon Press, Oxford, 1966, https://www.bbau.ac.in/Docs/FoundationCourse/TM/MPDC405/GRANVILLECONSTITU.pdf.

[17] Id; p. 26.

[18] '…right to life includes the right to live with human dignity and all that… (encompasses under) …. it, …(includes)…, the bare necessaries of life such as adequate nutrition, clothing and shelter and facilities for reading, writing and expressing oneself in diverse forms, freely moving about and mixing and commingling with fellow human beings." (Emphasis supplied). (1981) 1 SCC 608.

[19] T. Sareetha v. T. Venkat Subbaiah, AIR 1983 AP 356. s. 9 of Hindu Marriage Act, 1955 provides remedy of restitution of conjugal rights against the spouse who has arbitrarily and unreasonably withdrawn from the society of other.

[20] Gautam Bhatia, *The TRANSFORMATIVE CONSTITUTION*, Harper Collins, Gurugram, 2021. p. 219.

[21] Speech prepared by Dr. B. R. Ambedkar for the 1936 Annual Conference of the Jat-Pat Todak Mandal, Lahore but remained undelivered. Later published in print form. *Dr. Babasaheb Ambedkar Writings and Speeches*, Vol. 1, Dr. Ambedkar Foundation, Ministry of Social Justice & Empowerment, Government of India, p. 67.

[22] MANU/SC/2960/2006.

personal choice in inter-caste marriages. The court upheld the right to marry outside one's own caste as per one's choice. It is a matter of one's freedom of conscience as well as expression. While quashing malicious criminal proceedings against the man the court held that the caste is a curse on nation. It divides the nation therefore; it shall be destroyed at the earliest. Inter-caste marriages serve the national interest as thy seek destruction of caste, opined the court. This is another stance taken by the judiciary towards reconstruction of society and social transformation.

Sukanya Shantha v. *Union of India*[23] is another marvellous example of transformative constitutionalism. The State continued certain discriminatory practices and rules against the prisoners on the grounds of caste. As per these rules' classification, segregation and forced labour amongst the prisoners on the basis of caste. The court emphasised on the fact that the constitution is of emancipatory nature. It guarantees substantive equality and dignity. Such discriminatory rules under jail manual sabotage the rights of prisoners guaranteed under constitution.

The Supreme Court of India in *Navtej Singh Johar* v. *UOI*[24] addressed the constitutionality of Section 377 of the IPC. The provision criminalizes homosexual acts. The Court held that the said legal rule criminalizes consensual sexual act between adults. That violates constitutional guarantee to equality, non-discrimination, freedom of expression as well as right to privacy provided under Articles 14, 15, 19, and 21. In *Joseph Shine* v. *Union of India,*[25] the Court found that provision of adultery, as an offence, is patriarchal and treats married woman as men's property. Hence it violates the right to equality and privacy under Articles 14, 15 as well as 21 of the Constitution. Decriminalising adultery on the above reasoning shows transformative approach of the judiciary.

Similar transformative approach is shown by the judiciary in the case dealing with right of queer persons[26] to marry. The court declined to look in to constitutional validity of existing marriage laws, but upheld positively some rights of queer persons. It upheld the right to form unions as well as cohabit together while referring Articles 19 and 21. The court also held that denying these rights amounts to discrimination on the grounds of sex and violates essence of Article 15. This connotes that the court has taken read together liberty as well as equality. The court has recognised right to choose one's family by expanding the scope and horizon of liberty and equality. This is another instance wherein transformative nature of constitution is visible. interpreting as we have seen earlier, constitutionalism ensures separation of powers provides. This enables the constitution to successfully attain transformation. But whenever there are hurdles in this regard, they can be removed by applying the principle of constitutional morality as propounded by Dr. Ambedkar. The power of Dawoodi Bohara religious head to excommunicate any member of their community often contradicts the constitutional principles. In *Sardar Syedna Taher Saifuddin Saheb*'s case[27] wherein the court upheld the right to excommunicate as constitutional. But in recent case [28] the court opined that fundamental right enshrined under Article 26 (b) has to be interpreted in the light of other fundamental rights regarding life, dignity and equality. This articulation by the court from the lenses of '*constitutional morality*' is an attempt to balance the religious freedom to excommunicate the fellow members of community in the context of principles of liberty and equality. This can be seen as a departure from earlier stance of the court and the credit goes to transformative potential of the constitution.

Conclusion

Indian constitution making process witnessed efforts of conscious collective wisdom. It guarantees basic natural human rights that includes right to equality and liberty. It is a transformative law of the land, because it seeks to constitute India in to a socialist, secular, democratic, republic by guaranteeing justice, liberty, equality and fraternity. Constitutionalism puts restrictions upon arbitrary powers of the state machinery. The judiciary has to strive hard to channelise transformation as dreamt by the constitution makers. In many cases like *A. K. Gopalan, ADM Jabalpur* and recently in *EWS judgment*[29] the judiciary has interpreted the fundamental rights and constitutional provisions in narrower sense. Still there lies a great future ahead for transformative jurisprudence. The prospects of transformative constitutionalism are certainly bright. But that requires the guidelines laid down in Dr. Ambedkar's conception regarding '*constitutional morality'* are strictly followed by the citizenry as well as the state apparatus.

[23] MANU/SC/1084/2024.
[24] Navtej Singh Johar and Ors. vs. Union of India (UOI) and Ors. (06.09.2018 - SC): MANU/SC/0947/2018. MANU/SC/0947/2018: 2018 INSC 790.
[25] MANU/SC/1074/2018, s. 497 of the Indian Penal Code criminalizes adultery as an offence.
[26] Supriyo and Ors v. Union of India, MANU/SC/1155/2023.
[27] Sardar Syedna Taher Saifuddin Saheb v. State of Bombay, AIR 1962 SC 853. In the said case Constitution Bench of the Supreme Court struck down the Bombay Prevention of Excommunication Act, 1949- that denied the right to excommunicate- holding the Act as unconstitutional.
[28] Central Board of Dawoodi Bohra Community v. State of Maharashtra, MANU/SC/0120/2023.
[29] Janahit Abhiyan v. UOI, MANU/SC/1449/2022: In EWS reservation judgment has been criticized for narrow outlook. The philosophy behind reservation is 'inclusion' of socially and educationally deprived weaker section by giving them representation. In this case, while upholding the 103rd amendment valid, judgment excluded the traditional weaker sections from the benefit of reservation. Hence Prof. D. G. Mohan Gopal has branded it as ADM Jabalpur moment for social justice, https://www.youtube.com/watch?v=WXAoD2fml9Y.

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Digital Transformation and Business Performance: A Study of Indian Enterprises

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Abstract
Digital transformation has moved beyond the simple adoption of computers, accounting software, websites, or online payment systems. For Indian enterprises, it is increasingly becoming a strategic process through which technology, people, business processes and organisational decision-making are brought together to create greater value. The rapid growth of digital payments, cloud computing, artificial intelligence, data analytics, e-commerce and digital platforms has significantly changed the way Indian businesses communicate with customers, manage operations, access markets and compete. The present study examines the relationship between digital transformation and business performance in Indian enterprises. The study is based primarily on secondary information obtained from published research studies, institutional reports, government publications and industry evidence. It examines digital transformation through dimensions such as digital infrastructure, digital payments, cloud technology, data analytics, artificial intelligence, e-commerce and digitally enabled customer relationship management. Business performance is considered in terms of sales growth, operational efficiency, productivity, customer satisfaction, innovation, market reach and financial performance. The evidence reviewed indicates that digital transformation generally has a positive relationship with enterprise performance, although the benefits are neither automatic nor equally distributed. Recent empirical research on Indian listed companies covering 2012–2024 found a significant positive relationship between digital transformation and financial performance, with total factor productivity acting as an important mediating mechanism. Evidence from 9,024 Indian MSMEs also indicates better sales growth and productivity among digitally enabled firms. At the same time, differences in firm size, digital skills, access to finance, organisational readiness and sectoral conditions continue to create a digital divide. The study concludes that digital transformation should not be viewed merely as a technology investment. Its success depends on the ability of enterprises to combine technology with managerial capabilities, employee skills, process redesign, innovation and customer orientation. The paper recommends an integrated digital transformation framework for Indian enterprises, with particular emphasis on MSMEs, employee training, cybersecurity, data-driven decision-making and affordable digital infrastructure.

Keywords: *Digital Transformation, Business Performance, Indian Enterprises, MSMEs, Artificial Intelligence, Digital Payments, Productivity, Digital Economy, Innovation, E-Commerce*

Introduction

The Indian business environment has undergone a remarkable transformation during the last decade. A business that once depended almost entirely on physical offices, cash transactions, paper records and face-to-face customer relationships can now conduct a substantial part of its activities through digital platforms. Customers discover products through social media, make payments through mobile applications, place orders electronically and expect businesses to respond almost immediately. At the same time, enterprises are using cloud platforms, enterprise resource planning systems, artificial intelligence, data analytics and digital communication tools to manage increasingly complex operations. This transformation is particularly important in India because the country's business structure contains enterprises of widely different sizes and levels of technological maturity. Large corporations may have dedicated technology teams and substantial digital investment budgets, whereas many micro and small enterprises still struggle with the cost of technology, employee training and reliable digital infrastructure. Digital transformation therefore represents both an opportunity and a challenge. At one level, digital technologies can reduce transaction costs, improve communication and make business processes faster.

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At another level, technology by itself does not guarantee better performance. A firm may purchase sophisticated software and still fail to obtain meaningful benefits if employees are not trained, management does not understand the technology, or existing business processes are not redesigned. This distinction is important. Digital transformation is not equivalent to simply digitising existing activities. Digitisation converts information from physical to digital form. Digitalisation uses digital technologies to improve existing processes. Digital transformation goes a step further by changing how an organisation creates, delivers and captures value. India provides an especially interesting setting for studying this phenomenon. The country's digital ecosystem has expanded rapidly through digital payments, smartphones, internet connectivity, e-commerce and public digital infrastructure. According to a Government of India factsheet based on the State of India's Digital Economy Report, India's digital economy is projected to approach one-fifth of national income by 2029–30. The growth of this digital environment has created new opportunities for Indian enterprises. Small firms can reach customers beyond their immediate geographical markets. Digital payments can simplify transactions. Online platforms can provide access to customers and suppliers. Cloud technology can reduce the need for heavy investment in physical IT infrastructure. Data analytics can assist managers in understanding customer behaviour. Artificial intelligence can increasingly support customer service, marketing, forecasting and operational decision-making.

However, the digital transition also creates new risks. Cybersecurity threats, data privacy concerns, technology dependence, employee displacement and unequal access to digital capabilities are becoming important managerial issues. Against this background, the present study attempts to understand whether and how digital transformation contributes to business performance in Indian enterprises.

Background of the Study

The idea of using technology to improve business performance is not new. Indian enterprises have been adopting information technology for several decades. However, the nature of technological adoption has changed substantially.

During the early stages, businesses primarily used computers for accounting, payroll, documentation and basic office automation. Later, enterprise resource planning, customer relationship management, internet banking and e-commerce became increasingly common.

The next phase was characterised by smartphones, cloud computing, digital payments and platform-based commerce. More recently, artificial intelligence, machine learning, automation and advanced analytics have started influencing managerial decision-making. This evolution means that digital transformation is now closely connected with business strategy.

Research on Indian manufacturing firms has already found evidence that information technology contributes significantly to firm output. A study examining Indian manufacturing firms found that IT capital had a significant contribution to output, although the magnitude differed across industries and periods.

Research specifically examining digital transformation in Indian manufacturing has similarly reported a positive relationship between digital transformation and firm performance. The study identified factors such as competitive pressure, organisational mindfulness, IT readiness and strategic alignment as important antecedents of transformation.

More recent evidence strengthens this argument. A 2026 study of 233 Indian listed firms covering 2012–2024 found that digital transformation had a significant positive effect on financial performance. It also found that total factor productivity helped explain the relationship between digital transformation and financial performance.

Thus, the emerging evidence suggests that digital transformation can influence performance through improvements in productivity, innovation, customer engagement and operational efficiency.

Statement of the Problem

Despite substantial investment in digital technologies, not every Indian enterprise obtains the same benefits from digital transformation.

Large companies generally have greater financial resources, better access to skilled professionals and more developed technology infrastructure. Smaller enterprises frequently face financial, organisational and skill-related constraints.

A World Bank Enterprise Survey-based study covering 9,024 Indian MSMEs found that digital adoption varies according to firm age, size and organisational characteristics. The study also reported differences in business performance between digitally enabled and non-digital businesses, with digitally enabled firms showing stronger sales growth and productivity.

This raises an important question:

Does digital transformation itself improve business performance, or do organisational capabilities determine whether enterprises are able to convert technology investment into measurable business value?

The present study addresses this question by examining the major dimensions through which digital transformation can influence Indian enterprises.

Objectives of the Study

The study has the following objectives:

1. To examine the concept and dimensions of digital transformation in Indian enterprises.

2. To analyse the relationship between digital transformation and business performance.
3. To examine the role of digital payments, e-commerce, cloud computing, data analytics and artificial intelligence in enterprise performance.
4. To understand the impact of digital transformation on productivity and operational efficiency.
5. To identify major barriers to digital transformation among Indian enterprises.
6. To examine the special challenges faced by MSMEs in adopting digital technologies.
7. To suggest measures for improving the effectiveness of digital transformation in Indian enterprises.

Research Questions

The study attempts to answer the following questions:

1. What are the major components of digital transformation in Indian enterprises?
2. Does digital transformation contribute to improved business performance?
3. Which aspects of digital transformation have the greatest potential to improve enterprise performance?
4. Why do some enterprises obtain greater benefits from digital transformation than others?
5. What are the major barriers preventing Indian enterprises from achieving successful digital transformation?
6. What strategies can enterprises adopt to obtain sustainable benefits from digital technologies?

Hypotheses of the Study

For analytical purposes, the following hypotheses are proposed:

H_{01}:	Digital transformation has no significant relationship with business performance of Indian enterprises.
H_{11}:	Digital transformation has a significant positive relationship with business performance of Indian enterprises.
H_{02}:	Digital technology adoption has no significant relationship with operational efficiency.
H_{12}:	Digital technology adoption has a significant positive relationship with operational efficiency.
H_{03}:	Digital transformation has no significant relationship with productivity.
H_{13}:	Digital transformation has a significant positive relationship with productivity.

Research Methodology

Research Design

The study follows a descriptive and analytical research design. Since the purpose is to understand the broader relationship between digital transformation and enterprise performance in India, the study relies primarily on secondary evidence.

Sources of Data

The study uses information from:

- Peer-reviewed research articles
- Government publications
- Institutional reports
- Industry studies
- World Bank Enterprise Survey evidence
- Research reports relating to Indian MSMEs
- Published studies on Indian listed companies
- Reports relating to India's digital economy

Recent studies were given particular attention so that the analysis reflects the contemporary digital environment.

Scope of the Study

The study covers Indian enterprises across different sectors, including:

- Manufacturing
- Banking and financial services
- Retail
- Information technology
- Services
- E-commerce
- MSMEs

The study focuses on the relationship between technology adoption and business outcomes rather than on any single technology.

Variables Considered

Independent Variable

Digital Transformation

It is examined through:

- Digital infrastructure
- Digital payments
- Cloud computing
- E-commerce
- Data analytics
- Artificial intelligence
- Enterprise software
- Digital customer engagement
- Process automation

Dependent Variable

Business Performance

Business performance is examined through:

- Sales growth
- Productivity
- Operational efficiency
- Customer satisfaction
- Market reach
- Innovation
- Cost reduction
- Profitability
- Financial performance

Conceptual Understanding of Digital Transformation

Digital transformation can be understood as the organisational process of using digital technologies to fundamentally improve business activities and value creation.

It contains several interconnected dimensions.

Digital Infrastructure

Reliable internet connectivity, computing systems, cloud platforms and digital networks form the foundation of transformation.

Without appropriate infrastructure, advanced technologies cannot be used effectively.

Digital Payments

Digital payment systems have changed the way enterprises receive and make payments. They can reduce transaction friction, improve record keeping and make financial transactions faster.

For smaller enterprises, digital payments can also contribute to formalisation and improve the availability of transaction records.

E-Commerce

E-commerce enables enterprises to reach customers outside their traditional geographical markets.

This is particularly important for MSMEs. An enterprise located in a small town can potentially serve customers across India without establishing physical outlets in every market.

An ICRIER survey of 2,365 MSMEs across 12 states and more than 20 clusters found that e-commerce integration has increasingly shifted from a post-pandemic necessity toward a strategic choice for enterprise development.

Cloud Computing

Cloud computing allows enterprises to access software, storage and computing resources without necessarily making large investments in physical infrastructure.

For smaller businesses, this can make sophisticated digital tools more affordable.

Data Analytics

Businesses generate enormous amounts of information through sales transactions, customer interactions, digital marketing and supply-chain activities.

Analytics can convert this information into useful managerial insights.

For example, retailers can identify:

- Fast-moving products
- Seasonal demand
- Customer preferences
- Pricing patterns
- Inventory requirements

Thus, data can become a strategic resource.

Artificial Intelligence

Artificial intelligence is becoming increasingly relevant to Indian enterprises.

Possible applications include:

- Customer service chatbots
- Demand forecasting
- Fraud detection
- Marketing personalisation
- Document processing
- Predictive maintenance
- Recruitment support
- Business forecasting

However, AI should be viewed as an organisational capability rather than merely a software purchase.

Digital Transformation and Business Performance

The relationship between digital transformation and business performance can be explained through several mechanisms.

Improvement in Operational Efficiency

Digital technologies can automate repetitive activities and reduce manual intervention.

For example, accounting software can automate invoice generation, inventory systems can provide real-time stock information, and automated workflows can reduce delays in approvals.

As a result, employees can spend more time on analytical and customer-oriented activities.

Reduction in Transaction Costs

Digital transactions can reduce paperwork, travel requirements and processing time.

The cumulative effect can become significant, particularly for enterprises handling a large volume of transactions.

Productivity Enhancement

Productivity represents one of the most important channels through which digital transformation influences performance.

The recent study of 233 Indian listed firms found that total factor productivity plays a significant mediating role between digital transformation and financial performance.

This finding is important because it suggests that technology does not necessarily improve profitability directly. Instead, technology can improve the way resources are used, which then contributes to better financial outcomes.

Market Expansion

Digital platforms can substantially expand the potential customer base of an enterprise.

A local manufacturer can sell through online marketplaces. A professional service provider can acquire clients through digital channels. A small retailer can communicate with customers through social media and messaging applications.

Consequently, digital transformation can reduce the geographical limitations traditionally faced by smaller firms.

Customer Experience

Modern customers increasingly expect speed, convenience and personalisation.

Digital tools can help enterprises provide:

- Faster responses
- Online ordering
- Digital payment
- Personalised offers
- Customer support
- Order tracking

Improved customer experience can contribute to repeat purchases and stronger customer relationships.

Innovation

Digital technologies can facilitate the development of new products and services.

Businesses can use customer data to identify unmet needs and experiment with new business models.

This is especially relevant in highly competitive markets where traditional advantages may disappear quickly.

Evidence from Indian Enterprises

Available research provides substantial evidence supporting the positive relationship between digital transformation and enterprise performance.

A recent study of Indian listed companies covering 2012–2024 found a significant impact of digital transformation on financial performance. The research further reported that total factor productivity mediates the relationship, suggesting that productivity improvements are an important mechanism through which digital transformation creates financial value.

Evidence from Indian MSMEs provides a similar but more nuanced picture. A study using World Bank Enterprise Survey data covering 9,024 Indian MSMEs found that digitally enabled businesses performed better on indicators such as sales growth and productivity. However, digital adoption was not uniform across firms. Younger and smaller enterprises tended to face greater adoption constraints.

The ICRIER survey of 2,365 MSMEs also highlights the growing strategic importance of e-commerce. Digital integration was associated with broader opportunities relating to market access and enterprise development.

Earlier research on Indian manufacturing firms found that IT capital contributes significantly to output, providing evidence that technology can function as a productive input rather than merely an administrative tool.

At the same time, research also cautions against assuming that digitalization produces identical results across all sectors. A 2026 study of Indian firms found that the effects of digitalization differed between service and manufacturing firms, with regional skill availability and labour-market conditions influencing outcomes.

This suggests that digital transformation is highly context-dependent.

Digital Transformation in MSMEs

MSMEs deserve special attention because they represent a major part of India's entrepreneurial landscape.

For a large corporation, implementing an enterprise-wide digital transformation programme may require substantial investment but can be supported by specialised teams.

For a small business, even a relatively modest technology investment can represent a significant financial decision.

Major challenges include:

1. High initial cost
2. Lack of trained employees
3. Limited managerial understanding
4. Cybersecurity concerns
5. Fear of technological failure
6. Difficulty integrating different software systems
7. Lack of reliable digital infrastructure in some locations
8. Limited access to finance
9. Resistance to organisational change

The World Bank Enterprise Survey-based evidence demonstrates that digital adoption differs across Indian MSMEs and that digitally active firms generally show stronger performance indicators.

This means that policy support for MSMEs should not stop at providing hardware or internet access. Training, affordable software, cybersecurity awareness and managerial guidance are equally important.

Digital Transformation and Financial Performance

Financial performance is one of the most visible indicators used by businesses to judge the success of technology investment.

Digital transformation may influence financial performance through:

Higher revenue → broader market access and improved customer acquisition.

Lower costs → automation and process optimisation.

Better asset utilisation → improved planning and resource allocation.

Higher productivity → more output from existing resources.

Improved customer retention → stronger digital engagement.

Recent empirical evidence involving Indian listed firms found that digital transformation significantly improved financial performance and that productivity was an important mechanism behind this effect.

However, enterprises should avoid evaluating digital transformation solely through short-term profit.

Some digital investments may initially increase costs because of:

- Software acquisition
- Employee training
- Cybersecurity
- System integration
- Data migration
- Consulting
- Process redesign

The financial benefits may emerge gradually.

Therefore, a longer-term performance perspective is necessary.

Digital Transformation and Employee Productivity

Digital transformation changes the nature of work.

Routine activities can increasingly be automated, while employees may be expected to perform more analytical, creative and customer-oriented functions.

Technology can improve productivity by:

- Reducing repetitive work
- Providing faster access to information
- Improving coordination
- Reducing errors
- Supporting managerial decisions
- Automating documentation
- Improving communication

However, technology can also reduce productivity if employees are overwhelmed by too many systems or lack adequate training.

Therefore, employee capability is an essential component of digital transformation.

A successful organisation does not simply introduce technology and expect employees to adapt automatically. It invests in training and gives employees sufficient time to understand new systems.

Digital Transformation and Customer Satisfaction

Customer expectations have changed significantly because of digital technology.

Customers increasingly expect:

- 24-hour accessibility
- Quick responses
- Convenient payments
- Transparent pricing
- Personalised communication
- Easy product comparison
- Fast delivery
- Simple complaint resolution

Digital technologies allow enterprises to respond to these expectations.

Customer relationship management systems can maintain customer histories. Analytics can identify purchasing patterns. AI-based tools can provide automated support.

However, excessive automation can sometimes create customer frustration.

A customer who cannot reach a human employee when dealing with a complicated problem may become dissatisfied.

Thus, the objective should not be complete replacement of human interaction. The more appropriate approach is to combine technological efficiency with human judgement and empathy.

Digital Transformation and Innovation

Digital transformation can create an environment in which innovation becomes easier.

For example, businesses can:

- Test new products digitally.
- Collect customer feedback rapidly.
- Analyse market trends.
- Experiment with digital marketing.
- Develop platform-based business models.
- Create subscription-based services.
- Use artificial intelligence for product development.

The most successful enterprises are therefore likely to be those that treat digital transformation as an ongoing process rather than a one-time project.

Major Barriers to Digital Transformation in India

Financial Constraints

Technology requires investment. Smaller enterprises may find it difficult to allocate funds for software, cybersecurity, cloud services and employee training.

Skill Deficiency

Digital transformation requires employees who understand both business processes and technology.

A shortage of such skills can slow adoption.

16.3 Resistance to Change

Employees and managers may resist new systems because familiar methods appear safer.

16.4 Cybersecurity Risks

Greater digital dependence creates greater exposure to:

- Data theft
- Phishing
- Ransomware
- Identity theft
- Payment fraud
- System disruption

Cybersecurity should therefore be treated as a business responsibility rather than merely an IT issue.

Lack of Strategic Alignment

Technology adoption without a clear business objective can result in unnecessary expenditure.

A company should first identify the business problem and then select the appropriate technology.

Digital Divide

Not all enterprises operate under identical technological conditions.

Differences in geography, infrastructure, skills and financial resources can create unequal opportunities.

Managerial Implications

The findings have several implications for enterprise managers.

First, digital transformation should begin with business objectives.

Management should ask:

What problem are we trying to solve?

Technology should follow the business requirement rather than the other way around.

Second, employee training should be treated as an investment.

A sophisticated digital system is of limited value if employees do not know how to use it effectively.

Third, enterprises should measure digital investment.

Useful performance indicators include:

- Revenue generated through digital channels
- Cost savings
- Customer retention
- Processing time
- Productivity
- Digital sales
- Customer satisfaction
- Return on technology investment

Fourth, cybersecurity must be integrated into digital strategy.

Security cannot be treated as an afterthought.

Fifth, enterprises should adopt scalable technologies.

This is particularly important for MSMEs. Cloud-based and subscription-based services can allow smaller firms to begin with affordable solutions and expand gradually.

Policy Implications

The findings also have implications for policymakers. Government programmes should focus not merely on digital infrastructure but also on digital capability.

Important policy priorities include:

1. Affordable broadband and digital infrastructure.
2. Digital literacy programmes for entrepreneurs.
3. Technology training for MSME employees.
4. Affordable access to cloud and digital business services.
5. Cybersecurity awareness programmes.
6. Support for e-commerce integration.
7. Digital finance and access to formal credit.
8. Industry-academia collaboration for digital skills.
9. Incentives for technology adoption among small enterprises.
10. Support for responsible adoption of artificial intelligence.

India's digital economy is already expanding rapidly. Government projections indicate that the digital economy is expected to grow significantly faster than the overall economy and approach approximately one-fifth of national income by the end of the decade.

The next challenge is therefore to ensure that this growth is broad-based and reaches smaller enterprises as well.

Findings of the Study

The major findings are summarised below:

1. Digital transformation has a generally positive relationship with business performance in Indian enterprises.
2. The benefits of digital transformation are transmitted partly through improvements in productivity and operational efficiency.
3. Digitally enabled MSMEs tend to demonstrate stronger sales growth and productivity than less digitally active firms.
4. E-commerce has become an important mechanism for expanding market access among Indian MSMEs.
5. Digital transformation can improve financial performance, but the financial benefits may depend on the enterprise's ability to integrate technology into its core operations.
6. Employee skills are a critical determinant of digital transformation success.
7. Technology adoption without strategic alignment may generate expenditure without producing corresponding business value.
8. Digital transformation affects sectors differently. Therefore, a single digital strategy cannot be applied equally to manufacturing, banking, retail and services.
9. MSMEs face greater constraints relating to finance, skills and organisational readiness.
10. Artificial intelligence and analytics are creating new opportunities but also increasing the importance of data governance, cybersecurity and responsible technology use.

Discussion

The central conclusion emerging from the evidence is that digital transformation is neither a magic solution nor merely an IT exercise.

Its impact depends on how effectively technology becomes embedded in the organisation.

A company that purchases an expensive software package but continues to follow inefficient processes may not experience significant improvement. Conversely, an organisation that redesigns its processes, trains its employees and uses data effectively may achieve substantial benefits even without possessing the most advanced technology.

This observation explains why digital maturity differs among enterprises.

Research on Indian businesses has previously identified differences between digital leaders and laggards in areas such as strategy, organisation and capabilities.

The implication is clear: **digital transformation is ultimately an organisational transformation.**

Technology provides the tools, but management determines how those tools are used.

Suggestions

Based on the analysis, the following suggestions are proposed:

Develop a Digital Transformation Roadmap

Every enterprise should prepare a phased plan covering technology, people, processes, investment and performance measurement.

Begin with High-Impact Processes

Enterprises should first digitize activities where technology can produce measurable benefits, such as accounting, inventory, customer management and payments.

Strengthen Employee Skills

Regular training programmes should be organised for employees at different levels.

Promote Data-Driven Management

Managers should increasingly use reliable business data instead of relying exclusively on intuition.

Strengthen Cybersecurity

Small enterprises should adopt basic cybersecurity practices, including strong authentication, employee awareness and regular data backup.

Use Cloud Technology Where Appropriate

Cloud solutions can reduce infrastructure costs and provide scalability.

Integrate Human and Artificial Intelligence

AI should be used to support employees rather than blindly replace human judgement.

Measure Return on Digital Investment

Every major digital project should have clearly defined performance indicators.

Give Special Attention to MSMEs

Financial and training support should focus particularly on micro and small enterprises that face greater barriers.

Encourage Continuous Innovation

Digital transformation should be treated as an ongoing journey rather than a one-time project.

Limitations of the Study

The study has certain limitations.

First, it is primarily based on secondary information rather than a new primary survey of Indian enterprises.

Second, the performance effects of digital transformation may differ substantially across sectors, regions and firm sizes.

Third, digital transformation is a rapidly changing field. Technologies such as generative AI are evolving faster than traditional business research cycles.

Fourth, the present study does not estimate a new econometric model. Its purpose is to synthesise available evidence and develop an integrated understanding of the relationship between digital transformation and enterprise performance.

Future researchers may address these limitations through primary surveys covering Indian enterprises across different states and sectors.

Scope for Future Research

Future research may focus on:

1. Digital transformation and profitability of Indian MSMEs.
2. AI adoption and employee productivity.
3. Digital transformation in rural enterprises.
4. Digitalisation and women-owned enterprises.
5. Cybersecurity and business performance.
6. Digital payments and formalization of small businesses.
7. E-commerce adoption and export performance.
8. Digital transformation and sustainable business practices.
9. Generative AI and managerial decision-making.
10. Comparative studies between digitally mature and digitally emerging enterprises.

A longitudinal study covering several years would also be valuable because the benefits of digital transformation may take time to materialise.

Conclusion

Digital transformation is fundamentally changing the Indian business environment. The transformation is visible not only in large technology companies but also in banks, retailers, manufacturers, service providers and small enterprises.

The evidence examined in this study supports the argument that digital transformation can contribute positively to business performance. Improvements in productivity, operational efficiency, customer engagement, market access and innovation can ultimately strengthen enterprise performance. However, the relationship is not automatic. Technology alone cannot transform an organisation. The real benefits emerge when technology is combined with capable employees, effective leadership, redesigned business processes, reliable data and a clear strategic purpose. This point is especially important for Indian MSMEs. Digital technology provides them with an opportunity to overcome traditional limitations of geography, information and market access. At the same time, financial limitations, skill shortages and cybersecurity concerns can prevent smaller firms from fully exploiting digital opportunities. The future of Indian enterprise competitiveness will therefore depend not simply on how much technology businesses purchase, but on how effectively they use it. Digital transformation should consequently be understood as a continuous organisational journey. Enterprises that learn to combine technological capability with human judgement, innovation and customer understanding are more likely to convert digital investment into sustainable business performance. In the Indian context, the ultimate objective should not be "digitalization for the sake of digitalization." The objective should be to use technology to build enterprises that are more productive, innovative, competitive, resilient and capable of creating long-term value.

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Impact Of Climate Change on The Agricultural Pattern

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Abstract
Human life is highly influenced by climate. From the point of view of natural resources, extreme climate changes have become more frequent and inconsistent in the last few years. Excessively wet seasons, cold surges, single-day droughts, temperature surges in February and March, etc., constitute the majority of these phenomena. Additionally, we have observed rapid storm developments causing destruction to mature crops. In fact, climate change is an ongoing phenomenon that has come to stay, and it's time to start taking it seriously. It has significantly affected agricultural practices, which demand reconsideration. Whether it concerns coastal or island dwellers whose habitat is threatened by ocean level rise, farmers who experience inconsistent monsoon or water scarcity, coastal inhabitants who undergo the destructive forces of cyclones, or people subjected to severe droughts, floods, and weather-related diseases—all these individuals have already suffered from the consequences of climate change. Whether it concerns people who fight the consequences of climate change, lose their homes, and migrate to other regions, or people who have been experiencing harsh winters or hot seasons, or those who fight for their homes and heritage in the face of impending environmental doom—all of them are climate change victims. The flood-prone eastern plains of Rajasthan are among the region's most severely affected by climate change. This region possesses a large amount of arable land, moderate groundwater, and irrigation systems. At the same time, the population density is also high, making this area the most developed in terms of agriculture in Rajasthan. Yet, climate change has caused a series of difficulties in this region, resulting in declining groundwater levels, insufficient yields, and a decrease in food grain production. As a result, in this research paper, I have analysed the aspects of climate change and crop patterns in the flood-affected eastern plains of Rajasthan.

Keywords: Temperature Variability in the Flood-Prone Eastern Plain Region Variability in the Monsoon Rainfall Pattern Variation in the Humidity Index in the Flood-Prone Eastern Plain Region Changes in the Agricultural Crop Pattern

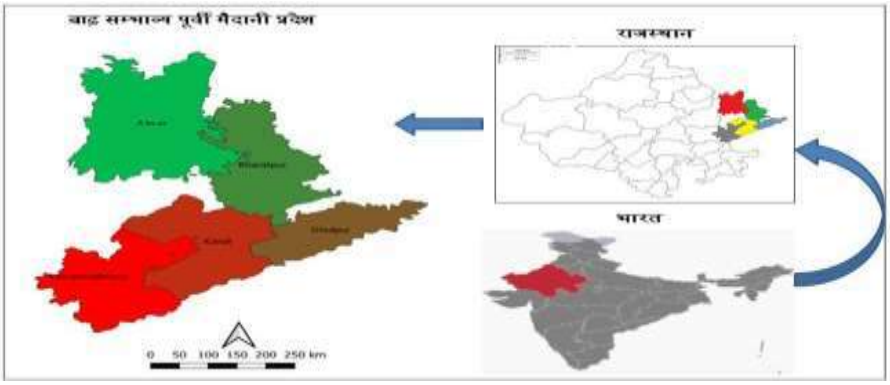
Introduction
The subject of my research study is "Impact of Climate Change on the Agricultural Pattern (1980–2019), with Special Reference to the Flood-Prone Eastern Plain Region of Rajasthan." The global average surface temperature in the twentieth century was approximately 0.6 ± 0.2°C higher than the pre-industrial level (1850–1900), according to the IPCC Report 2001. The average temperature during the decade 2009–2018 was 0.93°C higher than the pre-industrial level. According to the IPCC Report 2018, the average temperature during 2014–2018 was more than 1.4°C higher. Considering the present level of climate change, the world's temperature is expected to increase by approximately 1.5°C to 2°C by around 2040. If the temperature rises by more than 1.5°C, severe heat, heat waves, and unseasonal rainfall will increase in South Asian countries. (IPCC Report 2018) According to the PNAS Report (2017), the impact of climate change will be seriously visible in the economies of countries such as India because India is an agrarian economy and Indian agriculture depends on the monsoon, while the monsoon is sensitive to climate change. In particular, La Niña and El Niño affect the monsoon. Indian agriculture, which depends on the monsoon, is seriously affected along with the economy, food supply, and rainfall-dependent crop patterns. Therefore, climate change in the Indian region is expected to adversely affect the human population, infrastructure, and ecosystems. Considering the geographical location of Rajasthan, the impact of climate change is clearly visible. The agricultural climatic zones, climatic conditions, and landforms of Rajasthan greatly influence agricultural practices. Rainfall, temperature, humidity, wind speed, and duration of sunshine are climatic factors that significantly influence the crop pattern of a region.

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Based on climatic conditions and affected agricultural practices, Rajasthan has been divided into ten agro-climatic zones, each having its own characteristics. The research study reflects the impact of climate change on the agricultural pattern of the Flood-Prone Eastern Plain Region of Rajasthan. This region has the largest amount of
cultivable land, a generally favourable groundwater level, and available irrigation facilities. It also has the highest concentration of population. This is a developed region of Rajasthan. Therefore, from the perspective of making a detailed local-level study of the global impact of climate change, the impact of climate change on agriculture and its vulnerability in the Flood- Prone Eastern Plain Region of Rajasthan has been studied. The capacity for adaptation to climate change has also been studied so that the impacts of climate change can be strategically adapted to. For this, it is necessary to develop adaptive capacity to variability.

Study Area

The Flood-Prone Eastern Plain Region of Rajasthan's agro-climatic region is suitable from
the agricultural perspective. Its latitudinal extent lies between 25°58′59″ N and 27°46′41″ N, and its longitudinal extent lies between 76°21′59″ E and 77°54′ E. The total area of the Flood-Prone Eastern Plain Region is 26,221 square kilometres. The Flood-Prone Eastern Plain Region of Rajasthan is a flat area with an average elevation of 300–400 metres. The slope is towards the east. This agro-climatic region includes the entire districts of Alwar, Bharatpur, Dholpur, Karauli, and Sawai Madhopur. Administratively, the region has 48 tehsils, 41 panchayat samitis, and 1,487-gram panchayats. According to the 2011 Census, the total population was 10,223,016 persons and the population density was 380 persons per square kilometre.



The region includes districts with high populations, resulting in a relatively high population density compared with its area. The northern point of this region is Bhiwadi in Alwar district and the southern point is Duni village of Bonli tehsil in Sawai Madhopur district. The eastern point is Siwana in Dholpur and the western point is Bamanwas village of Thanagazi tehsil in Alwar. Because the Flood-Prone Eastern Plain Region of Rajasthan is a flat and fertile plain,
it is highly suitable for agriculture. This region accounts for 18.5% of Rajasthan's area. There is an abundance of alluvial soil here. The average annual rainfall in this region ranges
between 50 and 70 cm. The maximum temperature is 40°C and the minimum temperature is
8.2°C. Irrigation facilities are available through surface water and groundwater. Mainly Rabi and Kharif crops are grown in this region.

Objectives

1. Keeping these points in view, the objectives of the present study are:
2. To study climate change.
3. To study the changing agricultural pattern.
4. To analyse the impact of climate change on agriculture.
5. To critically examine the strategies related to climate change currently being implemented.
6. Research Hypotheses
7. Research hypotheses guide and direct the study. This research is based on the following hypotheses:
8. Climate change has caused changes in the agricultural crop pattern.
9. Database and Methodology
10. The study demonstrates the impact of climate change on the agricultural area of the Flood-Prone Eastern Plain Region of Rajasthan. Ten major crops grown in this region were analysed for the period 1980–2019.
11. Primary Research Method
12. The questionnaire method was used to study the region, and respondents were selected using the sample sampling method. The study area was divided into zones on the basis of climate. Two villages were selected from each zone, and a maximum of 30 residents were selected

from each village. Approximately 300 residents from the entire region were included in the questionnaire.
The questionnaire included questions related to people's perceptions of climate change and its effects on various productive ecosystems. Questions were also prepared to understand local
remedies and measures for reducing climate change.
Secondary research Method
In the secondary data, historical data of rainfall and temperature of 40 years from 1980 to 2019 of IPCC and WMO standard has been included. The data related to agriculture has been collected from various reports

published by the Economics and Statistics Department of
Rajasthan Agriculture Department, Jaipur, Rajasthan. Cartosat images have also been obtained from Bhuvan

Data Analysis

Rainfall occurring in this region from 1980 to 2019 was analysed. Temperature from 1980 to 2019 was also analysed. Climate variability was analysed at both temporal and spatial scales. Moving averages were used to determine trends in climatic parameters over the past 40 years.

Changes in climatic zones proposed by Thornthwaite were determined using the same set of software. Tables, graphs, and charts were used to represent and analyse the database. Where necessary, techniques such as regression and correlation were also used. SPSS software was used for such analyses.

Literature Review

The study of relevant literature is an extremely important aspect of research work. The
researcher carefully reviews research works, related research literature, relevant journals, books, dissertations, and other information sources referred to in the relevant research. In the present research, the literature review concerns climate variability and climate change, their effects on agriculture and agriculture-related components, agricultural vulnerability to climate variability, and adaptive capacity. Climate variability is a global challenge. In this regard, the research works and reports of major scholars and international organizations that have
conducted studies so far were examined.

IPCC Report (2018): Considering the present level of climate change, the world's
temperature will increase by 1.5 to 2 times above the pre-industrial level, and this will seriously affect the economies of countries such as India in South Asia.

Economic Survey (2018): Climate change may cause a 15–18% loss in farmers' income, while in non-irrigated areas the loss may be between 20% and 25%.

PANAS (2017): If the target of limiting temperature increases to 1.5°C is reached, people
throughout the world will be affected, and severe heat and unseasonal rainfall will increase.

IPCC (2015): Western Japan, eastern China, India, and the southern parts of China are highly vulnerable to climate change. According to this report, climate change in South Asia will
adversely affect poverty reduction and will increase food prices and poverty.

IPCC (2008): Climate change is a major challenge for ecosystems, health, human well-being, and future development.

Sen, Roy and Singh (2002): Changes in climatic elements and their extremes will cause
significant changes in productivity in agricultural and forest ecosystems, which in turn will affect the socio-economic conditions of societies.

Nicholas and Lowe (2006): Climate change is expected to increase the recurrence and
intensity of existing hazards, the likelihood of extreme events, and the emergence of new hazards.

Kininmonth (2004): Variations in the distribution of events in the climate system are among the major causes of natural disasters throughout the world every year.

IPCC (2001): Vulnerability is the extent to which climate change can damage a system. It depends not only on the sensitivity of the system but also on its ability to adapt to new
climatic conditions.

Thomas and Twyman (2005): Developing countries are generally considered more vulnerable to the impacts of climate change than responsible countries because of their lower capacity to adapt to climate change in the developing world.

Bohle (1994): He argued that a complete understanding of present vulnerability is necessary to develop policies for dealing with climate change in the future.

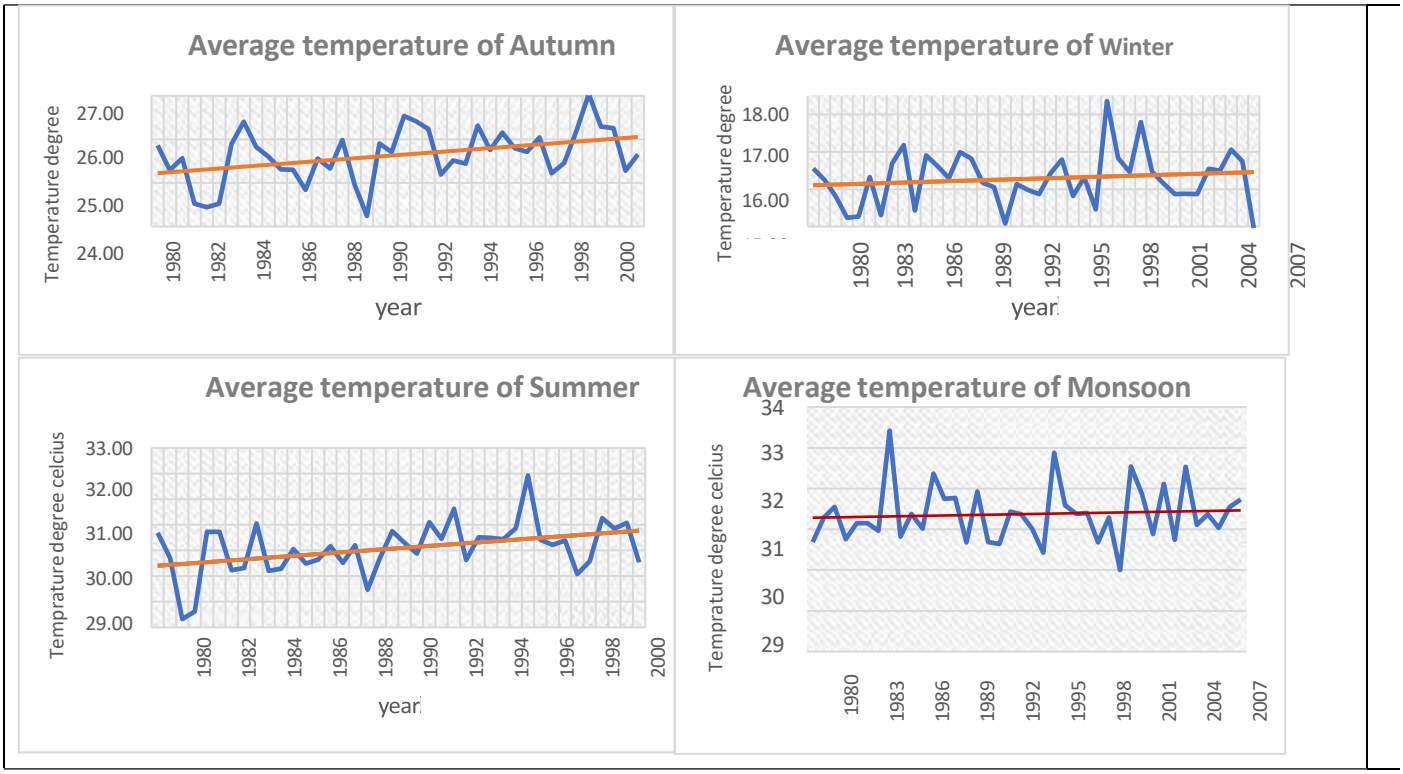
Jones and Thornton (2003): The impact of climate change on hazards is likely to be
considerable. Overall, crop yields may decline by 10–20% because of warming and drought, although in some places yield losses may be considerably more severe.

Temperature Variability in the Flood-Prone Eastern Plain Region

The impact of climate variability is visible in the study area. Analysis of temperature from 1980 to 2019 makes it clear that the average temperature in this region has increased by
0.5°C. The maximum annual average temperature increased by 0.5°C in Alwar, 0.55°C in Bharatpur, 0.65°C in Dholpur, 0.85°C in Sawai Madhopur, and 0.68°C in Karauli. The
maximum annual average temperature increased throughout the region, particularly during the decade 2001–2010. Assessment of changes in average annual temperature according to seasons shows that in Alwar, winter temperature increased by 0.258°C and summer temperature increased by 0.058°C, while a decline of 0.099°C was observed during the monsoon season.

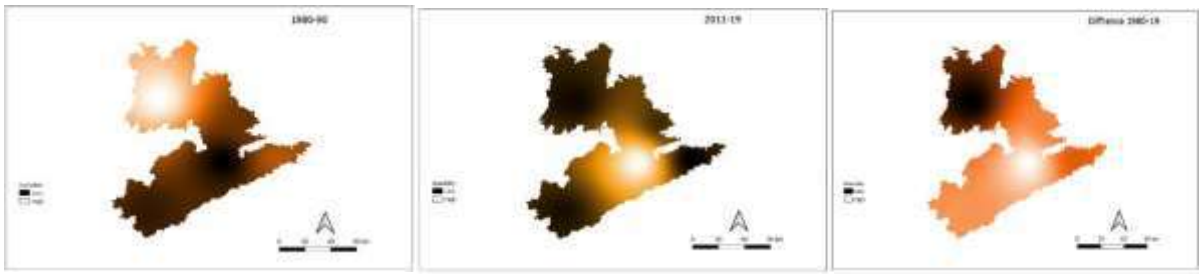
During 1980–2019, major changes in temperature were observed in autumn in the Flood
Prone Eastern Plain Region of Rajasthan. Average winter temperature increased by 0.257°C, summer temperature by 0.502°C, autumn temperature by 0.220°C, while the monsoon
showed a decline of 0.109°C. Thus, it is clear that temperature changes occurred in different seasons in Alwar during 1980–2019. In Bharatpur, winter temperature increased by 0.360°C, while summer temperature increased by 0.656°C, which was higher than the average increase. The monsoon showed a decline of 0.112°C, while autumn temperature increased by 0.159°C. In Dholpur, winter temperature increased by 0.385°C, summer temperature increased by 0.760°C, monsoon temperature decreased by 0.097°C, and autumn temperature increased by 0.276°C. In Karauli, winter temperature increased by 0.225°C, summer
temperature increased by 0.607°C, the monsoon showed a decline of 0.119°C, and autumn temperature increased by 0.252°C. In Sawai Madhopur, winter temperature increased by 0.059°C, summer

temperature increased by 0.430°C, the monsoon showed a decline of 0.120°C, and autumn temperature increased by 0.296°C. - Seasonal variations in average temperature in the flood-prone eastern plain region. (1980&2019)



During 1980–2019, variations in temperature increase were observed in different parts of the Flood-Prone Eastern Plain Region. This makes it clear that the greatest increase in temperature occurred during summer in all districts, while the increase was lower during winter and autumn. The greatest temperature increase was observed in Dholpur district. Variability in the Monsoon Rainfall Pattern The coefficient of variation of rainfall in the Flood-Prone Eastern Plain Region was analysed by comparing the periods 1980–2000 and 2001–2019. In Alwar, the coefficient of variation during 1980–2000 was 52.91%, which decreased to 38.40% during 2001–2019. In Bharatpur, the coefficient of variation during 1980–2000 was 37.16%, which increased to 42.53% during 2001–2019. An increase of 2.057% was observed. In Dholpur, the coefficient of variation was 33.96% during 1980–2000 and increased to 41.90% during 2001–2019. In Karauli, the coefficient of variation was 34.62% during 1980–2000 and increased to 41.70% during 2001–2019. In Sawai Madhopur, the coefficient of variation was 30.50% during 1980–2000 and increased to 38.82% during 2001–2019.

The coefficient of variation of rainfall has increased in most parts of the region. Variability in the monsoon rainfall pattern and irregularity of rainfall are also increasing. Increased rainfall irregularity has increased agricultural risk throughout the region. Variation in the Humidity Index in the Flood-Prone Eastern Plain Region Along with temperature, changes in humidity are also being observed in the Flood-Prone Eastern Plain Region of Rajasthan. A comparison of the decade 2010–2019 with 1980–1990 shows variation throughout the region. According to the humidity zones of Thornthwaite
based on the potential evapotranspiration humidity index, Alwar, with a decline of 11.46%, shifted from the humid (B1) zone to the moist sub-humid (C2) zone. Bharatpur, with a decline of 4.42%, shifted from the humid (B1) zone to the moist sub-humid (C2) zone. Dholpur, with a decline of 4.42%, shifted from the humid (B1) zone to the moist sub-humid (C2) zone. Sawai Madhopur showed a variation of 2.09%, while Karauli, with an increase of 2.82%, shifted from the moist sub-humid (C2) zone to the humid (B1) zone.
Moisture Variability in the Flood-Prone Eastern Plain Region (1980–2019)



Variability in the humidity index is also visible in the region. During 1980–2000, all areas except Sawai Madhopur and Karauli fell under the humid B1 humidity zone. During 2010–2019, however, all districts except Karauli shifted to the moist sub-humid C2 humidity zone.

Therefore, it is clear that the climate of the region is changing.

Variability in Agricultural Productivity, 1980–81 to 2018–19

In the region, the area sown under barley and gram during the Rabi season has declined,

while the area under mustard has increased. However, after the 2000s, a decline in the area

under wheat is also being observed. The area under pearl millet has increased, while the area under maize and Kharif pulses has declined considerably. After 1999, a decline in the area

under pearl millet was also observed in Bharatpur and Sawai Madhopur, the reason being the growing preference for horticulture. Analysis of the impact on productivity shows a decline in gram productivity throughout the region, a decline in wheat and barley productivity in

Karauli, and a decline in Rabi pulse productivity in Dholpur. Among Kharif crops, sorghum productivity has declined throughout the region, while Kharif pulse productivity has also

declined in Dholpur.

Changes in the Agricultural Crop Pattern

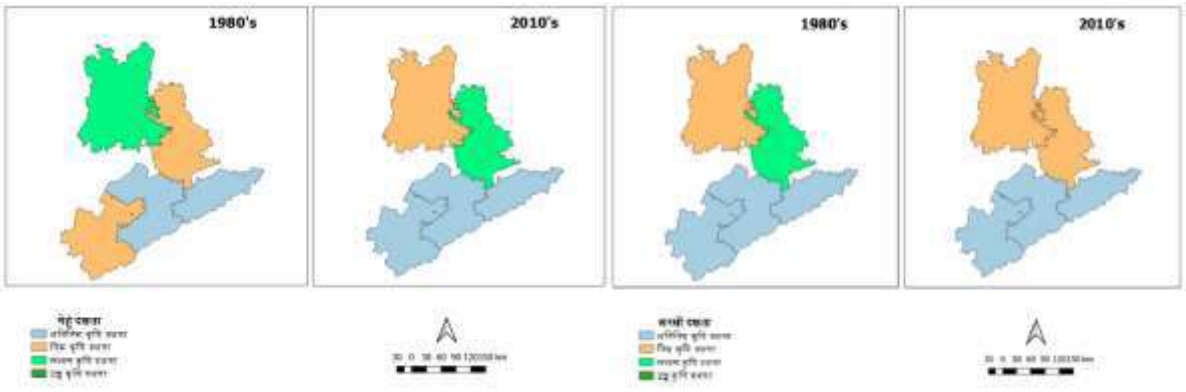
Changes in the crop pattern have also been observed during recent decades.

The Efficiency

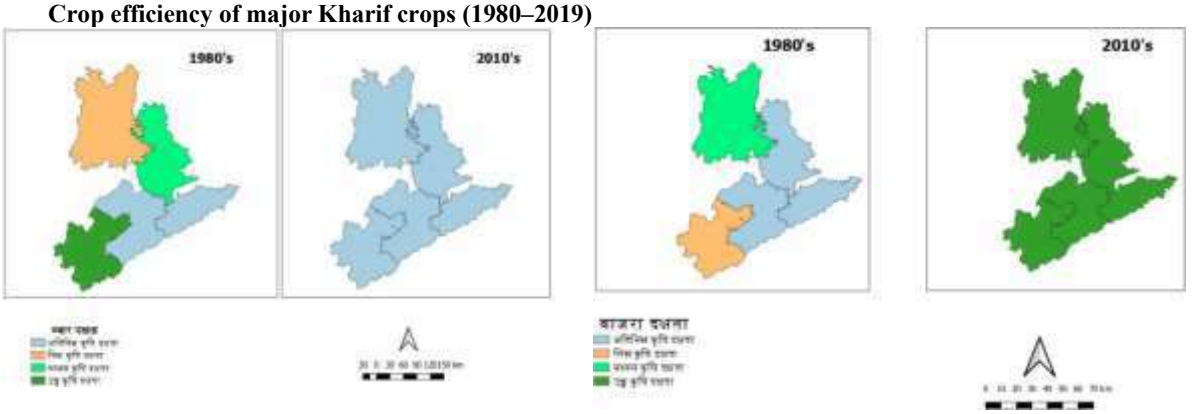
In the study area, the efficiency of Rabi crops during 1981–2019 shows that wheat efficiency declined in Alwar and Sawai Madhopur. The reasons include declining groundwater levels,

unbalanced fertilizer use, and increased irrigation costs.

Crop efficiency of major Rabi crops (1980–2019)



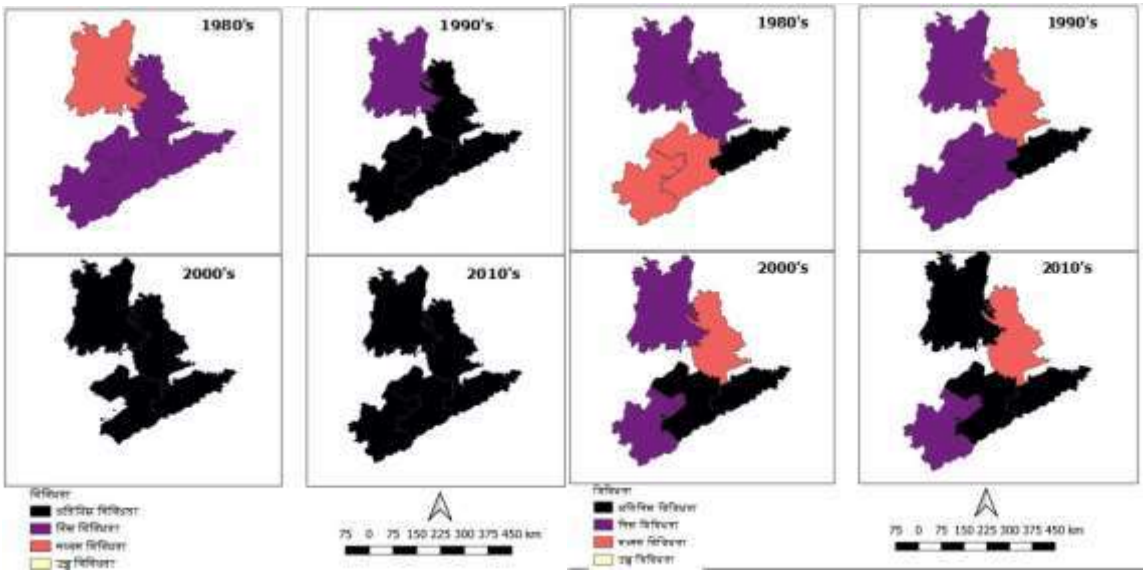
Crop efficiency of major Kharif crops (1980–2019)



Efficiency increased in Bharatpur and Dholpur because of the expansion of irrigation, use of high-yield varieties, government support, and MSP policy. Mustard efficiency declined in
Alwar, Karauli, and Bharatpur. The reasons include untimely rainfall and increased
temperature affecting flowering and grain-filling stages, aphid and pest attacks, and reduced irrigation of mustard because of greater priority given to wheat.
The efficiency of sorghum, maize, and barley declined in all districts because of uneven
rainfall and drought vulnerability, farmers' shift in preference toward wheat and mustard, low market demand, and insufficient attention to research and seed improvement.
Crop diversification
Crop diversification mitigates risks associated with climate change. Farmers cultivate crops to ensure some level of return even under adverse climatic conditions. Diversification enables farmers to meet their household needs directly from their own fields. The outcomes of crop diversification reflect a combination of physical, social, economic, technological, and
institutional impacts. Understanding the spatial patterns of agricultural diversification is
crucial for analyzing future competition among various agricultural activities. Farmers opt for diversification when local conditions are favorable for growing a variety of crops. The Gibbs-
Martin Diversification Index (1962) is a useful tool for measuring the extent of diversification.

Formula: 1 - Σx^2

Here, 'x' represents the percentage of the area under a specific crop relative to the total
cropped area, and Σx^2 is the sum of the squares of these percentages. The analysis presents distinct scenarios for both the Kharif and Rabi seasons. Crop diversification was analysed for individual districts across both seasons over specific decades. Alwar's crop diversification index was 0.418 during the 1981–1990 decade. It dropped to 0.137 in the 2001–2010 period but rose again to 0.196 during 2011–2019. This indicates that diversification was robust in the initial years, declined subsequently, but eventually improved. In contrast, Bharatpur has
witnessed a continuous decline in its crop diversification index. It fell from 0.340 in 1981–1990 to just 0.020 in 2011–2019, signifying that crop diversification has virtually ceased, with farming becoming concentrated on a few select crops. Dholpur's crop diversification index declined from 0.280 (1981–1990) to 0.031 (2011–2019); here too, crop diversification consistently decreased while the dominance of a single crop increased. Karauli's index started at 0.369, fell to 0.164 during 1991–2000, saw a slight rise to 0.178 in 2001–2010, but dropped again to 0.122 in 2011–2019; although there were fluctuations, the overall trend is
one of decline. After an initial figure of 0.369, Sawai Madhopur's index fell to 0.164 in 1991–2000, rose unusually to 0.460 in 2001–2010, and then plummeted to 0.027 in 2011–2019; the long-term trend here is clearly downward, with farming now dependent on a
limited range of crops. Overall, there is a clear trend of declining Rabi crop diversification across all districts during the 1981–2019 period. Overall, there is a clear trend of declining crop diversification in both Rabi and Kharif crops across all districts during 1981–2019.
Rabi Crop Diversification 1981–2019 Kharif Crop Diversification 1981–2019



The major causes of declining crop diversification are declining groundwater levels, seasonal instability, greater dependence on relatively secure crops such as pearl millet, wheat, and
mustard, and insufficient market and government support.

During 1981–1990, there were two crop combinations in the Kharif season, but after 1991 only a single crop combination is observed.
During 1981–1990, there were three crop combinations in the Rabi season, but after 1991 only two crop combinations are observed. The percentage area under

gram declined because development of irrigation facilities led to increased areas under more irrigation-intensive wheat and mustard instead of gram.

Conclusions and Suggestions

Analysis of temperature from 1980 to 2019 makes it clear that the average temperature in this region has increased by 0.5°C. The maximum annual average temperature increased by 0.5°C in Alwar, 0.55°C in Bharatpur, 0.65°C in Dholpur, 0.85°C in Sawai Madhopur, and 0.68°C in Karauli. The greatest increase in maximum annual average temperature throughout the region was observed during the decade 2001–2010. Variability in the monsoon rainfall pattern and rainfall irregularity is also increasing. Variability is also being observed in the humidity index. During 1980–2000, all areas of the region except Sawai Madhopur and Karauli fell under the humid B1 humidity zone. During 2010–2019, however, all districts except Karauli shifted to the moist sub-humid C2 humidity zone. Therefore, it is clear that the climate of the region is changing. In the region, the area sown under barley and gram during the Rabi season has declined while the area under mustard has increased. However, after the 2000s, the area under wheat has also declined. The area under pearl millet has increased, while the areas under maize and Kharif pulses have declined considerably. After 1999, the area under pearl millet also declined in Bharatpur and Sawai Madhopur because of increasing preference for horticulture. Analysis of the impact on productivity shows a decline in gram productivity throughout the region, a decline in wheat and barley productivity in Karauli, and a decline in Rabi pulse productivity in Dholpur. Among Kharif crops, sorghum productivity has declined throughout the region, while Kharif pulse productivity has also declined in Dholpur. A decline in the agricultural efficiency of sorghum has been observed. A decline in wheat efficiency has also been observed. Alwar changed from medium to low agricultural efficiency, while Sawai Madhopur changed from low to very low efficiency. A decline in mustard agricultural efficiency was observed in Bharatpur. The reasons include untimely rainfall and increased temperature affecting flowering and grain-filling stages, aphid and pest attacks, and reduced irrigation of mustard because of greater priority given to wheat. The efficiency of Rabi pulses also changed throughout the region from medium agricultural efficiency to very low efficiency. The reasons include uneven rainfall and drought vulnerability, farmers' shift in preference toward wheat and mustard, low market demand, and insufficient attention to research and seed improvement. Changes are also occurring in the crop pattern of the region. The crop combination in the Kharif season has become single-crop based, while the Rabi season had three crop combinations during 1980–1990 and only two crop combinations afterward. Changes are also occurring in crop diversification. Alwar, Dholpur, and Karauli have shifted to very low diversity; Bharatpur has medium diversity; and Sawai Madhopur has low diversity. Rabi crop diversification has shifted to very low diversification throughout the region. The irrigated area has increased in the region, with tube wells providing the largest share of irrigation. Fertilizer consumption has increased throughout the region, with the highest consumption of potash occurring in Sawai Madhopur and Karauli. Agricultural patterns are changing because of climate change in the study area, and this variability is also affecting livestock. The Flood-Prone Eastern Plain Region is almost completely dependent on irrigation. Changes in rainfall patterns pose a serious threat to agriculture. Therefore, problems concerning the economy and food security of the region are increasing. Agriculture is affected not only by an increase or decrease in total rainfall but also by changes in the timing of rainfall. Changes in Soil Moisture Due to Climate Change According to the primary survey, 50% of farmers believe that soil moisture is declining because of climate variability, resulting in increased frequency of irrigation. A majority of respondents also considered climate change to have a minor or no effect on land resources.

Farmers also noted that declining soil moisture has caused soil degradation because reduced moisture has loosened soil particles. Very few farmers in these districts observed an increase in salinization or alkalization due to climate change.

Impact of Climate Variability on Water Resources

The primary survey shows that surface water is the most affected area in relation to climate variability. Both the quantity and quality of surface water are affected by change, but farmers considered quantity to be more affected than quality. Farmers also observed that groundwater is affected by climate variability, but the effect is lower because water infiltration also depends on several other factors.

Driving Factors Behind Declining Groundwater

The primary survey shows that groundwater decline is mainly attributed to reduced rainfall.

Respondents ranked increased runoff and reduced infiltration as the second most important factors responsible for groundwater decline. Increased runoff is caused by extensive changes in land use and land cover. Farmers also regarded increased extraction as an important factor.

Options for Water-Resource Conservation in the Region

For conserving water resources, farmers consider adoption of rainfed crops to be the most suitable option. Farmers prefer modern rainwater-harvesting techniques over traditional rainwater-harvesting techniques. Increasing dependence on tube-well irrigation is the lowest priority of farmers because there is no water in tube wells in most areas.

Options for Adapting to Climate Variability in the Region

According to the primary survey, the most important strategy adopted by farmers during climate variability is a change in cropping practices, followed by changes in commercial patterns. The agriculture of the region is highly affected by fluctuations in climate. A decrease in rainfall can cause major differences in Kharif production, while changes in temperature can also affect crops by increasing pest attacks.

Suggestions

Crop Management- Crop diversification, Climate-resilient varieties, Changes in sowing time, Adoption of crop rotation.

Water Management- Micro-irrigation techniques, Rainwater harvesting, Groundwater recharge, Revival of ponds, tanks, johads, and farm ponds, Allowing rainwater to infiltrate into the ground through ponds and check dams, Using irrigation according to actual requirements.

Soil Management- Increase the use of organic manure and green manure, use gypsum and organic measures to improve soil alkalinity and salinity.

Technology and Research- Expansion of climate-based crop insurance schemes, Digital forecasting and warning systems, Use of remote sensing and GIS-based agricultural planning, Training farmers, Providing weather forecasts and agricultural advice through e-governance portals, mobile applications, WhatsApp groups, and community radio.

Policy and Social Measures- Public-awareness campaigns, Strengthening agricultural insurance and minimum support prices, Group-based farming, Use of renewable energy, including PM-KUSUM-type schemes, Giving priority to small and marginal farmers,

Development of locally appropriate climate-resilient technologies by agricultural research institutions and universities.

No climate-adaptation policy can be successful without public awareness and public participation.

If local communities actively participate, it will be possible to improve all three—agricultural production, environmental conservation, and livelihood stability—in the eastern flood-prone plain region of Rajasthan.

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Corporate Governance in The Era of Digital Banking: Challenges and Opportunities

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Abstract
The impact of the digital revolution of the banking sector has made a significant difference in Corporate Governance through the introduction of new technologies and systems for increased transparency, accountability, operational efficiency and customer focus. Technology, such as Artificial Intelligence (AI), Cloud Computing, Blockchain, Big Data Analytics and Automation have been integrated into all aspects of governance at Financial Institutions to enable them to make better decisions while improving Risk Management and Regulatory Compliance. As well as providing benefits, however, new forms of technology-based risks such as Cybersecurity Threats, Data Privacy Concerns, Legal Complexities and Organizational Challenges arise which require an Adaptive Governance Framework. In order for effective Corporate Governance in a Digital Age to occur, there are four main elements required from Responsible Leadership, Technological Competence, Ethical Decision Making and Continuous Innovation. This article will explore the role of technology in enhancing governance in Digital Banking while examining Key Challenges and Emerging Opportunities. Furthermore, this article will outline how integration of Digital Transformation with Strategic Governance can provide Sustainable Organization Performance, Stakeholder Confidence and Long-Term Competitive Advantage in today's Rapidly Evolving Global Financial Ecosystem

Keywords: *Corporate Governance, Digital Banking, Digital Transformation, Artificial Intelligence, Blockchain, Transparency, Accountability, Cybersecurity, Big Data, Leadership.*

Introduction

Digital banking was once about allowing users to perform transactions via computer. Today, it is an entirely different experience and represents a fully integrated platform linking together customers, regulators, investors, employees, and financial markets through digitally connected platforms. Accordingly, corporate governance has gone from being focused primarily on traditional board oversight and financial reporting to a much broader framework that includes managing digital risk, protecting against cybercrime threats, innovating through technology, practicing ethical governance and making strategic decisions based upon data [1-3]. Corporate Governance is the "System of Management" through which organizations are directed, managed and controlled. Corporate governance ensures that all of the key players involved in the organization work well together and provides assurance that there will be fair and transparent decision-making processes. This becomes especially important in the banking industry where banks take in public funds and have a responsibility to maintain stability in the financial system. If corporations do not practice good governance, they can become prone to many problems including operationally failing, experiencing financial crises, committing fraud, losing reputation and ultimately causing their stakeholders to lose faith in them [2,4]. Digital transformation has dramatically increased the ability of corporations to govern themselves more efficiently by allowing for real time financial reporting, automatically compliant systems, predictive risk management, digital auditing and better communications with stakeholders. [5] For example, Artificial Intelligence can help banks prevent fraud, analyze their customers, assess their clients' credit worthiness and predict future operational activity. Blockchain allows for greater transparency into bank transactions by creating permanent and unchangeable digital records. Cloud Computing and Enterprise Resource Planning Systems allow for safe and easy sharing of information among members of a corporation's management team who are located remotely around the globe. These capabilities make it possible for corporations to function much more efficiently than they did before while at the same time reducing the need for administrators and decreasing the number of manual errors made by employees [6].

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While digital transformation has provided great advantages for corporations in terms of governing themselves, it has also created new challenges related to governance that go far beyond traditional financial management. There are now more cyber-attacks on corporations than ever before. Ransomware attacks and data breaches are common events for corporations today. Additionally, the use of algorithms by AI creates potential for biased decision making; regulatory bodies create uncertainty with their rules regarding FinTech; and corporations using third party vendors increase the level of risk to their technology infrastructure. As a result of this complex digital environment, corporations must develop mechanisms that provide both technological resiliency and legal compliance as well as encourage responsible innovation. Therefore, boards of directors must have a combination of financial expertise as well as knowledge of cybersecurity, digital technology and information governance so that they can properly oversee the transformation of their companies [7,8].

As a result of recognizing the growing importance of digital governance, governments and regulatory agencies worldwide have implemented laws regulating digital payments, customer data protection, operational resiliency, anti-money laundering and responsible use of AI.[9] In India there are several initiatives underway designed to accelerate the growth of digital banking such as Digital India, Unified Payment Interface (UPI), Account Aggregation Framework, Central Bank Digital Currency (CBDC) and Fintech partnerships. While digital banking is becoming more prevalent throughout India it is also increasing the level of governance required by Indian banks [10].

Therefore, effective corporate governance in the digital age requires striking a balance between encouraging technological innovation and promoting accountability, transparency, stakeholder protection, ethical leadership and sustainable development. Companies that successfully leverage their advanced technology into robust governance models are more likely to realize superior operating results, build customer trust, comply with regulatory requirements and establish long term competitive positions. On the contrary, companies that fail to update their governance models may find difficulty in addressing digital-related risks or adapting to rapidly changing financial environments.

This paper explores the evolving interrelationship between corporate governance and digital banking by examining how technology affects governance mechanisms; the digital transformation-related challenges faced by banks; security concerns surrounding cybersecurity; leadership responsibilities; and strategic opportunities presented by emerging technologies. Specifically, this research highlights that effective governance is not just about incorporating new technologies into existing business practices but also about cultivating responsible innovation; ethical decision-making; regulatory compliance; and sustainability-oriented organizational performance [3,6].

Role of Technology in Corporate Governance

The current state of governance for corporations in the banking industry relies heavily upon the use of advanced technologies; however, it was traditionally based upon manual reporting, periodic audits, and traditional board meetings. Unlike the "traditional" forms of governance utilized within many corporations, digital banking uses advanced technologies such as artificial intelligence (AI), cloud computing, blockchain, big data analytics, and enterprise digital platforms to provide ongoing monitoring, rapid decision-making, and enhanced accountability. Utilizing these technologies allows boards of directors and senior executives to receive real-time information regarding their organization's financial performance, operational risks, regulatory compliance, and customer satisfaction, therefore enhancing both governance quality and organizational transparency [11,12].

Artificial Intelligence (AI) is currently considered one of the most influential technologies to be used to enhance corporate governance. AI powered systems analyze vast amounts of structured and un-structured data to discover and report potentially fraudulent activity or suspicious transactions, forecast potential financial risks, and monitor regulatory compliance. Continuous machine learning algorithms allow for continued improvement of their accuracy, utilizing historical transactional patterns to more effectively identify unusual transactions than traditional manual processes. These abilities increase the effectiveness of internal control mechanisms, as well as provide informed decision-making for management and boards of directors [13,14].

Cloud Computing has also changed the way corporate governance is practiced by providing remote, secure access to organizational information at all times. Directors and senior executives may utilize encrypted cloud-based platforms to review governance reports, financial statements, compliance documents, and risk assessments in a timely manner to make strategic decisions. Additionally, cloud-based technology enables greater collaboration among banks, regulators, auditors, and technology vendors while reducing costs related to maintaining traditional IT infrastructures [15,16].

Blockchain Technology is another significant technological advancement in terms of corporate governance. Blockchain technology creates permanent and transparent digital documentation of financial transactions. Each transaction documented on a blockchain is preserved forever and confirmed by members of the network participating in that blockchain.[17] As a result, there are fewer opportunities for fraud, manipulation, or unauthorized modifications of previously executed transactions. Blockchain technology increases transparency, facilitates regulatory compliance and builds stakeholder trust. Robotic Process Automation (RPA) can automate repetitive governance functions including compliance reporting, document verification, customer on-boarding, and internal audit functions. RPA enables

employees to perform more strategic functions instead of focusing on administration functions [18].

Technology has also increased the ability of corporations to report on Environmental, Social and Governance (ESG).[19] Digital dashboards enable corporations to more easily collect, analyze and report on sustainability issues. Increasingly investors assess how corporations perform in regards to ESG factors when evaluating banks. Therefore, technology serves as an additional tool for increasing corporate governance disclosure and stakeholder engagement. Thus, technology is evolving from being a secondary support function to becoming a primary strategic governance mechanism that promotes accountability, transparency, operational efficiency and long-term sustainable organizational growth [20].

Digital Tools for Enhancing Transparency and Accountability

Transparency is a principle of governance and accountability in the banking industry as well as other industries. As such, digital technology has advanced The application of Business Intelligence (BI) and Data Visualization Technology support the enhancement of governance by translating large amounts of raw data into easily understood graphical representations. BI/DV Technologies allow Directors to measure organizational performance utilizing Key Performance Indicators (KPIs); view operational risk via dashboards; analyze customer behavior via analytics; and predict future financial outcomes via predictive modeling. Real time analysis of data eliminates the need for organizations to wait for periodic manual reports and allows for more informed governance decisions [24].

In addition to enhancing accountability by supporting continuous auditing (as opposed to traditional periodic audits), digital audio systems also allow organizations to automate audit trails. Audit Trails document each organizational event including transactions, changes to policies, governance decisions, etc., which increases transparency and reduces the complexity associated with regulatory inspections. When internal auditors detect anomalies, they are able to take immediate corrective action prior to material financial or operational risks developing. Furthermore, Whistleblower Portals; Online Grievance Redressal Systems; and Digital Disclosure Platforms promote ethically based reporting and increase stakeholder involvement in the governance process [25].

Additionally, artificial intelligence promotes transparency by automatically performing compliance monitoring and regulatory reporting functions. Financial Transactions are evaluated by AI algorithms on a continuous basis against regulatory standards and if there is a pattern of suspicious activity identified then the system will alert management. Proactive Regulatory Compliance Systems allow organizations to be aware of potential regulatory violations and take preventative measures instead of being reactive once there is a violation [24].

Finally, digital governance tools make it easier for organizations to communicate more transparently with customers, investors, and regulators. Secure Customer

these two principles. Organizations utilize digital tools to create accurate financial documentation, track their organization's operations, manage compliance, and communicate with various stakeholders. Digital tools offer an advantage over existing conventional governance systems because they provide instant updates and allow for quicker decision making. Additionally, digital tools enhance organizational credibility [21].

Organizations use Enterprise Resource Planning (ERP) systems to centralize all financial, operational, compliance, human resource, and customer information. Centralization provides greater cooperation between departments and provides Boards of Directors with additional insight into organizational performance via interactive dashboards and automated reporting systems [22]. Governance, Risk, and Compliance (GRC) software offers organizations the ability to continuously monitor regulatory requirements; discover gaps in compliance; and report regulatory deficiencies to regulatory bodies [23].

Portals; Integrated Reporting Systems; Digital Investor Communication Platforms; Mobile Banking Applications; and other digital tools make it possible for stakeholders to gain quick access to current information about an organization's financial condition; governance policies; sustainability initiatives; and regulatory compliance status. Automation and Decision-Making Governance is becoming one of the most critical areas for application of automation in digital banking; because it can bring increased efficiency, consistency and accuracy to decision making in all parts of a bank's operations. Banks have been applying Robotic Process Automation (RPA) artificial intelligence (AI) and machine learning (ML) to automate their repetitive operational tasks; including customer identification and verification, transaction monitoring, loan processing, regulatory reporting, fraud detection and the preparation of compliance documents. The use of RPA AI and ML will continue to grow in banks as they seek to eliminate manual errors, provide quicker services to customers and increase the overall efficiency of their governance functions [18]. The increasing use of big-data analytics in combination with predictive models using AI will assist senior managers and members of boards of directors identify trends in large amounts of financial data which would not be apparent to them using traditional analytical techniques. Governance in banks will benefit greatly from the ability to analyze vast amounts of financial data. It will enable boards of directors make informed decisions based on objective data rather than relying solely on intuition. In addition to enabling boards to make better-informed decisions, predictive models using AI will allow banks to forecast future trends related to credit risk, liquidity requirements, potential investments and customer preferences. This will allow banks to proactively manage changes in their financial environment that could affect their success [19].

In addition to providing governance with better information upon which to base their decisions, automation will also help banks continuously monitor

their internal controls and external exposures. Real time alert systems generated by automated monitoring systems will notify bankers when suspicious activity occurs that could indicate fraud or a cyber-attack. Alerts will also be generated when a bank fails to comply with regulatory requirements or experiences an interruption to its normal business operation. These However, while there are many benefits associated with automating governance activities, organizations should be cautious about over-reliance on automated systems. Biases in AI algorithms result from training those algorithms on incomplete or inaccurate data sets. Therefore, ongoing human oversight of automated lending decisions, customer profiling and fraud detection systems are necessary to ensure fairness, transparency and compliance with ethical standards. To achieve this balance between technology enabled efficiency and human oversight/decision-making, organizations must develop governance structures and policies that reflect both approaches. Specifically, organizations must create governance frameworks that promote the use of technology where possible but do so in conjunction with the oversight and guidance of humans who understand the ethics involved in strategic decisions made on behalf of stakeholders and/or interpret complex legal issues [25].

Ultimately, automation has converted what was traditionally considered an administrative function, namely corporate governance, into a strategic process that utilizes advanced technology. As such, banks that successfully implement both technology-enabled governance processes and appropriate governance policies will enhance their ability to improve operational efficiency, customer satisfaction, regulatory compliance and ultimately their long-term viability in the digital banking environment [20].

Banks experience a wide variety of challenges when transitioning to new digital governance models from their traditional forms. While banks will be able to offer enhanced customer interaction, improved transparency and better operational performance through digital transformation; there is substantial expense associated with implementing digital transformation.[26] Digital transformation also requires banks to undergo organizational changes, adapt to changing regulatory environments and continually innovate in order to successfully implement it. In addition to operating legacy information systems that cannot support modern technology like artificial intelligence, blockchain, cloud computing, etc. Many banks face large-scale cost implications associated with integrating modern technology into their current governance structure. These costs can result in system migration issues and business disruption [27].

Another major issue that exists is the lack of digital competency amongst bank board members and executive officers. Boards of Directors now need to have a basic understanding of cybersecurity, digital risk management, AI, Data Governance and Technology Ethics.[28]

Unfortunately, many bank boards are still comprised of individuals who possess strong financial and legal backgrounds but no technical background. As a result, alerts will provide bankers with the opportunity to take immediate corrective actions to minimize financial loss and protect the reputation of the organization. Additionally, automated processes can standardize the way governance policies are implemented at different locations within a bank, thus promoting greater accountability throughout the institution [23].

the Board has difficulty supervising digital transformation projects, evaluating the financial viability of technology related investments and responding to emerging cyber threats. Therefore, continued board education and including technology experts as part of the Board has become a critical component of all forms of modern corporate governance [29].

Lastly, regulatory uncertainty adds another layer of complexity to transforming governance models. Bank boards must navigate multiple layers of legislation that governs digital payment, cybersecurity, AML/CTF (anti money laundering/countering terrorist financing), Consumer Protection, Cross-Border Transactions, etc. Due to the frequent amendments made to this legislation banks must develop governance systems that can quickly adapt to regulatory changes. Additionally, as banks rely heavily on Fintech companies, Cloud Service Providers and Outsource Technology Vendors they introduce additional governance risks surrounding third party accountability, contractually obligated services, operational resiliency [30,31].

The level of success in transforming a banks governance model is directly influenced by its organizational culture. Employees may be resistant to automation as a result of fears of losing jobs or having to adapt to new roles. Management may also be hesitant to convert established governance practices using technology driven solutions as a result of uncertainty as to how well the solution will perform. Ultimately the success of digital governance is dependent upon effective change management strategies, ongoing employee training programs, open communications channels and clear leadership commitments. Organizations that establish an innovative corporate culture are more likely to achieve long term sustainability within their digital transformations and maintain governance effectiveness [32].

Cyber Security Risks and Data Privacy Concerns

The need for good corporate governance is being driven by the growing threat of cybercrime due to the shift towards digital banking. Banking now relies heavily on various information systems (such as cloud computing), mobile apps, artificial intelligence, and Internet based financial services. These systems create vast amounts of personally identifiable data and other sensitive customer information. The reliance on modern technology creates opportunities for both greater service delivery and operational efficiency, however it also exposes organizations to increasingly sophisticated cyber threats that can be used to disrupt their ability to do business, and ultimately damage the reputation of a bank.

Thus, good corporate governance will require a board of directors to incorporate cyber security into their

enterprise-wide risk management framework and to ensure that all of its business activities meet all applicable laws, regulation, and industry guidelines related to cyber security.

Cyber Security & Data Privacy Challenges in Digital Banking:

There are several significant cyber security and data privacy challenges that are impacting how corporations are governed when providing digital banking. Some of the key challenges include:

Data breaches and Identity theft: Banks provide an immense amount of personally identifiable data about each of its customers. This includes, but is not limited to: identification documentation; transaction history; biometric information; and login credentials. If this data falls into the wrong hands, there exists the potential for identity theft, financial fraud, and fines from regulators. In order to prevent data breaches from occurring, a corporation must implement robust encryption methods; multi-factor authentication methods; access control measures; and ongoing monitoring.

Insider threats/Human error: Not all cyber threats come from outside of an organization. A bank's employees; independent contractors; and third-party vendors could either intentionally or inadvertently place a bank at-risk for data breaches and cyber security problems by failing to follow established procedures, using weak passwords; sharing confidential information with others; or misusing access privileges granted to them. Good corporate governance will help mitigate against such risks by implementing programs designed to raise employee awareness of proper behaviors; promoting ethical behavior; performing periodic access audits; separating responsibilities within different departments; and educating employees about cyber security.

Third-party/Cloud computing risks: Due to the increased use of digital banking, many banks now find themselves reliant upon fintech firms; cloud computing service providers; payment processors; and technology outsourcing vendors. Collaborations with these entities offer a bank the opportunity to enhance efficiencies; increase innovation; and expand product offerings. Unfortunately, working with third parties increases the number of potential vulnerabilities for banks to encounter. Potential vulnerabilities include the security posture of third-party vendors; the ability of vendors to hold banks accountable in terms of meeting certain contractual obligations; the ability of banks to maintain uninterrupted service from third party vendors; and compliance with applicable regulatory requirements. In order for a bank to effectively manage the associated risks of working with third parties, it needs to implement comprehensive third-party risk management structures that include assessing vendors' overall risk profiles; auditing vendors' security postures; establishing contractual protections for banks in case vendors fail to deliver contracted-for services; and monitoring vendors' continued performance after signing agreements with banks.

Data privacy/AI/Ethics: AI/big data enables banks to personalize banking products/services and make better decisions regarding lending/cash flow/banking

Ransomware/Malware: Ransomware/malware has become a significant concern for corporations using online banking systems. Financial institutions present a target rich environment for hackers because the information contained within a bank's computer systems represents a high-value target. As a result, banks represent a particularly valuable target for hackers who wish to encrypt banking systems or disrupt payments processing until a ransom demand is paid. When either of these types of events occur, it causes disruptions to the business processes of a corporation, and creates doubts amongst a corporation's customers whether a bank is able to protect them. To avoid such disruptions from occurring in the future, a bank must develop plans for disaster recovery; regularly back up its systems; install endpoint protection software; perform penetration testing; and prepare itself with incident response strategies so that it can quickly respond to a breach event.

services utilizing large amounts of customer information. Unfortunately, collecting too much data; creating biases in algorithms used to analyze customer data; creating customer profiles without explicit customer consent; etc., can lead to violations of customer privacy rights and/or violation of applicable laws/regulations. Thus, corporations must develop policies regarding how data will be collected/governed and utilized within banks. Corporations must also establish ethics-based frameworks for AI development/deployment. Lastly, corporations must demonstrate accountability/responsibility for how AI/big data tools are deployed throughout their organizations.

In conclusion, managing cyber-resilience has evolved into a strategic imperative for corporations rather than simply an IT issue. Only those organizations which successfully embed cyber-resilience into their corporate governance models will be successful in protecting their customers, complying with regulatory obligations, and maintaining public trust in today's rapidly expanding digital financial ecosystem.

Legal/Regulatory challenges in digital economy: The emergence of digital banking has resulted in a myriad of regulatory complexities that continue to evolve as technology evolves. Most banking laws were written primarily for traditional banking operations. Many existing banking laws lack sufficient specificity regarding new technologies such as blockchain technology; artificial intelligence (AI); digital ID systems; decentralized finance (DeFi) systems; etc.; and cloud-based financial services. As a result, corporate governance must navigate an ever-changing regulatory landscape consisting of repeated changes to existing law and increasing levels of regulatory expectation.

Banks operating globally must comply with varying laws across jurisdictions regarding data residency (data localization); privacy/data protection regulations; electronic signature laws; consumer rights regulations; reporting cyber security incidents; tax laws; and transnational/inter-jurisdictional financial transactions.

Each jurisdiction presents unique regulatory challenges that contribute to the operational complexity and cost associated with compliance. As such, organizations must establish distinct compliance teams whose role is The increased utilization of AI raises additional regulatory issues regarding accountability/liability/explainability. For example, automated lending decisions, automated fraud detection systems, and automated customer profiling systems must adhere to fair treatment/non-discriminatory treatment/transparency principles. Blockchain technology also creates unsettled legal issues surrounding smart contracts/digital property/jurisdiction/ taxation/lawful recognition of decentralized transactions. Thus, effective corporate governance requires organizations to marry innovative technologies with legal knowledge in order to reduce uncertainty and exposure to litigation arising from regulatory ambiguity.

Increased cooperation between international regulators is required because cybercrime/ financial crimes/digital money laundering frequently span across national borders. Global standard setting in the area of regulation would promote global financial stability, facilitate safe cross border digital banking, and reinforce efforts to combat cybercrime/financial crimes/digital money laundering. As such, effective corporate governance requires organizations not only to be compliant with existing regulatory regimes, but also to proactively engage in regulatory evolution/international best practice.

Conclusion

Digital transformation has profoundly altered how corporate governance operates in the banking industry by embedding advanced technologies in all areas of strategic decision-making (risk management, regulatory compliance, and stakeholder relations). Banks can offer their customers more efficient, more transparent, more accountable, and more rapid service than before using technologies including but limited to; artificial intelligence, big data analytics, blockchain, cloud computing, and automation. In addition to enhancing transparency and accountability in governance, digital technologies enable banks to monitor operations in real time, assess potential risks proactively and make use of more efficient compliance processes, which enables governance to become more responsive to events and driven by data. The benefits of digital banking do however create many new challenges for governance. The threats presented from cybercrime and breaches of personal information regarding customers' accounts and transactions; changes to regulations; technical complexities and employees' or stakeholders' reluctance to adopt new technologies — are examples of new challenges created for governance due to digital banking. For this reason, it is necessary for financial institutions to develop an adaptable framework of governance based on resiliency. Corporate governance should thus go beyond providing oversight over financial affairs, it to monitor changes to laws and regulations and apply these changes consistently throughout an organization's business units.

should also focus on managing digital risk; ethics governing the use of technology; management of data; and ongoing identification of emerging risks associated with technological advancements. There are three key elements that are necessary for building stakeholder's faith and preserving institutional stability in digital banking: creating effective internal control measures; developing robust cybersecurity policies and meeting national and international regulatory standards. Effective leadership plays a critical role in guiding the process of digital transformation within an institution. Board members of directors, as well as senior managers at financial institutions must acquire sufficient knowledge and competences relative to digitalization so they may effectively direct the development of technological innovations while ensuring decisions made by employees are ethically-based; promote transparency and accountability. To ensure that their organization adapts to rapidly changing technological and regulatory landscapes, institutions must invest in employee education/training (digital literacy) and continuous organizational learning. Collaboration among banks, fintech firms, technology developers, regulators and other relevant bodies will foster innovative developments in the area of digital banking while reinforcing good governance practices and financial stability.

To conclude, the continued evolution of digital banking will depend on the ability of financial institutions to find a balance between innovation (technological) and responsible governance. Institutions that effectively incorporate leading-edge technologies with robust governance structures/standards; effective leadership; cybersecurity capabilities; and regulatory compliance will be best-positioned to build trust with their customers; increase operational efficiencies; and sustainably grow their business.

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Voicing The Subaltern: Gender, Agency, And Resistance in Pearl Cleage's Flyin' West and Suzan-Lori Parks's Venus

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Abstract

African American women's drama has consistently challenged literary and theatrical traditions that have marginalized Black women's experiences, bodies, histories, and voices. Pearl Cleage's Flyin' West *(1992) and Suzan-Lori Parks's* Venus *(1996) offer particularly productive sites for examining the relationship between subalternity, gender, agency, and resistance. Although the two plays emerge from different historical contexts, both interrogate the structures through which Black women are positioned, represented, controlled, and remembered. This paper presents a conceptual and critical comparative reading of the two plays through Gayatri Chakravorty Spivak's theorization of subalternity, Kimberlé Crenshaw's intersectionality, Patricia Hill Collins's Black Feminist Thought, and bell hooks's critique of racialized and gendered power. It argues that "voicing the subaltern" should not be understood simply as giving speech to a previously silent subject. Rather, it involves examining the structures that determine who can speak, whose speech becomes intelligible, who controls representation, and how marginalized women negotiate those structures. In* Flyin' West*, Black women construct community, mobility, self-determination, and collective resistance against racial and patriarchal violence. In* Venus*, Parks exposes the violent relationship between spectacle, colonial knowledge, racialized desire, and the Black female body. Read together, the plays reveal a movement from imposed representation toward contested self-definition. The study proposes that African American women's drama does not merely recover marginalized voices; it critically interrogates the politics of representation itself.*

Keywords: *Subalternity; African American Women's Drama; Gender; Agency; Resistance; Self-Representation; Intersectionality; Black Feminism; Pearl Cleage; Suzan-Lori Parks.*

Introduction

The history of African American women's writing is inseparable from the struggle over who has the authority to speak, represent, remember, and define Black womanhood. Black women have frequently been positioned at the intersection of racial domination and patriarchal power, while their experiences have also been filtered through cultural institutions that determine which voices become visible and which remain unheard. Theatre intensifies this problem because representation occurs not only through language but also through bodies, performance, spectatorship, space, costume, gesture, and institutional control. African American women playwrights consequently use the stage as both a site of representation and a site of contestation. Pearl Cleage's *Flyin' West* and Suzan-Lori Parks's *Venus* are particularly valuable for such an inquiry. *Flyin' West*, first produced in 1992 and published by Dramatists Play Service in 1995, centres on Black women who establish lives in Nicodemus, Kansas, during the late nineteenth century. The play connects migration, land, racism, domestic violence, sisterhood, and self-determination. Scholarship has already identified its concern with Black women's identity, migration, violence, and collective empowerment (Fadhil; Turner). Parks's *Venus*, first staged in New York in 1996 and published by Theatre Communications Group in 1997, revisits the history of Saartjie Baartman, the South African woman exhibited in nineteenth-century Europe as the "Hottentot Venus." The play confronts the historical transformation of a Black woman into a spectacle, commodity, scientific object, and racialized sexual image. Contemporary scholarship has consequently examined *Venus* through questions of embodiment, colonialism, theatrical representation, historical memory, and the politics of the Black female body (Mihaylova; Keizer; Derbew; Lyu and Zhang).

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The present study brings these plays together through the concept of voicing the subaltern. The phrase requires theoretical caution. Spivak's influential intervention in "Can the Subaltern Speak?" does not simply claim that oppressed people possess no voice. Her concern is with the structures of representation through which marginalized subjects become mediated, interpreted, translated, or spoken for within dominant systems of knowledge (271–313). This distinction is crucial for reading Cleage and Parks. The question is not merely whether Black women speak in these plays. They clearly do. The more difficult question is: under what conditions can their speech become self-representation rather than another form of representation imposed upon them? This paper therefore argues that *Flyin' West* and *Venus* dramatize two related but distinct struggles over Black women's representational agency. Cleage foregrounds women who actively construct spaces of belonging and collective protection, while Parks exposes the historical mechanisms through which the Black female body is made available for public consumption and interpretation. Together, the plays reveal that resistance involves not only speaking but also challenging the structures that determine the meaning of speech, identity, body, history, and memory.

Review of Literature

Scholarship on contemporary African American women playwrights establishes that Black women's theatre has developed as an important arena for confronting racial and gender hierarchies. Philip C. Kolin's *Contemporary* African American Women Playwrights: A Casebook places playwrights including Pearl Cleage and Suzan-Lori Parks within a larger tradition of African American women's dramatic writing concerned with Black history, identity, gender, and theatrical form. The collection explicitly addresses the ways these dramatists challenge racial and gender hierarchies through diverse theatrical practices. Critical work on *Flyin' West* has largely emphasized migration, identity, racism, domestic violence, sisterhood, and women's self-determination. Fadhil's study reads the movement from the South to the West as a search for identity and freedom, emphasizing the relationship between migration and Black women's self-definition. Turner situates Cleage within an African American feminist/womanist dramatic tradition, while more recent scholarship has examined violence, spatiality, geography, and transgression in the play (Turner; Čirić-Fazlija; Shih).

Scholarship on *Venus* has developed along somewhat different lines. Critics have been particularly interested in the politics of representing Sarah Baartman and the difficulty of staging the racialized female body. Mihaylova identifies the play's challenge to conventional theatrical approaches to the racial Other, while Keizer examines the problem of embodiment and the danger of transforming Baartman into an abstract cultural symbol. Derbew further considers Parks's dramatization as a struggle over historical and cultural memory, arguing that the play forces audiences to confront their participation in processes of objectification. Lyu and Zhang approach *Venus* through theatrical space and historical reconstruction, showing how Parks uses dramatic form to revisit neglected histories. The existing scholarship therefore provides substantial groundwork, but a comparative reading of *Flyin' West* and *Venus* through the combined concepts of subalternity, agency, and resistance remains productive. The central contribution of the present paper is to shift the question from "Who is marginalized?" to "How is marginalization represented, negotiated, and resisted?" Such a shift makes it possible to read voice not as a simple possession but as a contested political and theatrical practice.

Theoretical Framework: From Subalternity to Agency

The principal theoretical foundation of this paper is Gayatri Chakravorty Spivak's concept of the subaltern. In "*Can the Subaltern Speak?*", Spivak challenges the assumption that intellectuals can simply recover an authentic voice from oppressed groups by representing them. Her argument directs attention toward the structures of discourse and power that mediate the subject's ability to become heard. The issue is therefore not biological or psychological silence but the political conditions under which speech acquires authority. This distinction is particularly important for African American women's drama. Black women have historically spoken, written, organized, resisted, and produced knowledge; yet their speech has repeatedly been reframed through dominant racial, patriarchal, colonial, and cultural systems. "Voicing the subaltern," therefore, should not mean claiming to speak *for* Black women. In the present analysis, it means examining how dramatic texts expose the mechanisms that attempt to control Black women's speech and how female characters negotiate, contest, or transform those mechanisms. Crenshaw's theory of intersectionality strengthens this approach by demonstrating that race and gender cannot always be treated as separate categories of oppression. Black women encounter forms of discrimination produced through their simultaneous positioning within racial and gender hierarchies (Crenshaw 1241–99). In *Flyin' West*, racial violence and patriarchal violence are deeply connected. In *Venus*, racialized and gendered meanings converge in the construction of Baartman's body as spectacle. Patricia Hill Collins's Black Feminist Thought further emphasizes self-definition, lived experience, knowledge production, and resistance to controlling images. Black women's experiences are not simply evidence of oppression; they can become sources of alternative knowledge and collective consciousness (Collins). This principle is particularly useful for reading Cleage's women, whose community and shared memory enable them to construct identities beyond dominant stereotypes. bell hooks extend this perspective by insisting that feminist analysis must confront the combined effects of race, gender, and class rather than privileging the experience of one social group (hooks). Her work also emphasizes the political significance of voice, resistance, and the movement from marginality toward transformative agency.

Taken together, these theories produce a useful conceptual sequence:

subalternity → representation → voice → agency → resistance.

The sequence does not suggest that marginalized women simply move from silence to speech. Instead, it recognizes that voice becomes politically meaningful when women challenge the structures that regulate representation and claim authority over the meanings attached to their bodies, histories, identities, and communities. Voicing the Subaltern in *Flyin' West*

Pearl Cleage's *Flyin' West* constructs a dramatic world in which Black women refuse to accept racial and patriarchal domination as the permanent conditions of their existence. Sophie, Fannie, Minnie, and Miss Leah have moved to Nicodemus, Kansas, seeking a space in which Black life can be imagined beyond the immediate control of the racial order they have left behind. Migration in the play is therefore more than geographical movement. It becomes an attempt to create a different relationship between land, identity, community, and freedom. Sophie is particularly significant because her vision of community exceeds individual escape. Her aspirations for educational and cultural development suggest that freedom must become collective rather than merely personal. She does not understand liberation as the ability of one woman to survive independently; she imagines a community in which Black people can establish institutions and determine their own futures. Her agency consequently has a social dimension. This dimension complicates a simplistic understanding of the subaltern as a permanently silenced subject. Cleage's women speak extensively, make decisions, form alliances, interpret their own histories, and intervene in one another's lives. Their voices become forms of knowledge. Miss Leah's memory of slavery, Sophie's commitment to community-building, and the sisters' collective negotiations over Minnie's abusive marriage demonstrate that experience itself becomes a source of authority. The play's treatment of Minnie's marriage is especially important. Frank's violence exposes the persistence of patriarchal domination even within a Black community seeking freedom from white racial oppression. Cleage therefore refuses to present racial liberation as automatically producing gender liberation. The Black female subject remains vulnerable to multiple and overlapping forms of power. This is precisely where Crenshaw's intersectional framework becomes useful. Yet the women do not accept Minnie's suffering as an exclusively private matter. The violence becomes a collective concern. Their response transforms domestic space into a political space in which questions of safety, dignity, sisterhood, and responsibility are negotiated. Resistance consequently becomes communal. The women's agency is not represented through isolated individual heroism but through their capacity to protect one another and to make collective decisions. Recent criticism confirms the importance of these dimensions. Fadhil identifies migration and self-determination as central to the play, while Čirić-Fazlija emphasizes systemic racial and gender-based violence. A recent study by Shih further places *Flyin' West* within Cleage's larger interest in spatial boundaries and Black geography. From the perspective of subalternity, however, Cleage's achievement goes beyond depicting oppression. She constructs a dramatic environment in which Black women become interpreters of their own circumstances. The women do not merely receive an identity from the outside world; they negotiate identity through memory, movement, community, and resistance. Their speech is therefore inseparable from the creation of alternative social spaces. The Racialized Body and the Politics of Representation in *Venus* If *Flyin' West* concentrates on Black women creating spaces in which they can define themselves, Suzan-Lori Parks's *Venus* confronts the historical violence of defining a Black woman through the gaze of others. Based on the life and exhibition of Saartjie Baartman, the play reconstructs a history in which a Black female body becomes a commercial spectacle, a scientific curiosity, and an object of European desire. The significance of Parks's intervention lies in the instability of representation itself. Baartman is not simply oppressed because she is Black and female; her body becomes meaningful within a network of commercial, colonial, scientific, sexual, and theatrical practices. The "Venus" identity imposed upon her transforms an individual woman into a cultural object. Her body is separated from her personhood and circulated as spectacle.

This is where Spivak's concern with representation becomes especially productive. The problem is not simply that Baartman is prevented from speaking. The deeper problem is that the dominant culture possesses powerful mechanisms for determining what her body means. Even when she participates in the spectacle, the conditions surrounding that participation remain shaped by unequal power. Parks complicates the issue further by refusing to offer a straightforward victim narrative. Baartman's actions, desires, negotiations, and attempts at self-determination prevent her from becoming merely a symbolic victim. This complexity is crucial. If the subaltern woman is represented only as powerless, representation may reproduce the very structure it claims to challenge. Parks instead creates a character whose agency exists within severe constraints. Mihaylova's analysis of *Venus* emphasizes precisely this difficulty: the play unsettles conventional approaches to the racialized body and challenges audiences to consider how theatre itself participates in processes of representation. Keizer similarly warns against reducing Baartman to an abstract symbol detached from her historical specificity. Derbew's reading further suggests that Parks makes audiences confront their own relationship to the objectification of the Black female body. Parks's dramatic form reinforces this argument. The play does not present history as a transparent record. Its theatrical devices, shifts in perspective, repetitions, and reconstructed historical fragments expose the instability of historical knowledge. Lyu and Zhang's study of theatrical space demonstrates how Parks uses dramatic form to revisit

neglected histories and create a dialogue between remembered and forgotten pasts. Thus, *Venus* asks a difficult question: Can a historically silenced woman be represented without reproducing the violence of representation? Parks does not provide a simple answer. Instead, she makes the problem visible. The act of theatrical reconstruction becomes simultaneously an act of recovery and a reminder of the limits of recovery. Comparative Discussion: Agency, Resistance, and Self-Representation Reading *Flyin' West* and *Venus* together reveals two different but connected dimensions of subaltern representation. Cleage emphasizes the creation of spaces in which Black women can exercise collective agency; Parks interrogates the historical structures through which the Black female body has been transformed into an object of knowledge and spectacle. The contrast can be understood through the relationship between space and body. In *Flyin' West*, women attempt to control the spaces in which they live. Land becomes connected to freedom, belonging, memory, and community. In *Venus*, by contrast, Baartman's body is the primary contested space. Others claim the right to display, classify, interpret, and possess it. Cleage therefore dramatizes the struggle to establish a space of self-definition, while Parks dramatizes the struggle to reclaim meaning from an externally defined body. The plays also present different forms of agency. Sophie and the women of Nicodemus exercise agency through community-building and collective decision-making. Their resistance is relational. Baartman's agency in *Venus* is more precarious because the structures surrounding her are designed to convert even her participation into spectacle. Yet Parks's refusal to reduce her to helplessness becomes itself a form of representational resistance. The comparison also complicates the notion of "voice." In *Flyin' West*, voice emerges through dialogue, memory, storytelling, and collective deliberation. In *Venus*, voice is inseparable from the politics of looking. The question is not merely whether Baartman speaks but whether speech can overcome a cultural system that has already assigned meaning to her body. This distinction provides an important extension of Spivak. The two plays suggest that the subaltern problem is not solved simply by placing a marginalized woman at the centre of a narrative. The politics of authorship, spectatorship, theatrical form, historical memory, and cultural interpretation remain active. Representation can become emancipatory only when it exposes its own structures of power. At the same time, the plays resist the idea that marginalized women possess agency only when they completely escape oppressive systems. Their agency is negotiated within constraint. Cleage's women remain within a society marked by racism and patriarchy; Baartman remains within exploitative structures that she cannot simply exit. Resistance therefore appears as a process rather than a final state. This is where Black feminist thought becomes especially valuable. Collins's emphasis on self-definition and hooks's insistence on confronting interconnected structures of domination enable us to recognize forms of resistance that are sometimes overlooked. Survival, community-building, memory, refusal, negotiation, and the struggle over representation can all become politically significant. The comparative value of the two plays therefore lies in their movement from being represented to contesting representation. *Flyin' West* imagines Black women building social and cultural spaces in which their lives can be narrated from within. *Venus* exposes the historical violence that occurs when others claim the authority to define the Black female body. Together, they demonstrate that self-representation requires not only speech but also control over the conditions through which speech, identity, and history acquire meaning.

Conclusion

Pearl Cleage's *Flyin' West* and Suzan-Lori Parks's *Venus* offer powerful and markedly different approaches to the problem of the marginalized Black female subject. Cleage emphasizes collective self-determination, community, migration, memory, and resistance to racial and patriarchal violence. Parks turns toward the historical politics of spectacle, colonial knowledge, sexualized looking, and the objectification of the Black female body. Despite their differences, both plays challenge the structures through which Black women have been positioned as objects rather than subjects of history. The concept of voicing the subaltern provides a productive way of bringing these dramatic projects together, provided that "voice" is understood critically. The issue is not that Black women have historically lacked speech or agency. Rather, dominant systems have repeatedly determined whose speech is recognized, whose knowledge counts, and whose body can be represented by others. Spivak's intervention therefore remains essential: the politics of representation must be examined alongside the politics of speaking. The two plays demonstrate that resistance can take multiple forms. In *Flyin' West*, it appears through collective action, migration, community formation, self-definition, and protection from gendered violence. In *Venus*, it appears through the disruption of historical narratives and the exposure of the mechanisms that transform a Black woman into an object of spectacle. Their protagonists are neither passive victims nor uncomplicated heroic figures. Their agency emerges within constraint. The central argument of this paper is consequently that African American women's drama does more than "give voice" to marginalized women. It questions the very structures through which voice is authorized, interpreted, remembered, and circulated. Cleage and Parks turn theatre into a contested space of representation in which Black women negotiate the meanings imposed upon them and create possibilities for self-definition. In this sense, voicing the subaltern is best understood not as speaking on behalf of the marginalized but as creating critical conditions in which the structures of silencing and representation can themselves be seen and challenged. *Flyin' West* and *Venus* demonstrate the continuing power of African American women's drama to transform marginalized experience into an active discourse of agency, resistance, memory, and self-representation.

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Human Dignity Beyond Death: Reimagining the Legal Rights of the Deceased in the Twenty-First Century

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Abstract
Death ordinarily terminates legal personality, yet modern legal systems repeatedly protect interests that remain intelligible only by reference to the deceased. The law regulates the custody and disposal of human remains, honours funeral wishes, preserves reputation and creative attribution, controls organ and tissue use, and increasingly confronts digital accounts and artificial-intelligence replicas. This article argues that these protections should not be forced into the fiction that the dead remain full legal persons. Nor should they be reduced entirely to the grief or property interests of survivors. A more coherent account recognises posthumous dignity as a bounded legal interest: grounded in the ante-mortem autonomy and social identity of the deceased, administered by living representatives, and limited by the rights of relatives, free expression, public health, criminal justice, historical inquiry and medical necessity. Using doctrinal, comparative and interdisciplinary methods, the article examines Indian constitutional jurisprudence alongside French legislation, the law of England and Wales, European human-rights decisions, international humanitarian standards and selected United States publicity statutes. It finds that India has developed a strong constitutional vocabulary of dignified treatment and decent burial under Article 21, but relies on a fragmented set of criminals, transplant, procedural and data rules. The fragmentation becomes acute when identity survives as data capable of being searched, monetised and used to generate convincing synthetic performances. The article therefore proposes a Posthumous Dignity and Interests Act built around five protected domains: bodily integrity; funerary autonomy; identity and reputation; data and digital persona; and equality in death administration. The model gives priority to recorded wishes, creates a representative with fiduciary duties, imposes provenance and consent rules on AI replicas, and preserves proportionate exceptions. The central claim is modest but consequential: death should narrow rights, not erase the legally protected significance of the person who lived.

Keywords: *posthumous dignity; deceased persons; Article 21; human remains; post-mortem privacy; digital legacy; AI replicas; comparative law*

Introduction

The proposition that a dead person has rights appears, at first, to contain a category error. Rights are normally held by legal persons capable of interests, choices and remedies; death ends that capacity. Yet the law does not treat a corpse as ordinary waste, a grave as vacant land, a final instruction as mere sentiment, or a forged digital performance as normatively neutral. Across doctrinal fields, legal rules continue to organise conduct around the identity, wishes and social meaning of someone who no longer exists as a living subject. Smolensky describes this pattern as a collection of legal protections conventionally spoken of as the 'rights of the dead', even though many are implemented through duties imposed on the living.[1] The vocabulary is imperfect, but the protected interests are real. The twenty-first century has widened the problem. Hospitals and forensic institutions hold bodies, tissues, DNA and medical information; platforms retain intimate communications; algorithms can simulate a deceased person's face, voice and conversational manner; and commercial actors can convert reputation into a durable revenue stream. These developments expose a weakness in legal systems organised around a sharp living/dead divide. The binary remains necessary for legal personality, but it is insufficient for regulation.

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[1]Kirsten Rabe Smolensky, 'Rights of the Dead' (2009) 37 Hofstra Law Review 763, 764-70.

The central question is not whether a corpse can sue. It is whether law should recognise a limited set of posthumous interests and identify who may enforce them, against whom, for how long and subject to which exceptions. India provides a striking foundation for that inquiry. Its Supreme Court has stated that dignity and fair treatment under Article 21 extend to the body after death and that family members possess a related interest in performing last rites.[2] But constitutional recognition has not produced a comprehensive statutory scheme. The result is protection by fragments: a penal offence for indignity to a corpse, procedural power to disinter, transplant rules governing organs and tissues, judicial directions for decent burial, and a data statute whose post-death nomination provision is not yet operational. This article uses that gap to develop a principled and administrable model.

Research Objectives

The article has four objectives. First, it clarifies the conceptual basis of protection after death without extending full legal personality beyond life. Secondly, it evaluates the coherence of India's constitutional, criminal, procedural, biomedical and data rules. Thirdly, it draws functional lessons from France, England and Wales, European human-rights law, international standards and selected United States statutes. Finally, it proposes a legislative architecture capable of addressing both physical remains and digital personae while preserving legitimate public interests.

Research Questions

The inquiry asks: what survives death as a legally cognisable interest; whether posthumous protection should be framed as a right of the deceased, a right of survivors, or a duty attached to human remains and identity; how India's existing law allocates control and remedies; which comparative mechanisms are transferable; and how consent, provenance, duration and exceptions should operate when AI systems generate a synthetic likeness or voice of a deceased person.

Hypothesis

The hypothesis is that a bounded, interest-based model is more coherent than either of the dominant extremes. It avoids the metaphysical fiction of perpetual personhood, but also rejects the claim that all post-death protection is merely derivative of relatives' feelings or property. Ante-mortem autonomy, the integrity of the embodied person, public commitments to equal respect, and the reliability of social memory can together justify duties that survive the right-holder's death and are enforced by designated living actors.

Research Methodology

This is primarily doctrinal and comparative research, supplemented by normative and interdisciplinary analysis. It reads constitutional decisions, statutes, treaties and official reports according to their institutional context and compares legal functions rather than isolated terminology. India is the focal jurisdiction. France supplies an express dignity norm and a post-mortem data-directive model; England and Wales illustrate consent-based tissue regulation and the common-law difficulty of classifying remains; European human-rights decisions show relational protection through the family; and selected American statutes demonstrate transferable, time-limited controls over commercial identity and digital replicas. The analysis is current to 7 July 2026.

Literature Review

The literature divides into three useful strands. The first maps the doctrinal puzzle. Smolensky shows that survival rules, testamentary freedom and posthumous publicity protections cannot be explained solely as rights of survivors; cultural commitments to honouring the dead also shape legal design.[3] Conway's systematic treatment of disposal, funeral disputes, organ use and exhumation demonstrates that the law of the dead is less a discrete field than a set of overlapping public and private regimes.[4] This fragmentation is not simply taxonomic: it determines standing, remedies and whose preferences prevail.

The second strand examines bodies and property. The common-law maxim that there is no property in a corpse is qualified when lawful work or skill gives preserved remains attributes different from an unburied body. *Doodeward v Spence* and *R v Kelly* reveal the practical appeal of property language, but also its moral danger: classifying remains as property can enable possession and remedies while obscuring dignity and consent.[5] The better approach treats property as an instrument for custody, not as the source of human worth.

The third strand addresses digital persistence. Harbinja grounds post-mortem privacy in autonomy and argues that online identity requires mechanisms analogous to testamentary control.[6] More recent work on digital clones identifies potential uses in bereavement care but stresses consent, psychological risk and regulatory oversight.[7] Together, these accounts support a layered model: moral status supplies the reason for protection; institutional rules allocate authority; and technology-specific duties govern scale, deception and commercial exploitation. The unresolved question is how to

[2]Mohammad Latief Magrey v Union Territory of Jammu and Kashmir 2022 SCC OnLine SC 1203 [54]-[57].

[3]Smolensky (n 1) 784-91.

[4]Heather Conway, The Law and the Dead (Routledge 2016) 1-14, 223-33.

[5]Doodeward v Spence (1908) 6 CLR 406, 414; [1908] HCA 45; R v Kelly [1999] QB 621 (CA).

[6]Edina Harbinja, 'Post-Mortem Privacy 2.0: Theory, Law, and Technology' (2017) 31(1) International Review of Law, Computers & Technology 26, 27-42, doi:10.1080/13600869.2017.1275116.

[7]Masaki Iwasaki, 'Digital Clones of the Deceased in Mental Health Care: Promises and Perils' (2025) 11 Digital Health, doi:10.1177/20552076251332839.

combine those layers without giving heirs an indefinite power to censor history.

Conceptual Framework: Posthumous Interests Without Perpetual Personhood

A coherent framework begins by separating the holder, object and enforcer of a legal interest. During life, an individual holds rights over body, privacy, identity and reputation. At death, ordinary legal personality ends, but some protected objects persist: remains, ashes, genetic material, confidential records, authored works, likeness, voice and recorded instructions. The law may attach continuing duties to those objects without declaring the deceased a complete legal person. A nominated representative, executor, relative, public authority or regulator then enforces the duty. The arrangement resembles other legal structures in which the beneficiary cannot personally act, but it should not be mistaken for ownership of the deceased.

Posthumous dignity has at least four foundations. Ante-mortem autonomy protects choices made while competent, including funeral and data directives. Embodied integrity recognises that the body is the material residue of a person rather than a detachable commodity. Relational dignity protects families and communities whose mourning, identity and cultural practices are directly affected by state or private conduct. Institutional dignity requires public authorities to identify, document and dispose of everybody without discrimination. These grounds may converge, but they are not interchangeable. A family cannot authorise a commercial digital resurrection that contradicts an explicit refusal; conversely, a deceased person's preference may yield when a lawful autopsy is necessary to investigate a death.

This framework also fixes limits. Posthumous interests should be purpose-specific, time-bounded where the interest diminishes, and subject to proportionality. Bodily integrity justifies strong and generally enduring protection of remains and graves. Commercial identity may warrant a defined term. Privacy may weaken when records acquire exceptional historical value. Free expression protects biography, criticism, satire, news and scholarship, but it does not require undisclosed synthetic impersonation or false endorsement. The framework therefore treats dignity as a principle that structures balancing, not as an absolute veto.

Historical Development

Historically, legal concern centred on burial, grave disturbance and the duties of those responsible for disposal. Common-law systems denied property in a corpse while granting executors or relatives a possessory entitlement for burial. Medical science destabilised that settlement by giving tissues research, therapeutic and commercial value. Mass fatality management added identification and record-keeping duties. Digital platforms now produce a further transition: what survives is no longer only a body or estate, but a searchable and reproducible identity. The trajectory is from custody of remains, to consent for bodily use, to governance of persistent personhood-signals. Each stage demands protection against both neglect and appropriation.

The Current Legal Framework in India

Constitutional dignity and equality

Article 21 is the principal constitutional source. In *Pt Parmanand Katara v Union of India*, the Supreme Court held that dignity and fair treatment are not confined to the living but extend to the body after death.[8] *Ashray Adhikar Abhiyan v Union of India* treated the decent burial of homeless and unclaimed persons as a corresponding state obligation.[9] During the COVID-19 emergency, the Court's suo motu proceedings on the dignified handling of dead bodies translated the principle into administrative scrutiny.[10] These authorities matter because they detach dignity from status and wealth: an unidentified or unclaimed body is not outside constitutional concern.

Articles 14 and 25 reinforce the framework. Equality prohibits arbitrary distinctions in the release, identification or disposal of bodies; religious freedom protects funeral observance, subject to public order, health and other constitutional limits. Yet the legal interest is not reducible to religion. Secular choices, including donation, cremation, non-religious ceremony or data deletion, also express autonomy. A future statute should therefore protect religious and non-religious convictions symmetrically and require reasons whenever the State departs from a recorded preference.

Criminal, procedural and biomedical rules

Section 301 of the Bharatiya Nyaya Sanhita 2023 criminalises specified trespass on places of sepulchre, indignity to a human corpse and disturbance of funeral ceremonies when accompanied by the required intent or knowledge.[11] It is an important backstop, but it is reactive and narrow. It does not create affirmative standards for storage, identification, viewing, transport, disclosure of images, or communication with families. Nor does a one-year maximum sentence by itself supply restoration, injunctions or institutional reform.

The Bharatiya Nagarik Suraksha Sanhita 2023 permits a Magistrate, when expedient to discover the cause of death, to order disinterment and examination; relatives should, wherever practicable, be informed and allowed to remain present at the inquiry.[12] This gives investigative necessity priority over repose but leaves broader exhumation disputes largely to judicial development. In *Mohammad Latief Magrey*, the Supreme Court observed that India lacked a general

[8]Pt Parmanand Katara v Union of India (1995) 3 SCC 248, 250.

[9]Ashray Adhikar Abhiyan v Union of India (2002) 2 SCC 27.

[10]In Re: The Proper Treatment of COVID-19 Patients and Dignified Handling of Dead Bodies in the Hospitals etc, Suo Motu WP (C) No 7 of 2020, order dated 19 June 2020 <https://api.sci.gov.in/supremecourt/2020/12672/12672_2020_35_303_22659_Judgement_19-Jun-2020.pdf> accessed 7 July 2026.

[11]Bharatiya Nyaya Sanhita 2023, s 301.

[12]Bharatiya Nagarik Suraksha Sanhita 2023, s 196(4)-(5).

exhumation law and invited legislative consideration.[13] The omission is significant because exhumation implicates evidence, family ritual, public order, grave sanctity and the deceased's wishes at once.

The Transplantation of Human Organs and Tissues Act 1994 is more detailed. It recognises ante-mortem authorisation, permits specified persons lawfully possessing a body to authorise removal when the deceased neither authorised nor objected, and regulates unclaimed bodies and post-mortem cases. [14] Its functional consent architecture is valuable, but it is confined to therapeutic purposes and does not supply a general law of bodily integrity. The use of unclaimed bodies particularly requires procedural vigilance: administrative convenience cannot become a proxy for diminished dignity.

Data and digital identity

The Digital Personal Data Protection Act 2023 contains a promising but incomplete bridge. Section 14 allows a Data Principal to nominate another individual to exercise statutory rights upon the Data Principal's death or incapacity. As of 7 July 2026, however, section 14 is not in force; the notified commencement schedule places sections 7 to 17 eighteen months after 13 November 2025, that is, on 13 May 2027.[15] Even once operational, nomination governs statutory data rights, not necessarily commercial likeness, synthetic voice, private messages involving third parties, intellectual property, or the fiduciary transfer of digital assets. It is a starting point, not a digital-afterlife code.

Comparative Analysis

France: dignity and directives

France offers the clearest legislative statement of principle. Article 16-1-1 of the Civil Code provides that respect owed to the human body does not cease with death and requires remains, including ashes, to be treated with respect, dignity and decency. [16] The provision's strength is its directness: it avoids making protection depend solely on property, family injury or religious classification. French data law adds operational detail. Article 85 of the 1978 Data Protection Act allows individuals to issue general or specific directions concerning the retention, erasure and communication of personal data after death, designate an executor, and, in defined circumstances, enables heirs to act.[17] The combination of principle and machinery is highly transferable to India.

England, Wales and Australia: custody, consent and reform

The Human Tissue Act 2004 for England, Wales and Northern Ireland make 'appropriate consent' central to removal, storage and use for scheduled purposes. For a deceased adult, a valid decision made in life has priority; absent such a decision, authority moves through a nominated representative or qualifying relationship.[18] This hierarchy respects autonomy while ensuring an identifiable decision-maker. By contrast, the common-law property cases show why dignity cannot be left to possession alone. In Australia's *Doodeward v Spence*, lawful work or skill could generate a possessory right in preserved remains; in England's *R v Kelly*, prepared body parts could constitute property for theft.[19] These decisions solve remedial problems, but they do not offer a complete moral or regulatory account.

Current reform in England and Wales confirms the cost of fragmentation. The Law Commission's March 2026 final report described burial law as outdated and piecemeal and recommended more consistent safeguards, record-keeping and exhumation rules.[20] Its June 2026 work on new funerary methods proposed a future-proof framework organised around dignity, environmental protection and public health. [21] The lesson for India is institutional: technology-neutral principles must be paired with licensing, records, inspection and review. Dignity without administration is too easily symbolic.

European human-rights law: relational protection

The European Court of Human Rights often protects the dead indirectly through the private and family life of survivors. In *Petrova v Latvia*, the removal of organs from the applicant's deceased son without adequate opportunity for her to express a view engaged Article 8.[22] In *Elberte v Latvia*, tissue removal from a deceased husband under an insufficiently clear legal regime violated Article 8; the circumstances and the applicant's suffering also produced an Article 3 violation. [23] This relational route is practically powerful, but conceptually incomplete where there is no relative, the relative supports exploitation, or the deceased expressly objected. A sound statute should

[13]Mohammad Latief Magrey (n 2) [56]-[59].

[14]Transplantation of Human Organs and Tissues Act 1994, ss 3-6.

[15]Digital Personal Data Protection Act 2023, ss 2(j), 14. Under Gazette Notification GSR 843(E), 13 November 2025, ss 7-17 commence eighteen months after 13 November 2025. India Code, <https://www.indiacode.nic.in/bitstream/123456789/22037/1/a2023-22.pdf> accessed 7 July 2026.

[16]Code civil (France), art 16-1-1 <https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000019983158> accessed 7 July 2026.

[17]Loi no 78-17 du 6 janvier 1978 relative a l'informatique, aux fichiers et aux libertes, arts 84-85 <https://www.legifrance.gouv.fr/loda/article_lc/LEGIARTI000039280582> accessed 7 July 2026.

[18]Human Tissue Act 2004, ss 1-3 and sch 1.

[19]Doodeward (n 5); R v Kelly (n 5).

[20]Law Commission, Burial and Cremation: Final Report (18 March 2026) <https://lawcom.gov.uk/publication/burial-and-cremation-final-report/> accessed 7 July 2026.

[21]Law Commission, New Funerary Methods: Final Report and Draft Bills (4 June 2026) <https://lawcom.gov.uk/project/new-funerary-methods/> accessed 7 July 2026.

[22]Petrova v Latvia App no 4605/05 (ECtHR, 24 June 2014) [56]-[98].

[23]Elberte v Latvia App no 61243/08 (ECtHR, 13 January 2015) [103]-[117], [140]-[143].

protect both the deceased's recorded autonomy and independently affected survivors.

United States: digital assets and posthumous publicity

American state law demonstrates how time-limited property tools can govern identity. California Civil Code section 3344.1 recognises transferable and descendible rights in a deceased personality's commercially valuable name, voice, signature, photograph and likeness for seventy years; amendments effective in 2025 added liability for unauthorised digital replicas in expressive audiovisual works and sound recordings, subject to exceptions.[24] New York Civil Rights Law section 50-f protects specified deceased personalities and unauthorised digital replicas of deceased performers for forty years, while preserving news, criticism, parody and related expression.[25] These statutes are not universal dignity codes: they favour commercially valuable identities and domiciliary connections. Their useful features are defined duration, registration, consent, remedies and expressive exceptions.

The Revised Uniform Fiduciary Access to Digital Assets Act addresses a different problem: access by fiduciaries to digital property and accounts while restricting access to electronic communications unless the user consented.[26] Separating economic assets from communicative privacy is crucial. An executor may need a domain name or cryptocurrency to administer an estate without acquiring unrestricted authority to publish private correspondence or train a conversational replica on it.

International Perspective

International humanitarian law supplies minimum standards in circumstances where dignity is most vulnerable. Article 17 of the First Geneva Convention requires careful examination to confirm death and establish identity, honourable interment where possible according to the deceased's religion, and respected, maintained and marked graves. [27] Article 34 of Additional Protocol I requires respect for remains and gravesites connected with hostilities and occupation.[28] The customary prohibition on despoliation and the emphasis on identification show that dignity is not merely ceremonial. It includes traceability, records and the possibility of return to families.

The Minnesota Protocol on the Investigation of Potentially Unlawful Death adds a procedural dimension: competent investigation, chain of custody, identification and respectful management of remains protect truth and accountability as well as mourning.[29] These norms help resolve an apparent conflict. Respect for the dead does not entail immediate, unexamined disposal; a careful autopsy or temporary retention may be required to vindicate the deceased's right not to have an unlawful death concealed. Dignity therefore includes evidentiary integrity.

Judicial Developments and Their Limits

Mohammad Latief Magrey v Union Territory of Jammu and Kashmir is India's most developed modern statement. The case arose after the appellant's son was killed in an encounter and buried by authorities. The Court affirmed that a dead person is entitled to respectful and dignified treatment, recognised the family's interest in last rites, and treated disinterment as exceptional because the grave's sanctity and the body's condition mattered. It also accepted that compelling public-order considerations can justify withholding a body and declined exhumation on the facts. [30] The ratio is best understood as structured balancing, not an absolute family entitlement.

The decision also exposes judicial limits. Constitutional adjudication can condemn arbitrary treatment and fashion relief, but it cannot by itself create uniform mortuary records, consent registries, storage standards, digital-replica notices, limitation periods, or a specialised complaints mechanism. Case-by-case balancing is especially fragile for unclaimed bodies and ordinary families who cannot litigate quickly. The next stage must therefore be legislative: converting dignity from a judicial value into ex ante duties, auditable procedures and accessible remedies.

Critical Analysis: The Failures of a Fragmented Model

India's present framework has four structural defects. First, it is object-specific. A body, organ, grave, photograph, medical record and AI-generated voice fall into different legal silos even when the same autonomy interest is engaged. Secondly, it is event-specific: criminal law responds to indignity, transplant law to removal, and procedure to investigation, but no institution sees the whole post-death lifecycle. Thirdly, standing is uncertain. Relatives may enforce their own religious or emotional interests, yet no general representative is charged with carrying out the deceased's recorded choices. Fourthly, remedies are mismatched. Penal sanctions do not restore remains, delete a replica, correct a false provenance label, or require institutional reform.

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[24]California Civil Code, s 3344.1(a), (b), (g) (as amended by AB 1836, effective 1 January 2025) <https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CIV&sectionNum=3344.1> accessed 7 July 2026.

[25]New York Civil Rights Law, s 50-f(1)-(2), (8) <https://www.nysenate.gov/legislation/laws/CVR/50-F> accessed 7 July 2026.

[26]Uniform Law Commission, Revised Uniform Fiduciary Access to Digital Assets Act (2015, with technical amendments) <https://www.uniformlaws.org/viewdocument/final-act-with-comments-40> accessed 7 July 2026.

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[30]Mohammad Latief Magrey (n 2) [54]-[60].

Fragmentation also produces inequality. Identified, connected and affluent persons are more likely to have instructions, advocates and litigation. Unclaimed bodies, migrants, prisoners, disaster victims and socially marginalised persons depend on administrative systems whose failures may never be challenged. A dignity framework worthy of Article 21 must therefore include positive obligations: unique identification where feasible, chain-of-custody records, culturally competent disposal, notification efforts, auditable reasons and minimum waiting periods. Equal dignity is measured most reliably by the treatment of the person whom no one arrives to claim.

Challenges

Implementation presents its own risks. A directive registry must be accessible across languages and to people without reliable internet access, yet protected against identity theft and fraudulent alteration. Health, police, municipal, platform and succession systems will need interoperable but purpose-limited records. Cultural accommodation must not harden communities into stereotypes or allow a family to override the deceased's clear secular or religious choice. Cross-border platforms and deaths abroad complicate jurisdiction, while rapid disposal requirements can compress review. These difficulties favour phased rules, independent audits, emergency procedures with recorded reasons, and a regulator empowered to issue technical standards. They do not justify leaving the field to informal discretion.

Emerging Issues

Artificial Intelligence Implications

Generative AI changes the scale and character of posthumous use. A photograph can be copied; a synthetic persona can speak indefinitely, respond to new events, endorse products and create the appearance of consent. Training material may include private messages, medical data, copyrighted works and the personal data of correspondents. The resulting system is neither the deceased nor a neutral archive. It is a probabilistic performance designed by living actors. Calling it a 'digital resurrection' risks both deception and the appropriation of authority.

The legal harms are distinct. Source-data use may violate confidentiality or third-party privacy. Output may misrepresent the deceased, damage family relationships, generate false endorsement, distort public memory, or target bereaved users through manipulative design. Commercialisation may turn grief into recurring platform dependency. In mental-health contexts, researchers identify potential comfort but also the need for robust consent and oversight.[31] The concept of 'spectral labour' captures a further concern: a deceased performer's persona may continue to generate value without meaningful control over role, context or compensation.[32]

Digital Transformation

A regulatory response should distinguish archives, assistance tools and simulations. Preserving messages or enabling an executor to download files is different from generating novel speech in the deceased's voice. Low-risk memorial functions may proceed under ordinary fiduciary access. Interactive or commercial replicas should require express, specific and revocable ante-mortem consent; absent consent, creation should be prohibited rather than left to a relative's general authority. Every permitted replica should carry persistent machine-readable and human-visible provenance, prohibit political or commercial endorsement unless separately authorised, respect third-party data rights, and include a termination pathway.

Expression requires careful exceptions. Documentary reconstruction, biography, satire, criticism, news and scholarship can legitimately depict the dead without family permission. But exemption should depend on transparency and relevance, not on the mere label 'expressive work'. A synthetic scene presented as reconstruction should be disclosed as such; a false advertisement should not acquire immunity because it is embedded in entertainment. The California and New York models illustrate that consent rules and expressive exceptions can coexist, although an Indian statute should protect ordinary persons as well as celebrities.

Policy Analysis: A Posthumous Dignity and Interests Act

India should enact a framework statute rather than extend legal personality indefinitely. The proposed Posthumous Dignity and Interests Act would state that specified interests survive death for regulatory and remedial purposes, without making the deceased a juristic person or converting remains into ordinary property. It would bind public authorities and private custodians, operate alongside criminal procedure, transplant and succession law, and prevail where a lower standard of respectful treatment is otherwise permitted.

The Act should protect five domains. Bodily integrity would cover custody, storage, identification, imaging, tissue use, transport, disposal, exhumation and return. Funerary autonomy would give presumptive priority to valid recorded directions, subject to necessity and proportionality. Identity and reputation would address false endorsement, malicious distortion and unauthorised commercial use. Data and digital persona would govern access, deletion, preservation, training data and synthetic replicas. Equality in death administration would impose uniform minimum standards for unclaimed persons, custodial deaths, disasters and public-health emergencies.

Authority should follow a clear hierarchy. A registered posthumous directive and nominated representative come first. In their absence, an executor or statutorily ranked relative acts, but as a fiduciary bound to the

[31] Iwasaki (n 7).

[32] Tom Divon and Christian Pentzold, 'Artificially Alive: An Exploration of AI Resurrections and Spectral Labor Modes in a Postmortal Society' (2025) New Media & Society, doi:10.1177/14614448251397518.

deceased's ascertainable wishes rather than as owner of the body or identity. Where no private representative exists, a public guardian for posthumous interests should supervise disposition and data decisions. Conflicts should go to a rapid tribunal capable of interim orders, with courts retaining jurisdiction over constitutional and serious civil claims.

Remedies must fit the interest. They should include delivery or preservation of remains, injunctions against disposal or publication, deletion or disabling of an unlawful replica, correction and provenance notices, account access or closure, compensation for directly affected relatives, disgorgement of profits from commercial appropriation, regulatory penalties and institutional compliance orders. Criminal offences should be reserved for intentional desecration, trafficking, concealment, knowing false certification and aggravated unauthorised commercial simulation. Public health, criminal investigation, medical necessity, archives and expression should be protected by precise, reviewable exceptions.

Findings

Five findings emerge. First, the law already protects posthumous interests, so the real choice is coherence rather than recognition. Secondly, Article 21 supplies a powerful Indian foundation but not an administrative system. Thirdly, comparative law favours a layered design: France contributes an express dignity principle and data directives; tissue legislation contributes consent hierarchies; European human-rights law contributes relational standing; and American statutes contribute duration, registration and replica-specific remedies. Fourthly, digital identity cannot be governed adequately through succession or data protection alone. Fifthly, the strongest model prioritises the deceased's recorded wishes while imposing independent public duties toward everybody and identity.

Recommendations

Parliament should adopt the proposed framework Act and harmonise section 301 of the Bharatiya Nyaya Sanhita, section 196 of the Bharatiya Nagarik Suraksha Sanhita, the Transplantation of Human Organs and Tissues Act and the Digital Personal Data Protection Act. Rules should establish a secure national facility for posthumous directives interoperable with organ-donation, health and data nominations, while allowing offline registration and later revocation.

States should license mortuaries and relevant facilities against national minimum standards; require body-level chain-of-custody and identification records; publish protocols for unclaimed and mass-fatality cases; and provide a time-sensitive complaints route. Section 14 of the Digital Personal Data Protection Act should be implemented with rules clarifying the nominee's fiduciary duties, third-party communications and interaction with succession law. A separate chapter should require express consent, provenance disclosure, security assessment and termination rights for interactive or commercial AI replicas.

Finally, law reform should preserve epistemic and expressive freedoms. Archives, investigation, medical research, journalism, biography, criticism and satire require carefully drafted exceptions. Each exception should be tied to necessity, relevance, minimisation and disclosure, with heightened safeguards for intimate data, children, victims of violence and communal conflict. Respect for the dead should not become hereditary censorship; freedom of expression should not become a licence for undisclosed impersonation.

Conclusion

The dead do not need every right held by the living, and legal personality need not be prolonged to protect what remains significant after death. The better question is narrower: which human interests would law betray if death automatically converted a body into a resource, a private archive into platform material, or a voice into an unowned instrument? Indian constitutional law already answers part of that question by insisting that dignity survives in the treatment of the body and in the conditions of burial. The task now is to make that commitment coherent across institutions and technologies.

A posthumous-interest model offers that coherence. It anchors authority in choices made during life, treats representatives as fiduciaries, protects families without making them owners of identity, imposes equal duties toward unclaimed persons, and balances dignity against investigation, health, history and speech. Most importantly, it anticipates the digital transformation of death. Synthetic personae make it possible for an identity to act long after its source has died; law must ensure that technological persistence does not become legal abandonment. Human dignity beyond death is not a claim that the dead live on as full legal subjects. It is a claim about the living legal order: what it chooses to remember, restrain and respect.

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A Study on Sustainable Development Goal and Water Security in Erode District, Tamil Nadu: Challenges, Opportunities and Pathways for Sustainable Water Governance

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Abstract
Water security is a critical component of sustainable development because reliable access to adequate, safe and affordable water influences public health, agriculture, livelihoods, industrial development and environmental sustainability. Sustainable Development Goal 6 (SDG 6) seeks to ensure availability and sustainable management of water and sanitation for all. Erode district of Tamil Nadu presents an important context for examining SDG 6 because of its agricultural dependence, industrialisation, urbanisation and substantial reliance on groundwater. This paper examines water-security challenges, opportunities and pathways for sustainable water governance in Erode district, with particular attention to groundwater quality, industrial pressure, conservation, community participation and institutional coordination. The study adopts a descriptive and analytical approach using secondary literature and proposes a primary-data framework covering households, farmers, industries and governance stakeholders. Existing studies indicate significant groundwater-quality concerns in the Perundurai-SIPCOT region and demonstrate the usefulness of Water Quality Index, GIS and statistical techniques for identifying vulnerable areas. The paper identifies major challenges including groundwater dependence, contamination risks, inefficient water use, fragmented governance and inadequate integration of scientific evidence with local decision-making. It proposes integrated groundwater monitoring, rainwater harvesting, recharge, industrial water auditing, wastewater reuse, sustainable agriculture, community participation and a district water-security dashboard. The study concludes that achieving SDG 6 in Erode requires a shift from conventional water-supply management towards preventive, participatory, evidence-based and integrated water governance.

Keywords: *SDG 6; Water Security; Erode District; Groundwater; Sustainable Water Governance; Perundurai; SIPCOT; Tamil Nadu*

Introduction

Water is a fundamental natural resource supporting human well-being, food production, economic activity and ecological systems. Increasing population, urbanisation, industrialisation, climate variability and competing demands have made sustainable water management a major development challenge. SDG 6 specifically addresses the availability and sustainable management of water and sanitation for all. Its targets include improving water quality, increasing water-use efficiency, implementing integrated water-resources management, protecting water-related ecosystems and strengthening participation of local communities.

India has made substantial progress on several SDG 6 indicators, but regional variations remain. Erode district provides a significant case for studying water security because agriculture, industry and domestic users compete for water resources. The Perundurai industrial region has attracted particular research attention because groundwater-quality studies have reported concerns associated with industrial and anthropogenic pressures. Water security should not be understood simply as the physical presence of water. It includes availability, accessibility, affordability, quality, reliability, resilience and sustainable governance. Therefore, a district-level study needs to combine environmental, economic, social and institutional dimensions. This study examines sustainable water security in Erode district and develops pathways for strengthening SDG 6 implementation through integrated and participatory water governance.

Review of Literature

Research on water security increasingly recognises that water availability, water quality and governance are interdependent.

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Groundwater is particularly important in India because it supports domestic consumption, agriculture and industrial activity. Consequently, groundwater depletion and contamination can create simultaneous risks to livelihoods, health and economic development. Studies in Erode district have given considerable attention to groundwater quality around Perundurai and SIPCOT. Senthilkumar and Meenambal examined groundwater near the SIPCOT industrial estate and assessed several physicochemical parameters, identifying concerns relating to drinking-water suitability. Santhoshkumaar and Murali Mohan used Water Quality Index to evaluate groundwater quality in northern Perundurai and demonstrated the usefulness of composite water-quality measures. Shanmugavel and Annadurai applied GIS-based Water Quality Index methods to examine spatial and temporal groundwater-quality variations around SIPCOT-Perundurai.

Later studies continued to report groundwater-quality concerns in the region. Research using WQI, GIS and statistical modelling have identified areas affected by elevated concentrations of selected chemical parameters and has emphasised the need for systematic monitoring. Recent research in the Perundurai region has also assessed groundwater suitability for domestic and irrigation purposes and identified salinity and sodium-related constraints in some samples.

The literature demonstrates that scientific groundwater-quality assessment in Erode is relatively well established. However, much of the research is concentrated on hydrochemical parameters and specific locations. Less attention has been given to integrating water quality with household access, affordability, water-use behaviour, institutional governance, industrial responsibility, community participation and the broader SDG 6 framework. This study addresses that gap by proposing a multidimensional water-security perspective for Erode district.

Research Gap

The review identifies five major gaps. First, existing research is predominantly groundwater-quality oriented, whereas water security includes availability, accessibility, affordability, quality, resilience and governance. Second, research is geographically concentrated around Perundurai and SIPCOT, creating a need for wider district-level assessment. Third, the social and economic dimensions of household and agricultural water security remain comparatively underexplored. Fourth, there is limited integration of SDG indicators with groundwater, industrial, agricultural and governance data. Fifth, there is a need for a practical district-level framework linking scientific evidence with community participation, industrial accountability and policy implementation.

Objectives of the Study

1. To examine the status and major dimensions of water security in Erode district.
2. To assess the major challenges affecting the achievement of SDG 6.
3. To examine groundwater-quality and groundwater-management concerns, particularly in vulnerable areas.
4. To analyse the role of households, farmers, industries and local institutions in sustainable water management.
5. To identify opportunities for water conservation, efficient utilisation and pollution prevention.
6. To propose pathways for participatory and sustainable water governance in Erode district.

Research Questions

1. What is the major water-security challenges in Erode district?
2. How do groundwater quality and availability affect households, agriculture and industry?
3. What are the major institutional and governance barriers to achieving SDG 6?
4. What opportunities exist for conservation, recharge, reuse and efficient water management?
5. What governance mechanisms can improve sustainable water security in Erode district?

Research Methodology

Research Design: The study adopts a descriptive and analytical research design.

Study Area: Erode district, Tamil Nadu, with particular attention to areas experiencing groundwater dependence, agricultural pressure and industrial activity, including the Perundurai-SIPCOT region.

Data Sources: Secondary data may be obtained from government departments, Central Ground Water Board, NITI Aayog, Tamil Nadu Pollution Control Board, Erode District Administration, local bodies, published research papers and SDG databases. Primary data may be collected through structured questionnaires and interviews.

Sampling: A multistage sampling approach is proposed. The study may include households, farmers, industrial units and local/governance stakeholders. A suggested sample is 200 households, 100 farmers, 50 industrial units and 20 governance stakeholders, giving a total of 370 respondents. The final sample can be adjusted after pilot testing and population-frame verification.

Variables: Water availability, quality, accessibility, affordability, groundwater dependence, water-use efficiency, conservation practices, pollution risks, SDG awareness, community participation and institutional governance.

Data Analysis: Percentage analysis, mean, standard deviation, ranking, Likert-scale analysis, chi-square, correlation and regression may be applied as appropriate. Where water samples are collected, Water Quality Index may be calculated. GIS may be used for spatial representation of water-security hotspots.

Ethical Considerations: Participation should be voluntary, respondents should be informed about the purpose of the study, and personal information should be kept confidential.

Conceptual Framework

The proposed framework considers water security as an outcome influenced by five interconnected dimensions:

Water Resource Base → Availability and Quality → Access and Use → Governance and Participation → Sustainable Water Security → SDG 6 Outcomes.

The framework also recognises cross-cutting pressures such as industrialisation, agriculture, urbanisation, climate variability and population growth. Governance mechanisms—including regulation, monitoring, community participation, conservation incentives and institutional coordination—are expected to moderate these pressures and improve sustainable water outcomes.

Findings Based on Existing Evidence

The available literature indicates that groundwater quality is a major water-security concern in parts of Erode district, especially around Perundurai. Existing studies have identified variations in physicochemical parameters and have used WQI and GIS to classify groundwater suitability. Recent studies continue to identify areas where groundwater is unsuitable for some domestic or irrigation uses.

Industrialisation creates pressure through both water demand and potential pollution risks. Agriculture is also vulnerable because groundwater quality can influence irrigation suitability, soil conditions and crop productivity. The evidence therefore supports a broader understanding of water security that combines quantity and quality.

Another important finding is that existing scientific evidence is stronger at selected hotspot locations than at the integrated district level. This creates an opportunity for a comprehensive water-security assessment combining environmental, social, economic and governance indicators.

Major Challenges

1. Groundwater dependence and localised depletion.
2. Groundwater-quality deterioration in vulnerable industrial and urban areas.
3. Industrial and domestic wastewater-management challenges.
4. Inefficient irrigation and uneven water-use practices.
5. Limited integration of surface-water and groundwater planning.
6. Fragmented institutional responsibilities.
7. Inadequate community participation in formal water governance.
8. Limited public access to consolidated and location-specific water-quality information.
9. Climate variability and rainfall uncertainty.
10. Insufficient integration of SDG 6 indicators into district-level planning.

Opportunities

Erode district has several opportunities to improve water security. These include expansion of rainwater harvesting, groundwater recharge, micro-irrigation, wastewater treatment and reuse, industrial water audits, digital monitoring, GIS-based hotspot mapping and community-led conservation. Educational institutions can also serve as demonstration centres for water conservation and SDG awareness. Industries can reduce freshwater demand through recycling and circular water-use systems.

Pathways for Sustainable Water Governance

Pathway 1 – Protect: Prevent contamination of groundwater and surface-water resources through stronger pollution control and responsible waste management.

Pathway 2 – Conserve: Promote rainwater harvesting, recharge structures, efficient irrigation and water-saving technologies.

Pathway 3 – Monitor: Establish regular monitoring of groundwater levels and quality and publish accessible district-level information.

Pathway 4 – Participate: Involve households, farmers, industries, local bodies, educational institutions and civil society in planning and monitoring.

Pathway 5 – Integrate: Connect water planning with SDG 6 and related goals including food security, health, sustainable cities, responsible consumption and climate action.

Suggestions and Policy Implications

1. Develop a district groundwater-monitoring network covering industrial, agricultural, urban and rural areas.
2. Prepare GIS-based water-security hotspot maps.
3. Strengthen rainwater harvesting and scientifically appropriate groundwater-recharge structures.
4. Promote water audits and water-efficient technologies in industries and institutions.
5. Encourage industrial wastewater treatment, recycling and reuse.
6. Promote micro-irrigation and water-efficient cropping practices.
7. Establish village-level or local water committees with meaningful community participation.
8. Create awareness programmes on SDG 6, groundwater conservation and pollution prevention.
9. Develop a district water-security dashboard with measurable indicators.
10. Integrate SDG 6 targets into district development planning and periodic performance reviews.
11. Encourage collaboration among government departments, industries, academic institutions and communities.
12. Promote transparent dissemination of water-quality and groundwater-level information.

Conclusion

Water security is essential for sustainable development and is central to the achievement of SDG 6. Evidence from Erode district, particularly the Perundurai-SIPCOT region, demonstrates that groundwater quality and sustainable utilisation require continuing attention. However, water security cannot be addressed solely through technical water-quality assessment. It requires integration of resource availability, quality, access, affordability, conservation, pollution prevention and governance.

The study concludes that Erode needs a transition from a conventional water-supply approach towards preventive, participatory, evidence-based and integrated water governance. Strengthening groundwater monitoring, rainwater harvesting, recharge, industrial water efficiency, wastewater reuse, sustainable agriculture and community participation can contribute significantly to SDG 6. A district water-security dashboard and GIS-based planning system could further improve evidence-based decision-making.

The long-term sustainability of Erode's water resources will depend on coordinated action among government institutions, industries, farmers, households, local

bodies and civil society. Such a collaborative governance approach can simultaneously support public health, agricultural sustainability, industrial development, ecological protection and the wider Sustainable Development Goals.

Limitations and Scope for Future Research

The present draft relies substantially on secondary literature and therefore does not claim original statistical findings from a primary survey. Future research should collect primary household, farmer and industrial data and undertake laboratory testing of groundwater samples from selected locations. Longitudinal monitoring could identify seasonal and long-term trends. GIS and remote sensing can further strengthen spatial analysis. Future studies may also develop a composite Erode District Water Security Index based on availability, quality, accessibility, affordability, sustainability and governance indicators.

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Contemporary Legal Issues and Legal Reforms in The Indian Judiciary

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Abstract

The Indian judiciary is a fundamental pillar of democracy and plays a vital role in protecting constitutional values, individual rights, and the rule of law. However, the justice delivery system faces several contemporary challenges, including judicial delay, increasing case pendency, vacancies in judicial posts, procedural barriers, high litigation costs, inadequate infrastructure, cybercrime, digital privacy concerns, and the need for greater judicial accountability. Technological advancement has further created new legal challenges involving cyber fraud, data protection, identity theft, deepfake technology, and artificial intelligence-related offences. This paper examines the major contemporary legal issues affecting the Indian judiciary and discusses possible reforms for improving the efficiency, accessibility, transparency, and fairness of the justice delivery system. It emphasizes measures such as reducing case arrears, harmonizing court fees, regulating legal costs, strengthening judicial infrastructure, ensuring transparent selection of judges, revisiting procedural and limitation rules, and improving judicial accountability. The paper also examines the evolving role of the judiciary in policy control and the importance of epistolary jurisdiction in providing access to justice for disadvantaged sections of society. The study concludes that judicial reforms must be citizen-centric, technologically responsive, accessible, and consistent with the constitutional commitment to equal justice and the rule of law.

Keywords: *Indian Judiciary, Judicial Reforms, Judicial Delay, Case Pendency, Access to Justice, Judicial Accountability, Court Fees, Digital Justice, Cybercrime, Judicial Infrastructure, Epistolary Jurisdiction, Rule of Law*

Introduction

The judiciary is one of the most important organs of the State and constitutes a significant pillar of Indian democracy. It has the fundamental responsibility of protecting constitutional values, safeguarding individual rights, ensuring equality before law, and maintaining the rule of law. An effective and independent judiciary is therefore essential for maintaining public confidence in the legal and constitutional system. However, the Indian judicial system continues to face several contemporary challenges that affect the timely and effective administration of justice. One of the most significant concerns is the enormous pendency of civil and criminal cases before District Courts, Sessions Courts, High Courts, and the Supreme Court. Judicial delay increases the cost of litigation, places an additional burden on litigants and courts, and may weaken public confidence in the justice delivery system. Vacancies in judicial posts, inadequate court infrastructure, shortage of supporting staff, frequent adjournments, procedural difficulties, and delays in issuing summons are among the factors contributing to the accumulation of cases.

Access to justice is also affected by procedural and economic barriers. High court fees, advocate fees, process fees, and other litigation expenses may prevent economically weaker persons from pursuing legitimate claims. The existing adversarial system can further create procedural hurdles, particularly for individuals who lack adequate legal and financial resources. A litigant-friendly justice delivery system therefore requires institutional reforms and inclusive legal policies. At the same time, rapid technological development has introduced new legal challenges. Cyber fraud, identity theft, data breaches, deepfake technology, and artificial-intelligence-related crimes require the legal system to adapt to emerging forms of wrongdoing. Questions concerning digital privacy, protection of personal information, surveillance, and the balance between national security and individual privacy have also become increasingly important. Judicial infrastructure represents another important area requiring attention. Many courts continue to experience inadequate courtrooms, insufficient trained staff, weak technological facilities, and limited digital connectivity. Strengthening infrastructure and technological readiness is necessary for improving the efficiency and accessibility of judicial services. In this context, judicial reforms must address both long-standing structural problems and emerging legal challenges.

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Measures such as arrears eradication, harmonisation of court fees, regulation of litigation costs, transparent selection of judges, judicial accountability, reconsideration of procedural mechanisms, and technological modernization can contribute to a more effective justice delivery system. The judiciary has also developed innovative mechanisms such as epistolary jurisdiction to extend access to justice to disadvantaged sections of society. The present study therefore examines the contemporary legal issues confronting the Indian judiciary and considers possible legal and institutional reforms. It focuses on the need to make the justice system more efficient, transparent, accessible, accountable, and responsive to technological and social changes while preserving the constitutional principles of equal justice and the rule of law. The Judiciary is one of the most crucial organs of the government and significant democratic pillar empowered with protecting constitutional values, basic individual rights and ensure the rule of law. Despite this, the judiciary is facing various challenges which makes an obstacle in proper administration of justice. As far as Indian Scenario is concerned there are numerous issues namely, delay in deciding cases, hue pendency, shortage of judges, cyberfraud's, technological advancements and judicial accountability have intensified the necessity for concrete legal reforms. This chapter evaluates various legal issues which affects the judiciary and suggests concrete reforms with the purpose of improving judicial efficiency, clearness and convenience to have citizen centric judicial system. The Judiciary is one of the most crucial organs of the government and significant democratic pillar empowered with protecting constitutional values, basic individual rights and ensure the rule of law. Despite this, the judiciary is facing various challenges which makes an obstacle in proper administration of justice.

As far as Indian Scenario is concerned there are numerous issues namely, delay in deciding cases, hue pendency, shortage of judges, cyberfraud's, technological advancements and judicial accountability have intensified the necessity for concrete legal reforms. This chapter evaluates various legal issues which affects the judiciary and suggests concrete reforms with the purpose of improving judicial efficiency, clearness and convenience to have citizen centric judicial system.

Contemporary Legal Issues in the Judiciary

Judicial Delay and Case Backlog

The greatest challenge facing by the Indian judiciary is the enormous pendency of cases. Loads of civil and criminal cases pending at session Court, District Court, various High Courts and at Supreme Court level which leads to delay in justice. As we know delayed justice gives rise to increase in cost of litigation, lowers the confidence of the people and weakens the guarantee given by the Constitution.

There is delay in delivery of justice due to various reasons. Such as Judicial posts vacancies, insufficient infrastructure in the Court, shortage of supporting staff, adjournments, numerous litigations and delay in issuing summons etc.,

Procedural hurdles

From filing a suit till the execution of a decree, it is the procedure, is to be taken care of the private individuals, not the government. The defect is due to the adversarial process of justice system. under the said model, there is no duty of the court to ascertain the truth by adopting this system give rise to number of hurdles in access to justice, especially procedural hurdles in access to justice[1].

Judicial Vacancies: Various judicial posts are vacant and thereby it makes significant reduction in efficiency of the courts. Delay in making appointments increases the workload on already appointed judges and due to this there is delay in disposal of cases. Timely appointment and transparent recruitment remain very critical issue. Cybercrime and Digital Justice Tremendous technological advancement leads to new problems which includes theft of identity, cyber fraud, breach of data, deepfake technology, AI related crimes etc., So in this way traditional legal framework also struggles to tackle the emerging issues effectively. Digital Privacy The right to privacy is a fundamental right guaranteed by Indian Constitution under article 21 has altered constitutional jurisprudence. Now a days courts are increasingly deals with various issues such as data protection, securing personal information, surveillance from the government and online/digital platforms etc., In this connection balancing national security with privacy of individual remains an emerging legal challenge.

Cost of litigation, judicial process and the ethical court: The most disadvantageous feature of judicial process is its cost. the costly nature of litigation compels parties not to pursue even just claims and defences. The cost of litigation includes court fees, process fees, advocate fees. Access to justice in India severely depends upon economic/financial capabilities of the parties. [2] It shows and even encourages inequalities between the parties. Economic inequality continues to restrict access to justice. Here, ethical court is defeated. the justice delivery system must be litigant friendly. Court is not the income source to government. Cost has to be the duty of the State. It's really commendable to render legal aid for the needy and poor persons that too at the cost of the state. Court fees payment starts at the time of filing of a suit. Section 35 of the Code of Civil Procedure[3] the award of costs of and incidents of all suits shall be in the discretion of the Court and the Court has the full authority to determine the extent of costs. A suit can be dismissed if the summons is not served to the defendant in consequence of the failure of the plaintiff to pay the court fee or postal charges.[4] Guaranteeing equal justice

[1] Dr. G. P. Tripathi, Judicial Process, Central Law Publications, pp 7,8

[2] Dr. G. P. Tripathi, Judicial Process, Central Law Publications, p. 8

[3] Gives civil courts full power to award legal costs in a suit.

[4] Order IX, Rule 2 of Civil Procedure Code

expects institutional reforms and inclusive legal policies.

Court Fees

Court fee is a colonial baggage being carried by the Indian courts till today. The policy of selling justice is against the constitutional scheme. The history of court fee itself proves that it was levied for discouraging access to the court. The Court fee, being a hurdle in access to justice, has a large degree of influence in discouraging honest litigants who do not have adequate financial resources to pay the fee from approaching the courts. Since the non-payment of court fee can result in dismissal of the suit. it is high on coercion band.

It was observed that effective access to justice is one of the basic requirements of a system and high amount of court fee may lead to sale of justice.[5]

Judicial Infrastructure

Various Courts are suffering and continue to suffer due to inadequate courtrooms, unavailability of trained staff, weak technological facilities and insufficient digital connectivity. Modern infrastructure is highly required for smooth and efficient judicial functioning.

Measures Recommended for Reforms in the Judiciary: The Constitution only furnishes a framework in which different organs of the State, including Judiciary, have to function. Although Article 12 does not expressly refer to judiciary being an organ of the State, it is certainly bound by Article 14 of the Constitution. Article 142 of the Constitution cannot be resorted by the Supreme Court to bypass the law. But still Supreme Court, sometimes has taken s shortcut under the fiat of Article 142 though their prime role is to search and basing its judgements on first principles or fundamentals of jurisprudence. This provision i.e. Article 142 was employed as a tool to pass final decisions, apart from and without recourse to the law of the land.

Arrears eradication scheme:

Fast Track Courts were created by the Government of India under Ministry of Law and Justice has jurisdiction only in Session cases and also having practical problems which limit it to this work in all States. To overcome this problem an Eradication Scheme for the purpose of tackling all cases has been worked out that are pending for more than 2 years.[6]

Court fees to be harmonised

The role of the State is not only confined to create judicial institutions but also to fulfil the expectations of the people which they attach with the State while conferring role and power of seat by delivering proper justice. To levy/ charge fees for justice is like selling the promise of law and ignoring the constitutional duty of State to provide justice to the people at their doorstep. Merely laying down the foundations of judicial institutions and washing their hands of from the justice delivery is not warranted on the part of the State. Nonpayment of money/ court fees leads to injustice or justice is not accessible for them because one cannot afford to pay in terms of money. To seek revenue for rights enforceability and to collect the same in rigorous may pose a serious threat to justice being delivered to the person who is pauper. It is the misery that the courts in India are continuing with the same attitude.[7]

Advocate's fee to be regulated

As it is provided that the Advocates are the officers of the Court under the Advocates Act, then for contesting the case, why the clients need to pay hefty fees to the advocates. There must have some provisions for common people/ everyone to contest the case by public advocates paid by the State. One substitute is that the let the fee be paid in registry and provisions in this regard be made for work allotment by turn as is the practice in appointment of Survey Commissioners in courts.[8]

Adversarial system needs to be revisited

The present traditional/adversarial system should be abolished and replaced with inquisitorial system which is there in Civil law countries in continental Europe such as France and Italy wherein Judges plays active role in collecting evidences, documents scrutiny and even questioning of witnesses as well. Even the lawyers in inquisitorial system helps the court process rather than confining themselves with factual battle.

Selection of Judges: must be transparent

The Supreme Court seems to have committed a mistake on one of the controversial cases held that consultation with CJI means his consent. Here the President's authority reduces to zero and Constitution power given spectrum is disturbed. The Judges should be appointed by President only with the consultation of CJI and not by his consent.

Moreover, the provision becoming judges after required experience/ practice should be abolished as these are two different profession and they should not be intermingled. More research is required to see the feasibility.[9]

The Limitation Act needs readjustment

By virtue of Article 14 of Indian Constitution there is no distinction between State action and private action. If a person's right is violated, then how can the State fix a time limit to curtail the right to move the court for justice. In this view, Limitation Act should be struck down as unconstitutional since it is violative of Article 14 of Indian Constitution. Not only this doctrine of delay and laches and procedural hassles are undoubtedly unconstitutional and needs to be revisited in the light of free access of courts.

Judges should be made accountable

If there is mistake on Judges part due to negligence or is dereliction of duty, then they should be punished under section 198 of Bhartiya Nyaya Sanhita[10] because they are public officers and therefore, they should be made liable for punishment for negligence of duty.

Principle of Rajdharma is need of the day

As per the principle of Rajdharma, the king is also equally liable as like common people and punished for

[5] Central Coal Fields Ltd., v. Jaiswal Coal Co., AIR 1980 S.C.2125

[6] Supra note.2, p.28

[7] Ibid

[8] Id

[9] Supra note 8 at p.29

[10] Public Servant disobeying law, with intent to cause injury to any person.

an offence by penalty with thousands time more than the punishment inflicted on ordinary citizen. Perhaps, this is need of the time to apply and enforce this principle in India. If the Judges of Supreme Court in Japan and China are held responsible for their mistakes and prosecuted and punished for violation of law, then why not in India in which equal subjection of all to the law has prevailed.[11]

Role Of Judiciary in Policy Control

Various High Courts and Supreme Court of India have reiterated frequently the importance of timely justice delivery. Some of the case laws are mentioned as below: Under Article 14 of Indian Constitution, it is the duty of the judiciary[12] to render justice but where it fails causes an injury under section 44 of I.P.C. (corresponding section 2(14) of BNS). Judges being a public servant within the meaning of Section 21 of I.P.C. (Corresponding Section 2(28) of B.N.S.), harm or injury caused by them amounts to offence under section 166 and they should be punished accordingly.

Judiciary must keep in mind that its work is to say authoritatively what the law is that means the controlling policy. Provisions of Article 142 and 226 of Constitution, Section 482 of Cr. P. C. and Section 151(Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023) though give inherent power to the Supreme Court and Various High Court to render complete justice, it means only to fill the gap within parameter of the Constitution and Statutes and it does not mean to supersede as it did in *Ramjawaya Kapur*'s case [13] and Supreme Court *Advocates on Records* case [14] . The decision that consultation means concurrence amounts to the amendment in the Constitution without following prescribed procedure and the statement that Indian Government system is based on Westminster form of Government and not on advanced Presidential form of Government amounts to change the nature of Government from republican democracy to oligarchic democracy which is not permitted to the judiciary.

Epistolary Jurisdictions-New Process

Judiciary being organ of the State has invented novel forms of action to provide relief to the poor, needy, deprived sections of the society. New era of epistolary jurisdiction is emerging. This allows access to justice to underprivileged section of the society. The court has converted a simple post card letter into the writ petition by ignoring procedural aspects.[15] In the Sunil Batra's case the Judiciary is subjected to criticism like 'a post-card is more important than a 50 pages affidavit'. Epistolary jurisdiction should be exercised in exceptional cases of gross injustice. In *Olga Tellis* v. *Bombay Municipal Corporation*[16] The journalist from Bombay claimed the relief against pavement dwellers by Bombay Municipal Corporation. Supreme Court took that letter's cognizance and turned into writ petition and granted interim relief. In one of the landmark judgements [17] court after inquiry ordered release and rehabilitation of bonded labours. In this case one organization working for cause of release of bonded labours wrote a letter to Supreme Court addressing the issue of bonded labours inhuman conditions in one of the stone quarries in Faridabad District. This letter is treated as writ petition. As far as compensatory jurisprudence is concerned *Rudal Shah* v. *State of Bihar*[18] is one of such instances wherein the court has ordered monetary compensation of Rs. 35000/- for illegal detention in jail for 14 years even after acquittal. In the same way one member of Jammu Kashmir Legislative Assembly was arrested by police and not produced within required time before Magistrate as it shows the mala fide intention of the police. So, the Court awarded Rs.50000/- as compensation by way of exemplary damages to the petitioner to compensate him.

Conclusion

As rightly said by Justice Krishna Iyer that' A Nineteenth Century text, when applied to Twentieth-Century conditions, cannot be construed by signals from the grave. So, in this regard it is the high time for the Judiciary to overcome contemporary.

challenges/difficulties and to play an active role while delivering justice in impartial way and with fairness. As far as judicial reforms are concerned, they should focus not only on reducing delay but also on improving approachability, openness, responsibility and must be acquainted with technological aspects. In 21st century, the Judiciary must act in responsive way for the increasing demands with the help of digital technology, improved infrastructure, technological readiness and with more openness. In this view judicial reforms must therefore place the constitutional promise to ensure equal justice and uphold the rule of law in delivering justice.

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[11] Supra note 9, p.30

[12] Judiciary is a State as laid down in *A. R. Antulay* v. *R. S. Nayak*, A.I.R.1988 S.C.1531

[13] *Ram Sahib Ram Jawaya Kapur and Ors*. v. *The State of Punjab* (1955)

[14] *Supreme Court Advocates-on-Record Association* v. *Union of India* (1993)

[15] *Sunil Batra* v. *Delhi Administration* (1978) 4 SCC 494

[16] (1985) 3 SCC 545

[17] *Bandhua Mukti Morcha* v. *Union of India* AIR 1984 SC 802

[18] AIR 1983 SC 1086

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Role of AI in Transforming Human Resource Management

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Abstract

Artificial Intelligence (AI) has emerged as a powerful technology that is transforming the field of Human Resource Management (HRM). Organizations are increasingly adopting AI-based applications to improve the efficiency of HR activities such as recruitment, employee onboarding, training, performance evaluation, workforce planning, and employee engagement. By automating repetitive tasks and providing data-driven insights, AI enables HR professionals to make faster and more informed decisions while enhancing the overall employee experience. This study is based on secondary data collected from research articles, books, industry reports, and published case studies to examine the role of AI in modern HRM practices. The paper explores the benefits of AI, including improved recruitment quality, better workforce planning, enhanced productivity, and personalized employee development. It also discusses important challenges such as data privacy, ethical concerns, algorithmic bias, and the need for HR professionals to develop new digital competencies. The study concludes that AI is not intended to replace human resource professionals but to support them in performing strategic and value-added activities. A balanced combination of AI technology and human judgment can help organizations build a more efficient, inclusive, and future-ready workforce.

Keywords: *Artificial Intelligence, Human Resource Management, HR Analytics, Digital Transformation, Recruitment, Talent Management, Employee Experience, Workforce Planning*

Introduction

In today's rapidly changing business environment, technological innovation has become an essential driver of organizational success. Among the various technological advancements, Artificial Intelligence (AI) has gained significant importance due to its ability to automate tasks, analyse large volumes of data, and support intelligent decision-making. As organizations continue their digital transformation journey, Human Resource Management (HRM) has also experienced substantial changes. Traditionally, HR departments focused mainly on administrative functions such as recruitment, payroll processing, attendance management, and maintaining employee records. Over the years, however, the role of HR has evolved into a strategic function that contributes to organizational growth, employee development, and competitive advantage. The introduction of AI has further accelerated this transformation by improving the speed, accuracy, and effectiveness of HR processes. Today, AI applications are widely used in recruitment, resume screening, interview scheduling, employee onboarding, performance management, learning and development, and workforce planning. AI-powered systems help organizations identify suitable candidates, predict employee turnover, recommend personalized training programs, and provide valuable insights for workforce planning. These technologies enable HR professionals to focus more on strategic decision-making rather than routine administrative work. Many leading organizations across the world, including companies in India such as TCS, Infosys, Wipro, and HDFC Bank, have started integrating AI into their HR practices to improve operational efficiency and employee satisfaction. Despite these advantages, AI adoption also presents several challenges, including concerns related to data privacy, algorithmic bias, transparency, ethical decision-making, and the changing skill requirements of HR professionals. Considering both the opportunities and challenges associated with AI, it is important to understand its impact on modern Human Resource Management. This paper examines how AI is transforming various HR functions, discusses its benefits and limitations, and highlights the future role of HR professionals in an AI-enabled workplace.

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Review of Literature

Several researchers have examined the growing role of Artificial Intelligence in Human Resource Management and its impact on organizational performance.

1.Kapoor and Sherif (2020) reported that AI-based recruitment tools, including resume screening software and recruitment chatbots, have significantly reduced recruitment time while improving the quality of candidate selection. Their study also suggested that AI can minimize unconscious bias during the initial stages of recruitment.

2. Stroh Meier and Piazza (2015) explained that AI and predictive analytics enable organizations to evaluate large volumes of applicant data and identify candidates whose skills and competencies best match organizational requirements, leading to more effective hiring decisions.

3.Jia et al. (2018) found that AI-powered learning management systems provide personalized training recommendations based on employees' skill levels, learning progress, and career objectives. Such personalized learning improves employee competence and supports continuous professional development.

4.Davenport and Ronanki (2018) observed that AI-enabled chatbots and virtual assistants improve employee engagement by offering quick responses to HR-related queries and simplifying routine HR services. This contributes to a better employee experience and greater organizational efficiency.

5.Bersin (2019) highlighted that AI and HR analytics have shifted HR decision-making from descriptive reporting to predictive analysis. Organizations can use AI to forecast employee turnover, identify future leaders, and make evidence-based workforce decisions.

6.Tambe et al. (2019) emphasized that AI supports continuous performance management by providing real-time feedback and performance insights instead of relying solely on annual performance reviews.

Overall, the literature indicates that AI has considerable potential to improve HR functions, provided organizations implement these technologies responsibly and maintain an appropriate balance between technological innovation and human judgment.

Research Methodology

Research Design: The present study adopts a descriptive and conceptual research design. It aims to understand the role of Artificial Intelligence in transforming Human Resource Management by reviewing existing literature and published information. Since the study focuses on understanding current developments rather than testing hypotheses, a conceptual approach is considered appropriate.

Nature of Study: The research is qualitative and descriptive in nature and is entirely based on secondary data.

Sources of data: The study relies on secondary data collected from various authentic sources, including:

- Books related to AI and HRM
- Industry and consulting reports
- Research publications
- Government reports
- Conference proceedings
- Published case studies
- Reputable online databases and websites

Method of data collection

The required information has been collected using the **secondary data collection method** through an extensive review of published literature and online resources.

Scope of the study

The study focuses on the application of Artificial Intelligence in major Human Resource Management functions across organizations worldwide. It examines AI applications in recruitment, onboarding, learning and development, performance management, employee engagement, workforce planning, and strategic HR decision-making.

Limitation of study

The study is based entirely on secondary data; therefore, its findings depend on the reliability and availability of published sources. Since AI technologies continue to evolve rapidly, some findings may require regular updates. The research does not include primary data collected from employees or HR professionals.

Objective of study

The main objective of this study is to examine the role of Artificial Intelligence in transforming Human Resource Management practices.

To study the impact of Artificial Intelligence on major Human Resource Management functions. To examine the benefits of adopting AI in HRM practices.

To identify the challenges, risks, and ethical issues associated with AI implementation in HR.

To assess the changing roles, competencies, and skill requirements of HR professionals in the AI-driven workplace.

Impact of AI on core HRM function

Human Resource Planning and Workforce Forecasting-Earlier, workforce planning mainly depended on managers' experience and historical employment data, which often resulted in inaccurate forecasting. With the introduction of AI, organizations can analyze employee turnover, market trends, business expansion, and future skill requirements using predictive analytics. This enables HR managers to anticipate workforce needs more accurately and develop proactive recruitment and talent management strategies.

Employee Onboarding-Traditional onboarding processes involved extensive paperwork and standardized orientation programmes. AI has simplified this process by using virtual assistants and chatbots to guide new employees through documentation, company policies, training schedules, and workplace procedures. Personalized onboarding experiences improve employee satisfaction and help new employees become productive in a shorter period.

Training and Development-Artificial Intelligence has transformed employee learning by providing

personalized training recommendations based on an individual's role, existing competencies, and learning progress. AI-powered learning platforms continuously assess skill gaps and recommend suitable courses, making employee development more targeted, flexible, and effective than traditional classroom-based training.

Performance Management -Performance management has shifted from annual appraisals to continuous performance monitoring with the help of AI. Modern AI systems analyze productivity, achievement of key performance indicators, and employee feedback to provide timely performance insights. Managers can identify employee strengths, address performance issues promptly, and support career development through objective, data-driven evaluations.

Compensation and Benefits Management-AI assists organizations in designing fair and competitive compensation systems by analyzing market salary trends, identifying pay disparities, and recommending suitable employee benefits. These data-driven insights support equitable compensation decisions while improving employee satisfaction and ensuring compliance with organizational policies and legal requirements.

Benefits of AI in Transforming Human Resourses Management

Recruitment and talent acquisition

Artificial Intelligence has significantly improved the recruitment process by making it faster and more efficient. AI-powered tools can screen thousands of resumes within a short period by matching candidates' skills, qualifications, and experience with job requirements. This helps HR professionals identify suitable applicants quickly. AI can also reduce unconscious bias in hiring when trained on fair and balanced data. Additionally, predictive analytics helps organizations select candidates who are more likely to perform well in the role. AI-based chatbots further enhance the recruitment experience by answering candidate queries, scheduling interviews, and providing timely updates throughout the hiring process.

Employee Onboarding and Training AI makes the onboarding process more personalized and engaging for new employees. It can create customized training plans, recommend learning materials, and provide digital guidance during the initial stages of employment. AI-powered learning management systems identify individual skill gaps and suggest relevant courses based on an employee's role, learning pace, and career goals. Virtual assistants also help employees understand company policies, benefits, and workplace procedures, making the transition into the organization smoother.

Performance Management AI has transformed traditional performance management by enabling continuous monitoring and real-time feedback instead of relying only on annual performance reviews. It evaluates employee performance using objective data such as key performance indicators (KPIs), productivity levels, and project outcomes. AI can also identify high-performing employees and predict future performance trends, allowing organizations to provide timely support, recognition, and development opportunities.

Employee Engagement and Retention Artificial Intelligence helps organizations understand employee satisfaction by analyzing feedback collected through surveys, emails, and internal communication platforms. This sentiment analysis enables HR managers to identify concerns before they become major issues. AI can also predict employee turnover by recognizing patterns that indicate the likelihood of resignation. Based on these insights, organizations can implement retention strategies such as career development opportunities, personalized benefits, and employee wellness programs to improve job satisfaction and reduce attrition.

Challenges of AI for transforming HRM-

1.Ethical and Bias Related Issues Although AI has the potential to reduce bias, it can also reinforce existing discrimination if it is trained on biased historical data. This may lead to unfair decisions in recruitment, promotions, or performance evaluations. Another concern is the lack of transparency in many AI systems, where the reasons behind certain decisions are difficult to explain. Such issues may create legal and ethical challenges, particularly if AI-based decisions appear to discriminate against individuals based on gender, age, caste, or other personal characteristics.

2.Data Privacy and Security Concerns HR departments handle highly confidential information, including employee salaries, health records, and performance data. The use of AI requires organizations to store and process large amounts of this sensitive information, increasing the risk of data breaches and cyberattacks. Therefore, organizations must ensure strong cybersecurity measures and comply with data protection regulations such as the General Data Protection Regulation (GDPR) and India's Digital Personal Data Protection Act.

3.Human and Organizational Challenges The introduction of AI may create resistance among employees and HR professionals who fear job displacement or reduced human interaction. While AI is effective in handling routine tasks, it cannot replace the empathy, emotional intelligence, and judgment required in sensitive HR functions such as conflict resolution, counseling, and employee relations. In addition, many HR professionals require further training to develop the digital and analytical skills needed to effectively use AI-based technologies.

4.Technical and Financial Challenges Implementing AI in HR requires significant investment in software, infrastructure, and employee training. These costs can be difficult for small and medium-sized enterprises (SMEs) to afford. AI systems also depend on large volumes of accurate and well-organized data, which many organizations may not possess. Furthermore, integrating AI solutions with existing Human Resource Management Systems (HRMS), such as SAP, Oracle, or Workday, can be technically complex and time-consuming.

Changing Role of HR Professional

AI is changing HR from an administrative function to a strategic and technology-enabled function. HR professionals are increasingly expected to:

1. Use AI-based recruitment and talent acquisition tools.
2. Analyse employee data using HR analytics.
3. Use predictive analytics for workforce planning and employee retention.
4. Support AI-based learning and development programmes.
5. Improve employee experience through AI-powered platforms and chatbots.
6. Participate in digital transformation and workforce strategy.
7. Monitor ethical and responsible use of AI in employment decisions.
8. Manage the relationship between employees and AI technologies.
9. Ensure that AI applications comply with organisational policies and employment regulations.

Thus, the HR professional of the AI era is not simply an administrator but increasingly acts as a strategic partner, data analyst, technology facilitator, employee advocate, and change manager.

Changing Competency Requirements

The AI-driven workplace requires HR professionals to develop a combination of technical, analytical, strategic, and human competencies.

Traditional HR Competencies	Emerging AI-Era Competencies
Employee administration	HR technology management
Manual recruitment	AI-enabled talent acquisition
Maintaining employee records	HR data management
Traditional performance appraisal	People analytics
Routine training coordination	Digital learning management
Basic communication	Digital communication
Administrative decision-making	Data-driven decision-making
Traditional workforce planning	Predictive workforce analytics
General HR knowledge	AI and digital literacy
Employee relations	Human–AI workplace management

Important skill required for HR profession

AI and Digital Literacy HR professionals need a basic understanding of AI, machine learning, automation, generative AI, HR software, and digital platforms. They do not necessarily need to become AI programmers, but they should understand how these technologies work and how they can be applied in HR.

Data Analytical Skills HR professionals increasingly need to interpret employee data and HR metrics. Skills in data analysis, dashboards, HR analytics, and evidence-based decision-making are becoming important.

Strategic Thinking Automation of routine work gives HR professionals more time to participate in strategic decisions involving workforce planning, talent management, organisational development, and business growth.

Human and Interpersonal Skills AI cannot completely replace human capabilities such as empathy, emotional intelligence, negotiation, conflict resolution, leadership, counselling, and relationship building. Therefore, these skills become even more important.

Change Management Skills AI implementation often creates changes in job roles, work processes, and organisational culture. HR professionals need the ability to manage employee resistance, communicate technological changes, and support reskilling and upskilling.

Ethical and Responsible AI Skills HR professionals must understand issues such as algorithmic bias, privacy, transparency, fairness, discrimination, and responsible use of employee data.

Continuous Learning and Adaptability Because AI technologies develop rapidly, HR professionals need a continuous-learning mindset and the ability to adapt to new technologies and changing job requirements

Findings

1. AI is reducing routine HR work and allowing HR professionals to focus more on strategic and employee-related activities.
2. HR professionals increasingly need AI knowledge, digital skills, and data analysis skills to perform their roles effectively.
3. Human skills such as communication, empathy, leadership, and problem-solving remain important even with the growing use of AI.
4. AI is helping HR professionals make faster and more informed decisions through employee data and analytics.
5. The changing workplace requires HR professionals to continuously learn new technologies and adapt to changing job responsibilities

Suggestions

1. Organisations should provide regular AI and digital skills training to help HR professionals adapt to technological changes.
2. HR professionals should improve their data analytics and technology skills to make better use of AI-based HR tools.

3. Organisations should maintain a balance between AI-based automation and human judgement in important HR decisions.
4. HR departments should develop clear guidelines to ensure that AI is used fairly, ethically, and responsibly in the workplace.
5. HR professionals should focus on continuous learning and develop soft skills such as empathy, communication, leadership, and critical thinking.

Conclusions

The study concludes that Artificial Intelligence is changing the role of HR professionals by reducing routine tasks and creating more opportunities for strategic and employee-focused work. HR professionals now need to develop AI knowledge, digital skills, data analysis abilities, and at the same time maintain important human qualities such as communication, empathy, leadership, and decision-making. AI can improve the efficiency and accuracy of HR activities, but it cannot completely replace human judgement and personal interaction. Therefore, continuous learning, skill development, and a proper balance between technology and human involvement are essential for HR professionals to succeed in the AI-driven workplace.

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Role of Artificial Intelligence (AI) in Education

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Abstract
Artificial Intelligence (AI) is rapidly becoming an important component of the contemporary education system. The application of AI has introduced new possibilities in the areas of individualized learning, academic assessment, teaching support, educational research, accessibility, and institutional management. AI-enabled systems can process large volumes of learner-related information, identify patterns in academic performance, suggest appropriate learning materials, and provide timely feedback. The development of Generative AI has further expanded the scope of educational technology by allowing learners and educators to obtain explanations, examples, questions, summaries, and other educational resources through natural-language interaction. The significance of AI in education extends beyond the automation of routine activities. It can contribute to a shift from a largely uniform teaching model towards a more learner-oriented and flexible educational environment. Students with different levels of prior knowledge, learning abilities, and educational requirements may benefit from adaptive learning systems and AI-supported educational resources. At the same time, the growing use of AI presents important concerns concerning academic integrity, privacy, reliability of information, algorithmic discrimination, unequal access to technology, and overdependence on automated systems. The present paper examines the changing role of Artificial Intelligence in education with particular emphasis on its major applications, advantages, limitations, ethical concerns, and future possibilities. The study is descriptive and analytical and relies mainly on secondary sources such as books, academic studies, institutional publications, policy documents, and reports of international organizations. The paper emphasizes that AI should be regarded as a complementary educational technology rather than a substitute for teachers. Meaningful integration of AI requires appropriate teacher training, digital and AI literacy, protection of learner data, ethical standards, and continuous human supervision.

Keywords: *Artificial Intelligence, Education, Personalized Learning, Generative AI, Intelligent Tutoring, Digital Education, Educational Technology, AI Literacy.*

Introduction

Education plays a central role in the development of individuals as well as society and the economy. The nature of education has changed considerably with the development of information and communication technologies. Computers, internet-based resources, digital classrooms, online courses, smartphones, and learning management systems have gradually become part of the teaching-learning process. In this technological transformation, Artificial Intelligence has emerged as one of the most significant developments. Artificial Intelligence may broadly be understood as the capability of computer-based systems to perform activities that normally involve human cognitive abilities. Such activities include learning from information, recognizing patterns, understanding language, solving problems, making predictions, and assisting in decision-making. Machine Learning, Natural Language Processing, Computer Vision, Speech Recognition, Learning Analytics, and Generative AI are among the technologies that are increasingly relevant to educational applications. A major limitation of conventional classroom education is that students within the same classroom do not necessarily possess identical learning requirements. They may differ in their pace of learning, interests, prior knowledge, academic capabilities, and preferred methods of learning. A uniform teaching strategy may therefore be insufficient for every learner. AI-based educational systems can help address this issue by analysing learning performance and recommending educational content according to individual requirements. AI can also influence the nature of teachers' work.

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A considerable amount of teachers' time is devoted to routine activities such as preparing basic instructional materials, generating objective questions, organizing learning resources, and examining performance information. AI tools can assist with some of these activities, potentially allowing teachers to devote greater attention to classroom interaction, mentoring, creativity, critical thinking, and students' social and emotional development. The emergence of Generative AI has made the discussion surrounding AI and education even more significant. Generative systems can produce explanations, examples, questions, summaries, lesson plans, and other educational materials. Although these capabilities can be useful, they also create challenges relating to originality, plagiarism, assessment practices, authorship, factual accuracy, and students' independent thinking. Consequently, Artificial Intelligence should not be understood merely as another technological tool. Its adoption has implications for the way educational content is produced, delivered, accessed, evaluated, and researched. The effective use of AI therefore requires an appropriate balance between technological capabilities and human judgement.

Objectives of the Study

The main objectives of the study are:

To examine the meaning and significance of Artificial Intelligence in the field of education.

To identify the major educational applications of AI.

To analyse the contribution of AI to personalized and adaptive learning.

To examine the usefulness of AI-based tools for teachers and learners.

Research Methodology

The present research is descriptive and analytical in nature. The study is based mainly on secondary information obtained from books, academic literature, reports of international organizations, educational policy documents, institutional publications, and reliable online resources. Relevant literature concerning Artificial Intelligence and education has been examined to understand the development, applications, advantages, limitations, ethical dimensions, and future potential of AI-based educational technologies. The study focuses on conceptual as well as practical aspects of AI and its possible contribution to improving the quality and effectiveness of education.

Role of Artificial Intelligence in Education

Personalized and Adaptive Learning

Personalized learning is one of the most important areas in which AI can contribute to education. Learners differ in their academic preparation, learning speed, interests, strengths, and weaknesses. AI-based platforms can use information about students' learning activities and performance to identify areas requiring greater attention. For instance, when a learner repeatedly experiences difficulty with a particular topic, an AI-enabled platform can recommend additional explanations, examples, practice questions, or revision exercises. Similarly, a learner who demonstrates mastery of a topic may be directed towards more advanced material. In this manner, AI can facilitate an individualized learning path instead of providing identical content to every student.

Intelligent Tutoring Systems

Intelligent Tutoring Systems (ITS) are designed to provide learners with computer-based instructional assistance. Such systems may explain concepts, respond to questions, offer hints, provide practice exercises, and give feedback according to learners' responses. An important advantage of intelligent tutoring is its availability beyond conventional classroom hours. Students can use such systems for additional practice or clarification when a teacher is not immediately available. Nevertheless, intelligent tutoring systems have limitations. Education involves motivation, empathy, communication, values, and social interaction, which cannot be completely reproduced by an automated system. Therefore, AI-based tutoring should supplement the work of teachers rather than attempt to eliminate the human role.

AI as a Support System for Teachers

AI can reduce certain routine responsibilities associated with teaching. Educators may use AI-assisted tools to develop lesson outlines, instructional notes, presentations, question banks, objective questions, assignments, classroom activities, discussion topics, and revision materials.AI can also assist in organizing and interpreting student performance information. Such analysis may help teachers identify learners who are facing academic difficulties and require additional support. The purpose of using AI in this context should be to increase teachers' effectiveness rather than reduce the importance of their role. By delegating selected repetitive activities to technological systems, teachers may have more time for mentoring, classroom discussion, creativity, and development of students' higher-order thinking skills.

Automated Assessment and Feedback

Evaluation is an essential component of the educational process. AI can assist in assessing objective examinations, quizzes, and certain structured forms of written responses. Automated systems can process responses quickly and, in suitable cases, identify common errors and provide immediate feedback. Rapid feedback can help students understand their mistakes and make corrections without waiting for a lengthy evaluation process. It can also provide teachers with information about common areas of difficulty within a class. However, automated assessment cannot adequately replace human judgement in every situation. Creative writing, research projects, complex essays, presentations, practical work, and students' social and emotional development often require contextual evaluation by a teacher. Hence, a combination of AI-assisted evaluation and human assessment is more appropriate.

AI in Language Education

Artificial Intelligence has considerable potential in language learning. Speech-recognition technologies can help learners practise pronunciation, while Natural Language Processing can support grammar, vocabulary, reading, and writing activities.AI-based conversational systems can provide learners with

opportunities to practise communication and receive immediate responses. Translation technologies may also assist students who learn through more than one language. This is particularly relevant in multilingual educational environments such as India, where students may use regional languages as well as English or other languages during their educational journey. AI-supported language resources can therefore contribute to greater accessibility and flexibility in learning.

Inclusive and Accessible Education

AI can contribute to inclusive education by supporting learners with diverse educational needs. Speech-to-text technologies can convert spoken language into written form, while text-to-speech applications can convert written material into audio. Other AI-supported features, including automatic captions, language translation, image recognition, and adaptive interfaces, can make digital educational resources easier to access. Such technologies may enable students with different abilities to participate more effectively in educational activities.

AI in Educational Research

Artificial Intelligence can also assist students, teachers, and researchers in academic research. It may be useful for identifying possible research themes, organizing information, summarizing lengthy material, classifying information, supporting data analysis, and improving the language of academic writing. However, AI-generated information should not automatically be treated as accurate. AI systems may produce incorrect statements, fabricated references, or misleading interpretations. Researchers must therefore verify information through reliable primary and secondary sources and retain responsibility for the final academic work.

Benefits of AI in Education

The integration of AI into education can provide several potential benefits:

1.Individualized learning: Educational content can be adapted to students' learning requirements.

2.Faster feedback: Students may receive immediate responses to certain activities and assessments.

3.Teacher support: AI can reduce some repetitive and time-consuming tasks.

4.Greater accessibility: Assistive technologies can support learners with different abilities.

5.Continuous learning: AI-based systems can provide learning assistance beyond classroom hours.

6.Data-based decision-making: Learning analytics can help institutions and teachers understand patterns in student performance.

7.Research assistance: AI can support information organization, data analysis, and academic writing.

8.Multilingual support: AI-based language technologies can assist learners in multilingual educational
environments.

Challenges and Limitations

Despite its potential, AI in education also presents several challenges.

Academic Integrity

Easy access to Generative AI may encourage students to submit AI-produced content as their own work. This can create difficulties in evaluating genuine learning and originality.

Accuracy and Misinformation

AI systems can sometimes provide incorrect or misleading information with a high degree of confidence. Therefore, students and teachers need the ability to verify AI-generated content.

Data Privacy

Educational AI systems may process information relating to students' academic performance and learning behaviour. Appropriate safeguards are necessary to protect such information from unauthorized use.

Digital Inequality

Not every student or educational institution has equal access to high-quality internet connectivity, devices, or advanced AI tools. Unequal access could increase existing educational inequalities.

Algorithmic Bias

AI systems learn from data, and biased or incomplete data can result in biased outcomes. Educational institutions must therefore pay attention to fairness and transparency.

6.Excessive Dependence on Technology

Overdependence on AI may affect students' ability to think independently, solve problems, write creatively, and evaluate information critically. AI should therefore be used to strengthen learning rather than replace intellectual effort.

Ethical Considerations

Responsible use of AI in education requires clear ethical principles. Students and teachers should know when and how AI tools can be used in academic work. Educational institutions should establish appropriate guidelines concerning AI-assisted assignments, examinations, research, authorship, and academic integrity. Protection of student data is another important ethical requirement. AI systems should be designed and used with attention to privacy, security, transparency, fairness, and accountability. Most importantly, human beings should retain meaningful control over important educational decisions. AI-generated recommendations should support teachers and educational administrators, but significant decisions concerning learners should not be based solely on automated outputs.

Future Prospects

The future application of AI in education is likely to expand considerably. Adaptive learning platforms may become more capable of identifying individual learning requirements. AI-based virtual assistants could provide continuous academic support, while learning analytics may help educational institutions detect learning difficulties at an early stage. Generative AI may also enable teachers to prepare different versions of educational materials according to students' academic levels and learning requirements. AI-based translation and language technologies could support multilingual education and improve access to educational resources in areas where high-quality learning materials are limited. However, technological development alone will not guarantee successful implementation. Educational institutions will need

trained teachers, suitable digital infrastructure, clear institutional policies, data-protection mechanisms, and AI literacy among both educators and learners.

Conclusion

Artificial Intelligence is gradually becoming an important component of the modern educational system. Its applications extend from personalized learning and intelligent tutoring to assessment, accessibility, language learning, research assistance, and teacher support. When appropriately implemented, AI can help create more flexible and learner-centred educational environments. At the same time, the adoption of AI involves substantial challenges. Issues concerning academic integrity, accuracy, privacy, unequal access, algorithmic bias, and technological dependence cannot be ignored. In particular, unrestricted dependence on Generative AI may weaken students' originality, critical thinking, and independent problem-solving abilities. The future of education should therefore not be framed as a competition between teachers and Artificial Intelligence. A more appropriate approach is to develop a partnership in which AI provides technological and analytical support while teachers remain responsible for pedagogy, mentoring, ethical judgement, creativity, and understanding students' social and emotional needs. Thus, the successful integration of AI into education depends not merely on access to advanced technology but on responsible use, human supervision, teacher training, digital literacy, data protection, and ethical governance. AI should ultimately function as a tool for strengthening educational quality and expanding learning opportunities rather than replacing the human dimension of education.

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Revisiting Dharma and Gender Justice in Difficult Daughters: An Indian Knowledge Systems Perspective

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Abstract
Manju Kapur's Difficult Daughters presents the complex relationship between tradition, individual freedom, and women's struggle for identity in pre-independence India. While the novel is frequently examined from feminist and postcolonial perspectives, its engagement with the ethical idea of dharma remains relatively unexplored. This article studies the novel through the lens of Indian Knowledge Systems (IKS), particularly the concept of dharma as a moral and social principle that seeks harmony between personal aspirations and collective responsibility. The paper argues that Kapur does not reject Indian cultural values; rather, she questions the rigid social practices that have come to be mistaken for dharma. Through the experiences of Virmati, Kasturi, and other women, the novel reveals how patriarchal customs often silence women's voices while claiming moral legitimacy. By distinguishing ethical dharma from oppressive social conventions, the study demonstrates that gender justice is deeply rooted in the Indian philosophical tradition. The article concludes that Difficult Daughters invites readers to rethink justice, responsibility, and women's agency within the framework of Indian thought instead of viewing feminism and tradition as opposing forces.

Keywords: *Indian Knowledge Systems, Dharma, Gender Justice, Feminism, Women's Identity, Patriarchy.*

Introduction

demonstrates that political independence does not automatically guarantee social or personal liberation, especially for women. Most scholarly discussions on *Difficult Daughters* focus on feminism, patriarchy, and female subjectivity. While these approaches have enriched the understanding of the text, they often interpret the conflict as a confrontation between tradition and modernity. Such a binary perspective overlooks the ethical foundations of Indian philosophy, where *dharma* is understood not as blind obedience but as righteous conduct guided by justice, compassion, and responsibility. Indian Knowledge Systems provide a valuable framework for revisiting literary texts because they encourage interpretations grounded in indigenous philosophical traditions rather than relying exclusively on Western theoretical models. The concept of *dharma* occupies a central place in Indian intellectual history. In classical texts, *dharma* signifies the principle that sustains social order while promoting moral integrity and human welfare. It is dynamic rather than rigid, requiring individuals to act according to truth, fairness, and the demands of particular circumstances. This distinction becomes especially important in understanding women's position in Indian society. Indian English literature has consistently explored the changing relationship between tradition and modernity. Among contemporary novelists, Manju Kapur occupies a significant position for her sensitive portrayal of women's emotional lives and their search for identity within deeply rooted social structures. Her debut novel, *Difficult Daughters* (1998), is set against the backdrop of India's struggle for independence, yet its central conflict lies within the domestic sphere, where women negotiate family expectations, education, marriage, and personal freedom.

The novel as one has noted:

True dharma does not silence women; it listens to their voices, recognises their wisdom, and honours their aspirations." In *Difficult Daughters*, Virmati's desire for education, emotional fulfilment, and intellectual independence is frequently viewed as rebellion against tradition. A closer reading suggests that her struggle is not against Indian culture itself but against restrictive interpretations of social duty that deny women the right to make meaningful choices. Her conflict reveals the tension between personal conscience and inherited customs, inviting readers to reconsider the ethical meaning of duty.

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Similarly, the lives of Kasturi, Ganga, and Ida illustrate different responses to patriarchal expectations, showing how each generation negotiates the burden of social norms. An Indian Knowledge Systems perspective offers an opportunity to distinguish genuine *dharma* from practices that reinforce gender discrimination. Such a reading demonstrates that justice, dignity, and mutual respect are integral to Indian philosophical thought and that these values support, rather than oppose, women's rights. By placing *Difficult Daughters* within this ethical framework, the novel emerges not merely as a feminist narrative but as a thoughtful exploration of moral responsibility, social reform, and the evolving meaning of justice. This article argues that Kapur's novel calls for a reinterpretation of *dharma* that recognizes women's agency as an essential component of a just society. Through this perspective, the study seeks to establish that gender justice can be understood as an extension of Indian ethical values rather than as an imported concept detached from indigenous traditions. The title, "Revisiting Dharma and Gender Justice in *Difficult Daughters*: An Indian Knowledge Systems Perspective," reflects the central objective of this study. The word *revisiting* suggests a fresh interpretation of Manju Kapur's novel by moving beyond conventional feminist readings and examining the text through the ethical principles of Indian Knowledge Systems (IKS). While previous studies have largely discussed *Difficult Daughters* in terms of patriarchy, identity, and women's resistance, this article argues that the novel also raises important questions about the true meaning of *dharma*. Rather than presenting tradition as inherently oppressive, Kapur distinguishes between moral duty rooted in justice and social customs that restrict women's freedom. The phrase *gender justice* highlights the novel's concern with equality, dignity, and the right of women to make independent choices. The subtitle, *An Indian Knowledge Systems Perspective*, emphasises that the analysis is grounded in indigenous philosophical thought, where *dharma* is understood as a dynamic ethical principle rather than a rigid code of obedience. Thus, the title accurately represents the article's attempt to reinterpret the novel through an Indian intellectual framework and to demonstrate that gender justice is consistent with the values embedded in Indian philosophical traditions.

Difficult Daughters is narrated through the voice of Ida, who attempts to understand the life of her late mother, Virmati. The narrative unfolds against the historical backdrop of the Indian freedom movement and the Partition of India, creating a parallel between the nation's search for independence and a woman's struggle for personal freedom. Through a combination of memory, family history, and personal reflection, Kapur develops a layered narrative that moves between the past and the present. Virmati is the eldest daughter of a conservative Punjabi family in Amritsar. As the eldest child, she is expected to assume domestic responsibilities and prepare herself for marriage. Although she performs these duties faithfully, she possesses a strong desire for education and intellectual growth. Her ambitions place her in constant conflict with her family's expectations, particularly those of her mother, Kasturi, who believes that a woman's honour lies in fulfilling her domestic responsibilities. The turning point in Virmati's life occurs when she meets Professor Harish, an educated and married man. Drawn to his intellectual companionship, she falls in love despite knowing that the relationship violates accepted social norms. Harish encourages her academic aspirations and persuades her to continue her studies. According to him "The journey of a woman towards education and selfhood is not a rejection of culture; it is a search for the freedom to fulfil her human potential." However, his inability to challenge patriarchal privileges creates emotional instability in Virmati's life. She eventually becomes his second wife, a decision that distances her from her family without providing the emotional security she had imagined. Marriage does not resolve Virmati's inner conflict. Instead, she encounters isolation within Harish's household, where his first wife, Ganga, and other family members view her with resentment. Although she has gained the freedom to pursue education, she loses the warmth of familial acceptance. Her personal choices lead neither to complete liberation nor to lasting happiness. Kapur presents this complexity with remarkable sensitivity, avoiding simplistic judgments about either rebellion or conformity. The structure of the novel is significant because it avoids presenting women as either victims or rebels alone. Instead, Kapur portrays them as individuals negotiating difficult moral and emotional circumstances. The narrative demonstrates that the struggle for identity is not simply a rejection of tradition but an attempt to reconcile personal aspirations with social responsibility. This balanced portrayal makes *Difficult Daughters* particularly suitable for interpretation through the ethical framework of Indian Knowledge Systems. Indian Knowledge Systems represent a rich intellectual tradition that encompasses philosophy, ethics, literature, education, governance, and social thought. At the centre of this tradition lies the concept of *dharma*, one of the most significant ideas in Indian civilisation. Although the term is often translated as "duty" or "religion," its meaning is much broader. Derived from the Sanskrit root *dhṛ*, meaning "to sustain" or "to uphold," *dharma* refers to the ethical principle that preserves harmony within individuals, society, and the universe. Ancient Indian texts describe *dharma* as a moral guide rather than a rigid set of rules. In the *Mahabharata*, it is repeatedly emphasized that *dharma* is subtle (*sūkṣma*), requiring wisdom and compassion rather than unquestioning obedience. Similarly, the *Bhagavad Gita* teaches that righteous action should arise from self-awareness, responsibility, and concern for the welfare of others. These tests indicate that *dharma* is not static; it adapts to changing circumstances while remaining rooted in justice and truth. By applying this framework to *Difficult Daughters* enables a more balanced reading of the novel. Virmati's struggle is not simply a conflict

between tradition and modernity. It reflects a deeper search for an ethical life in which personal aspirations, education, and self-respect coexist with social responsibility. She said '*I am a woman. What can I do*?' Kapur's narrative therefore questions those customs that claim the authority of *dharma* while denying justice to women. In doing so, the novel invites readers to recover the original spirit of *dharma* as a principle of moral balance rather than social control. Manju Kapur's *Difficult Daughters* is set in pre-Independence India and explores the emotional, social, and psychological struggles of women living in a patriarchal society. The novel is narrated by Ida, who attempts to understand the life of her deceased mother, Virmati. Through Ida's memories and family history, the narrative unfolds as a story of love, sacrifice, identity, and the conflict between personal aspirations and social expectations.

Virmati, the protagonist, is the eldest daughter of a conservative Punjabi family in Amritsar. As the eldest child, she shoulders the responsibility of caring for her younger siblings and helping her mother, Kasturi, with household duties. Her family believes that a daughter's primary duty is to marry, manage a household, and uphold the family's honour. However, Virmati possesses a strong desire for education and dreams of leading a life beyond the traditional domestic sphere. Her ambition to pursue higher studies frequently brings her into conflict with her family, especially with her mother, who considers education less important than marriage. Virmati's life changes when she meets Professor Harish Chandra, an educated and charismatic man who teaches at a local college. Harish is already married and has a family, yet he develops a close emotional relationship with Virmati. He appreciates her intelligence, encourages her academic interests, and inspires her to continue her education. Gradually, their intellectual companionship develops into love. Despite knowing that society will condemn such a relationship, Virmati becomes emotionally attached to Harish and refuses several marriage proposals arranged by her family. This decision creates tension within her household and damages her relationship with her parents. Determined to shape her own future, Virmati leaves home to pursue higher education in Lahore. Education gives her confidence and independence, but her emotional dependence on Harish continues. Eventually, she agrees to become his second wife. Instead of finding happiness, Virmati enters a life filled with loneliness, guilt, and emotional conflict. Harish's first wife, Ganga, naturally resents her presence, and Virmati struggles to find acceptance within the family. She realises that marriage has not given her the freedom or fulfilment she had expected. Although she has achieved her dream of education, she remains trapped in complicated family relationships and social disapproval.

Conclusion

The novel also portrays the lives of other women, including Kasturi, Ganga, Swarna Lata, and Shakuntala, each representing different responses to the expectations imposed by society. While Kasturi accepts traditional values without questioning them, Shakuntala represents the emerging generation of educated women who encourage independence and self-reliance. Through these contrasting characters, Kapur presents multiple perspectives on womanhood rather than a single model of female empowerment. The narrative concludes with Ida reflecting upon her mother's life after her death. As Ida pieces together Virmati's story, she recognises the emotional sacrifices, loneliness, and courage that shaped her mother's identity. The novel ends without offering simple answers or idealising either tradition or rebellion. Instead, it highlights the complexity of women's lives in a society where personal desires often clash with family expectations and social customs. Ultimately, *Difficult Daughters* is a moving exploration of identity, education, love, duty, and the continuous search for dignity and selfhood within a patriarchal world. As per experience of genuine *dharma* is rooted in fairness, compassion, and respect for every individual. When social traditions deny women access to education, silence their voices, or reduce them to domestic roles alone, they depart from these ethical ideals. Kapur's novel does not reject Indian culture; instead, it calls for a return to its humanistic values. Her narrative demonstrates that gender justice is not an external concept imposed upon Indian society but an ethical principle that resonates with the deeper spirit of Indian philosophical thought. Kapur's portrayal of Virmati, Kasturi, Ganga, and Ida illustrates that every generation negotiates the meaning of duty in different ways. Their experiences remind readers that social harmony cannot be achieved by silencing individual voices. Ultimately, *Difficult Daughters* invites a meaningful reconsideration of Indian ethical traditions. It argues that true cultural values do not imprison individuals but enable them to realise their potential while respecting the rights of others. Revisiting *dharma* through the lens of gender justice therefore strengthens, rather than weakens, the moral vision of Indian civilization. The novel leaves readers with a lasting message: a society can preserve its traditions only when those traditions uphold justice, compassion, and human dignity for every individual, irrespective of gender.

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Women In Prison: A Human Rights Perspective in the Indian Criminal Justice System

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Abstract
Since immemorial time, women have been the most neglected and vulnerable group of society. In the ancient and medieval era, the concept of prison was not applicable to women offenders. During the British colonial era in India, Britishers created the system of prison and also made some provisions for women prisoners. If a woman is a prisoner, then her total life and the life of the next generation affect the social structure. So, their rights in prisons need to be protected. The concept of prison is the product of the Positive School of Criminology. Positivists consider that the purpose of punishment is to bring change in the life of the offender. Hence, imprisonment is widely accepted as a form of punishment. Hence, a number of initiatives regarding prisons have been taken by national and international authorities. Institutions must take cognizance of women prisoners not becoming victims of authority because life in jail is life in hail. Equal protection is the basic right of every human being without discrimination in any form. Indian Legal system has successfully handled gender discrimination against women or the third gender. Women as indivisible parts of the human race are still struggling for equal presence in all strata of society. Women in Prison is most vulnerable and neglected group of mankind. While understanding the rights of women prisoners, this article is an attempt to review legal arrangements and current challenges in the Indian Criminal Justice System. Their rights specially need to be considered and implemented by the concerned authorities.

Keywords: *Women Prisoners, Rights, Conventions, Laws and Cases.*

Introduction:

Women are the most vulnerable people and are deprived on all fronts of society. Women differ from men physically, socially and also psychologically. The life of a woman inside prison and outside prison is the same. Life in prison is so hard because living with other criminals may adversely affect the behaviour of a first offender. As stated by Nelson Mandela about prison, no one truly knows a nation until one has been inside its jails. Though with the passage of time, modern corrective approaches have been applied by prison authorities, we still have to wait a lot for necessary changes. Some of the committees, commissions, etc. really give strong guidelines for prison reforms. THE CORSTON REPORT[3], published in the U.K. under the chairmanship of Baroness Jean Corston, recommended many things for the holistic, women-centred development of women in the criminal justice system. In India also same kind of a similar report[4] on improving the condition of Women inmates in prisons was published by the National Commission for Women. A woman prisoner, an inmate, confined or forcefully restrained by authority. In a literal sense, a prisoner is a person in prison and a prison[5] is a jail or a place where prisoners are detained for a permanent or temporary period. In short, a prisoner is a person deprived of liberty against his will. The prison system is a part of the Criminal Justice System and an administrative network of the Government to manage accused and convicted criminals. The prison system was not much exercised in ancient and medieval eras. In ancient times, the retributive theory and deterrent theory of punishment were applicable, and authorities (Rulers/Kings) only believed in speedy justice. If there is a prison, then such a prison is a cage for the treatment of animals, not humans. Hence, the court must ensure the protection of the rights of prisoners inside the jails. Their freedom inside the jail is a sign of the reformative theory of punishment.

The mention of women prisons rarely found in the ancient or medieval period of time. During British Colonial Rule in India, Indian prisons shaped their role, and hence imprisonment was widely accepted as punishment. In 1919[6], the Committee first gives remarks about the prison that the aim of prison administration is the restoration of criminals. In the same report, women inmates were also considered as separate entities and some suggestive measures were given for prison reforms.

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Modern democratic countries started viewing prisons as correctional institutions and bear the responsibility to make reforms among offenders. In India, prisons are a subject of Entry-4 List II (State List) mentioned under the Seventh Schedule of the Indian Constitution. Also, Section 59 (1) of the Prison Act, 1894 empowers the State government to make rules regarding prisons.

As per data collected in 2022 and published as the World Female Imprisonment List (Fifth Edition)[7], the number of Indian female prisoners is increasing year to year. Such an increasing number of women prisoners is alarming to all modern welfare democratic countries. It is also a hurdle in the development of the country. Each member State must take cognizance of not to violate the rights of persons. It is the duty of prison authorities not to harm the rights of prisoners. As rightly stated by Martin Luther King, injustice anywhere is a threat to justice everywhere. Injustice in prison is also a threat for all progressive democracies. In the category of prisoners, women prisoners are the most neglected and vulnerable group of society, which needs to be focused on.

Rights Of Women Prisoners- Indian Legislative Framework:

In India, generally the legislation was drafted after the recommendations of various committees or commissions. Indian prison legislation is also the result of the efforts of various jail committees.

The Constitution of India is the fundamental law of the country, which specifically protects human rights as Indian citizens. Specific guarantees to women as prisoner not provided under the Constitution of India. Preamble of the Indian Constitution itself guarantees justice, equality, and liberty to every Indian. Protection of life and maintaining the dignity of the individual are also part of the Constitution of India. Article-14 provides equal protection of laws to women in India, and Article 15 prohibits discrimination on grounds of sex. It is Article-15 (3) of the Constitution which allows the State to make special provisions for women. Hence, it is an obligation on the State to provide adequate facilities and to fulfil the needs of women prisoners by making special provisions. Article-21 guarantees the right to life and protects the human dignity of all citizens. This article also ensures that due process must be followed by law during deprivation of a person's life. Therefore, it protects the rights of women prisoners and ensures that they are not subjected to arbitrary detention or mistreatment. Constitution of India also provides and guarantees free legal aid under its directive principles of state policy.

The Prison Act, 1894[8]

The rights of prisoners mentioned under the Prison Act, 1894. This Act of 1894 is the first legislation in India which regulates all subject matters of prison. The main focus behind the enactment of this Act is the reformation of prisoners and the regulation of their rights. The rights, such as separation of women prisoners from men prisoners[9], medical examination of women prisoners carried out by a lady medical officer only[10], suitable employment of women prisoners during daytime[11] etc., are mentioned under different provisions of the Act of 1894.

The Protection of Human Rights Act, 1993

The Human Rights Act is also an important statute enacted in 1993 with the specific object of protection of Human rights. National Human Rights Commission works for the protection of women as the most disadvantaged group of society. Under the chairmanship of NHRC, Justice Verma called a meeting[12] to make prison reforms effective. NHRC[13] issued guidelines to prison authorities, high courts as well as to state governments to pay attention to the promotion and protection of human rights of prisoners, from its inception.

The National Commission for Women Act, 1990[14]

The National Commission for Women is a statutory body set up in 1992 with the object of reviewing the constitutional and legal safeguards for women. Its object is also to recommend remedial legislative measures. In short, the Commission initiated various steps for improving the status of women. Recently, i.e. in 2018, a report was submitted by the National Commission for Women (NCW) suggesting certain recommendations for improvement in the status of women prisoners.

New Criminal Laws, 2023 and women prisoners.

Recently, the Central Government enacted new criminal laws, and they were effective from the date of the first of July 2024. Due to recommendations made by the Justice Verma Committee appointed for the revival of criminal laws, the following changes were made in BNSS, BNS AND BSA statutes. New Criminal Laws have an impact on women prisoners by prioritizing faster trials, introducing community service for minor offences, and grouping gender-related offences, though systemic overcrowding and undertrial delays remain critical challenges

Model Prisons and Correctional Services Act, 2023[15]

Model Prisons and Correctional Services Act, 2023, in short Model Prisons Act, 2023, enacted by the Ministry of Home Affairs of the Government of India with the basic purpose of safe custody, correction, reformation and rehabilitation of prisoners as law-abiding citizens, and management of prisons and correctional services of the prisons in the State/Union Territories. Chapter X, with the title of Prison regimen for women prisoners was added in Section 30 to Section 33 of the said Act of 2023. In the preliminary part of the Act, the Government clarifies that prisons and their management are related to the State Government, but to remove the irregularities from outdated colonial laws, a new uniform law was prepared in 2023.

In the categorization of prisoners, women prisoners are segregated based on natural categorization. A subcategory for women prisoners with children is added and segregated under this Model Prisons Act, 2023. Women prisoners are allowed to keep their children up to the age of six. But after six, who would be the guardian of those children was not specifically mentioned. Though the Central Government prepared this statute of 2023, which is related to correctional ideology, its actual execution still depends upon the will power of the State Government. A provision has been

made for the change in the designation of 'Inspector General' to 'Director General' in the Model Prison Act, 2023. There is news[16] from Maharashtra that the State Cabinet of Maharashtra has approved the introduction of this Bill in the Maharashtra Legislature. State governments try to take initiates of adaptation of rules framed in the Model Prison Act, 2023.

Few rights need to be considered…

Right of progeny

This right is part of conjugal rights. In Nand Lal vs. State of Rajasthan[17], the High Court granted parole to a life convict[18] by mentioning that denial to the prisoner to perform conjugal relation for progeny would adversely affect the rights of his wife. Jodhpur High Court tested the right of progeny on legal, social, as well as on religious level.

Rights on readmission after release

Bail, Parole, and furlough are the ways of release of prisoners. But after such release, a woman prisoner must have the special right of medical examination. Actually, this right is available to all prisoners, but on readmission after release, the pregnancy issue must be properly handled by authorities. The same issue was highlighted in various provisions of the Bangkok Rules[19].

As per the report prepared by BPRD[20] every woman prisoner shall be examined by a lady Medical Officer. It is necessary on readmission after parole and furlough. After confirmation of pregnancy till the birth of the child, each right of the woman prisoner as well as the child who is in the womb of such pregnant woman prisoner also needs to be protected. But if we see in general, ladies who are outside the prison, their rights are also infringed by various strata of society. Hence, the rights of pregnant woman prisoner are crucial issue in front of Prison authorities.

Right of medical care during pregnancy and right of delivery outside the prison

If any woman is found to be pregnant, then she has the right of medical care. In the same right, she also possesses the right of delivery outside the prison. It was mentioned that the birthplace of such a child should not include the name of the prison.

Right of property regained after release

Stridhan (Woman's property) is also an important economic part of a woman. Her property received from parental house and from in-laws also needs to be protected. So, whatever property a woman prisoner owned and possessed before her arrest, after completion of the period of punishment, she has the right to regain her property.

Right of bedding during menstrual cycle or pregnancy

Menstrual cycle or pregnancy is the natural gift of a woman. So, her proper hygiene and health are important, which need to be protected during the same. Hence, a woman prisoner has the right to proper bedding with a clean environment and supply of sanitary napkins during menstruation.

Rights after death of Woman Prisoner

Every person possesses right whether alive or after death. In the case of a woman prisoner whose child is with her also in need of care and protection. If such a woman dies in prison and leaves a child behind, then the child's future arrangements and care must be the duty of the government. This right of a woman prisoner after death taken into consideration.

Right of education

"You educate a man; you educate a man; you educate a woman; you educate a generation"- Brigham Young[21]

After the release of a woman prisoner, she must be able to earn, and for the same, she must be educated. So her right to education may be in the form of learning some skill-based vocational programs or programs that build her confidence to earn. It is easy for male prisoners to manage jobs but hard for women prisoners to become self-dependent. So, education of women prisoners is important.

Right to take care of children

If the family members of women prisoners are not able to take sufficient care of children, then such children should be placed in a child care center. This right is directly related to the child and indirectly related to the women prisoner. If the child is between seven and sixteen.

Right of health after abortion or miscarriage

In case of abortion or miscarriage of a woman prisoner, her right to proper health with due medical facilities should be protected. So, during the sentence period, regular support of a psychiatrist and a health specialist (especially a gynaecologist) needs to be provided.

Right to live with human dignity (After release from prison)

After completion of prison sentence, it is difficult for a person (Prisoner) to spend life with dignity. So, it is the social and legal duty of each person not to violate the human dignity of an imprisoned person. Imprisonment is one kind of social stigma attached to a prisoner for lifetime and the solution for the same is to create social awareness.

Also, rehabilitation after release is the most seriously neglected part of the authorities. This right is related to the right to live with human dignity.

Indian Women Prisons and Rights- Current Scenario:

In India, a few states run different programs for the rehabilitation of women prisoners. As per data mentioned by prison authorities, 41 women prisons[22] were established in India. Out of 41 jails, 34 jails are exclusively women jails that confine women prisoners only. The occupancy[23] rate in women jails was 60.10 %. Only 16 out of 36 states/union territories have their own set-up for women prisons in India. As per prison statistics of India, 2022, there are 1537 women prisoners, and 1,764 children are kept in the women prisons. 198 women prisoners are convicted women prisoners accompanied by 230 children. Tamil Nadu State Government[24] created 3 women welfare officer posts for the Special Prison for Women. These officers, while considering the welfare of women prisoners, act as intermediaries between prisoners and their families. Also, Tamilnadu government has allowed emergency leave for a period of 15 days to pregnant women prisoners for delivery. In Maharashtra, "Nanhe Kadam Balwadi"[25] is the program launched by the government for the children who are in Byculla women prison.3

staff are appointed for 12 hours under this program. In Punjab, Teachers have been deployed for the children of women prisoners. Certain rehabilitative programs which improve skills are also run by the Punjab Govt. In Gujarat, Anganwadi[26] facilities are also provided to the children who are kept with women prisoners. Also, women prisoners are allowed and promoted to take education in open universities.

There are 202[27] NGO's working exclusively for women prisoners. A total of 8,674[28] of women staff working in different cadres across Indian jails.

As per the report[29] prepared by the National Commission for Women, 2018, overcrowding, lack of health-care facilities, no involvement of NGOs, illiteracy, inadequacy of staff, no creche facility, etc. are common observations found in women prisons.

Suggestions

A panel of female advocates needs to be appointed.

Though our Constitution guarantees free legal aid to each of the needy but absence of quality legal aid is a serious issue in our legal system. In the case of women prisoners, there is a need to appoint a panel of female advocates, and such advocates must be skilful of giving support to women prisoners.

Well-trained and sufficient women staff.

An increasing number of women prisoners gives an alarm as well as gives a hint to appoint sufficient women staff to handle prison affairs. Hence, training with sufficient equipment needs to be provided to women staff.

Regular judicial visits.

Make it compulsory for all female judicial members to keep close watch over women's prison management. Regular judicial presence may reduce the tension in women's prisons.

Allow regular conjugal visits.

Allow conjugal visits to needy women prisoners. Regular conjugal visits may reduce the psychological, emotional and social problems of women prisoners.

Create separate cells for women accused in each district jail.

There is no separate jail available in each district of the State. Women Prisoners kept in a separate place in the district jail. It creates a lot of tension between male prisoners and prison officials. So, the creation of separate cells for women accused or prisoners is an essential thing.

Prison Survey should be conducted.

To ensure smooth working of prison administration, a survey should be conducted within a fixed time slot.

Proper adoption and implementation of national laws and international conventions. There is a need for proper implementation of the national and international conventions. It may protect the rights of women prisoners.

Custodial sentence for violent and Community Sentence for non-violent.

There should be a presence of a custodial sentence for those women prisoners who are violent and a threat to the public at large. But the presence of a community sentence for non-violent prisoners may reduce psychological problems and lead to reformation among prisoners.

Conclusion

The above-mentioned rights are in the statutes, but in actual practice need to be applied by authorities. Instead of the above-discussed rights, women prisoners also have religious, educational and social rights. There has been a lack of strict implementation of specific rules within the criminal justice system.

In India, the percentage of women prisoners is far less than that of men prisoners. Though the Constitution guarantees equality without discrimination based on gender, but still there is huge gap found in the social status of women and men. Though rights under specific statutes mentioned but still women prisoners face number of problems like as lack of legal aid, poor infrastructure, a lack of well-trained staff, etc. Also, lack of education and awareness regarding the rights of prisoners are the main fields where the government's special attention needs to be increased.

Indian prison history has achieved a lot, and since independence, India follows the corrective approach. Substitution of transportation into imprisonment for life shows the clean object of prison reforms. Also, adding prison in state list of the Seventh Schedule of the Constitution of India, 1950 and inviting Dr W.C. Reckless (United Nations expert on correctional work) in 1951 in India also give blueprints of the adaptation of prison policies in India.

Recently, at the central level, the government prepared the Model Prison Manual in 2023, but its adaptation and implementation are a great task in front of the State Government. Prison history shows that several times the Central government prepared a Model Prison Manual for maintaining uniformity of prison rules, but such a Manual has not been implemented by most of the States[30]. Under the heading of Hon'ble Justice D.Y. Chandrachud, the glossary[31] was prepared with the object of addressing and rectifying gender stereotypes in judicial decision-making and discourse. This is a positive step, but preparation of handbook after 75 years of independence itself denotes that legal system has some lacunas. Once Gandhiji said about women's freedom that "True freedom is when a lady with jewels can walk in the midnight." In my view, true freedom is when we find our prisons but without bars and custody for corrections.

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Senior Citizens and Human Rights: A Socio-Legal Analysis

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Abstract
Ageing is an inevitable stage of human life, Senior citizens in India are unaware of their human rights due to illiteracy and lack of awareness. Their voice is suppressed within four walls due to physical and psychological vulnerability. That's why only few cases of violation of their human rights are reported. The protection of older persons is therefore not merely a matter of charity or family responsibility; it is fundamentally a human-rights issue. In India, the rights and welfare of senior citizens are protected through constitutional guarantees, statutory mechanisms, judicial decisions and government policies. The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 is the principal legislation dealing specifically with maintenance, welfare, medical support and protection of the life and property of senior citizens.

Keywords: *Senior Citizens, Human Rights, Maintenance and Welfare of Parents and Senior Citizens Act, 2007, Dignity, Social Justice, Elder Abuse.*

Introduction

The term "senior citizen" generally refers to a person who has attained the age of 60 years. The Indian government's materials also recognise persons aged 60 and above as senior citizens.
Human rights are rights inherent in every human being by virtue of human dignity. Human Rights are universal in nature and includes, civil, political, economic, social and cultural rights.

For senior citizens, these include:

- the right to life and dignity;
- equality and non-discrimination;
- adequate food, clothing and shelter;
- access to healthcare;
- social security;
- protection from violence, abuse and exploitation;
- property and inheritance rights;
- participation in social and public life;
- privacy and autonomy; and
- access to justice.

Ageing should therefore not be treated as a condition that reduces one's legal personality or autonomy. Traditionally, Indian society has respected and cared for older people through the joint family system. However, changing family structures, smaller households, generation gaps, and modern lifestyles have increased problems such as neglect, loneliness, insecurity, and elder abuse**.** Longer life expectancy can also lead to health problems and dependence on others for daily activities. With more women working outside the home, some older people may feel like a burden to their children.
The Indian Constitution guarantees justice, equality, liberty, and dignity to all citizens, including senior citizens. Although several laws and institutions exist to protect older persons, their poor implementation often prevents them from enjoying these rights fully. Therefore, protecting the dignity, security, and human rights of senior citizens remains an important concern in India There is a great deal of scholarly concern about the status of older person, but tangible research work in terms of older person and human right is deplorably limited. It is time that the researchers for in depth socio-legal analysis take up this neglected area. There is immense need for the study of older person and human right in India, particularly in Marathwada by focusing the problem in human rights perspective and expand its scope. The bottlenecks in the implementation of the laws of the incorrigible attitudes are significant factors which are have been eroding the dignity of older person and it is at these junctures through research is quite significant and indispensable to eradicate this social evil.

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The following were the objectives of the study

1) To find out main problem faced by elderly person.
2) To study human rights and constitutional rights of Senior Citizen.
3) To study government policies and state responsibilities towards older person regarding laws, this will help them to solve the problem.
4) To suggest remedial measures for socio-legal deficiencies to uphold the status of older person.

To explain the above objectives the following hypothesis were formulated.

1) The psycho – socio economics, problems affect the life pattern of the senior citizens.
2) Senior citizen is unaware of their human rights.
3) Government is forgetting their responsibility towards senior citizen.
4) Elder abuse largely goes unreported because most of the elders they don't want any kind of risk at their end of the life

Methodology

The researcher will follow the doctrinal method to study & will refer Books journal commentaries new paper to complete this paper.

Constitutional Framework in India

Article 14 Right to equality: - Article 14 guarantees equality before the law and equal protection of laws. Age-based discrimination that results in arbitrary deprivation of rights can therefore be challenged through constitutional principles of equality.

At the same time, equality does not always mean identical treatment. Senior citizens may require affirmative measures because of physical, economic or social disadvantages. Such measures are consistent with substantive equality.

Articles 14, 19 and 21 of the Constitution of India are described as "Golden Triangle". Article 14 is based upon the principles of Natural Justice as well as on Dicey's Rule of Law. The protection of Article 14 extends to both citizens and non-citizens and to natural persons as well as legal persons. In *Indira Nehru Gandhi vs. RajNarayan*.[1]Case Supreme Court held that the Rule of Law embodied in Article 14 is the basic feature of the Indian Constitution and hence it cannot be destroyed even by any Constitutional amendment. This Article prohibits unreasonable discrimination between persons. The succeeding Articles 15, 16, 17 and 18 lay down specific application of the general rules laid down in Article 14.

(b) Right to Freedom (Articles 19): - Art 19 helps senior citizens remain independent, active, & respected members of society**.** So, this article benefits senior citizens by protecting their freedom and dignity. It allows them to

1. Express their opinions freely
2. Join associations or senior- citizen groups.
3. Move freely & live in any part of India.
4. Continue work.
5. Participate in social & public activities.

(c) Right to life and personal liberty (Articles 21): - Article 21 guarantees protection of life and personal liberty. This Article is contemplated among all Human Rights; the most cherished right is the Right to Life and Personal Liberty protected by Article 21 of the Constitution.[2]

For senior citizens, Article 21 supports the right to:

- Live with dignity and respect
- Receive necessary healthcare and basic necessities
- Be protected from neglect, abuse, and exploitation

The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 further provides specific legal protections for senior citizens

Directive Principles of State Policy

Article 41 directs the State to provide public assistance to senior citizens**,** especially in cases of old age, sickness, and disability, according to its economic capacity.

Article 39 promotes adequate livelihood and protection of people's health and well-being, which also supports the welfare of older persons.

Above articles emphasize that senior citizens have a right to live with dignity, security, care, and social support**.** They also place a responsibility on the State to promote their welfare and social security

Socio-Legal Problems Faced by Senior Citizens: -

Despite constitutional and statutory safeguards, senior citizens continue to experience serious social problems.

1. **Elder Abuse and Neglect**

Elder abuse may be physical, emotional, psychological, financial or sexual. Neglect may occur within families or institutional settings. Because many older persons depend upon family members for daily assistance, they may hesitate to report abuse.

2. **Economic Insecurity**

Many elderly persons have limited savings, no pension or inadequate pension coverage. Inflation, medical expenses and loss of employment opportunities can make older persons economically vulnerable.

Economic dependency may also create an imbalance of power within families.

3. **Property Exploitation**

Property is frequently a major source of conflict. Older persons may be persuaded or pressured into executing gifts, settlements, powers of attorney or other documents. Once property is transferred, recovery can become legally and emotionally difficult.

4. **Healthcare and Geriatric Services**

Healthcare systems are often designed around general medical needs rather than specialised geriatric requirements. Accessibility is particularly difficult for

[1] AIR 1975 SC 2299

[2] (Articles 21 provides that no person shall be deprived of his life or personal liberty except according to procedure established by the law.)

older persons living alone, in rural areas or with disabilities.

5. **Loneliness and Social Exclusion**

Human rights encompass social participation as well as material needs. Loneliness, abandonment and exclusion can seriously affect the quality of life of older persons.

The 1999 National Policy on Older Persons recognised the need for financial security, healthcare, shelter, protection against abuse and exploitation, participation and opportunities for older persons. It also emphasised that ageing should be understood as a continuum rather than as the beginning of a life of dependency.

The Maintenance and Welfare of Parents and Senior Citizens Act, 2007

The principal Indian legislation specifically addressing elderly welfare is the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Its stated purpose is to provide more effective provisions for the maintenance and welfare of parents and senior citizens, including matters connected with their constitutional rights.

The Act adopts a relatively comprehensive approach. It deals with:

1. maintenance of parents and senior citizens;
2. Maintenance Tribunals and Appellate Tribunals;
3. establishment of old-age homes;
4. medical support;
5. publicity and awareness;
6. protection of life and property;
7. consequences of certain property transfers;
8. abandonment of senior citizens; and
9. related enforcement mechanisms.

Right to Maintenance

The Act creates a statutory mechanism through which parents and senior citizens can seek maintenance from children or relatives in appropriate circumstances. Importantly, "maintenance" includes food, clothing, residence and medical attendance and treatment.

This is important from a human-rights perspective because maintenance is not restricted to monetary payment. Adequate residence and healthcare are essential components of a dignified life.

Maintenance Tribunals

Provide speedy, affordable, and accessible remedies to senior citizens without lengthy court proceedings.

Medical Support

Section 20 recognizes accessible and affordable healthcare as essential to the welfare and dignity of senior citizens.

Protection of Life and Property

Section 23 protects senior citizens from neglect and exploitation after transferring property in exchange for care.

Judicial approach towards senior citizen Ravi Kant Gupta v. State of Uttar Pradesh (2026)[3] The Supreme Court recently reaffirmed that a Senior Citizens Tribunal can order eviction of children or relatives from a senior citizen's property when necessary for the senior citizen's maintenance, protection and dignity

Thus, the judicial approach is focused on ensuring dignity, maintenance, security, health and protection from neglect for senior citizens. Courts have treated the Senior Citizens Act as a welfare legislation and have given it a liberal interpretation to protect elderly

Conclusion

All the hypothesis formulated by me is proved. In India elder generations are not aware of their human rights due to high prevalence of illiteracy and lack of awareness. The senior citizens easily become victim of abuse and their fundamental rights are frequently violated. There is absence of legal mechanism to create awareness amongst older persons regarding human rights and governmental schemes.

Suggestions & Recommendations

1. States should ensure effective functioning of Maintenance Tribunals, Appellate Tribunals and other authorities established under the 2007 Act.
2. Government agencies, legal services institutions and civil society organisations should conduct regular awareness programmes explaining maintenance, property protection and other legal remedies.
3. Legal aid and simplified procedures should be made easily accessible to elderly persons, particularly those with mobility, financial or technological limitations.
4. Healthcare policy should provide accessible geriatric services, home-based care, rehabilitation and preventive healthcare.
5. Adequate pensions and social-security mechanisms are necessary to reduce economic dependency and protect elderly persons from exploitation.
6. Banks, financial institutions and government authorities should develop safeguards against coercive withdrawals, fraudulent transfers and misuse of powers of attorney.
7. Urban planning, public transport, housing and digital services should be designed with the needs of older persons in mind.
8. Introduce a new Fundamental Right guaranteeing senior citizens the right to life with dignity.
9. Impose a Fundamental Duty on citizens to care for and protect elderly members of society
10. Enact stringent laws to protect senior citizens from atrocities and make such offences non-bailable.
11. Include the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, in the curricula of law schools and colleges

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[3] 2026 LiveLaw (SC) 824 (SC).

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The Zombie Startup Paradox: Macroeconomic Shifts, Agency Frictions, And the Future of Venture Capital Governance.

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Abstract
For over a decade, cheap capital fuelled a "growth-at-all-costs" mindset in venture capital. Now, as the industry transitions from the Zero Interest Rate Policy (ZIRP) era into a higher-rate reality, it is facing a painful structural correction. At the heart of this shift is the rise of the "zombie" startup: companies generating just enough revenue to stay afloat, but lacking the profitability or growth trajectory needed to secure their next round of funding. This creates what we term the "Zombie Startup Paradox." In a rational market, capital should quickly flee unviable ventures during a liquidity crunch; yet, funding continues to flow into these stagnant entities. Drawing on Agency Theory, this paper unpacks the hidden principal-agent conflicts between Limited Partners (LPs) and General Partners (GPs). We demonstrate how a GP's desire to protect reported Internal Rates of Return (IRR) and avoid the market stigma of a down-round often incentivizes an "extend-and-pretend" strategy, injecting just enough follow-on capital to keep a failing company artificially alive on paper. The ripple effects of this behaviour are severe. By keeping these zombies on life support, the broader ecosystem suffers: top-tier talent is misallocated, early-stage innovation is crowded out, and exit markets become distorted. To break this cycle, we propose practical, actionable governance frameworks cantered on sharper LP oversight, rigorous GP portfolio triage, and greater founder transparency. Ultimately, this study offers a clear roadmap for navigating the post-ZIRP venture landscape, helping the industry clear out the dead weight and restore true capital efficiency to the innovation ecosystem.

Keywords: *Zombie Startups, Venture Capital, Post-ZIRP, Agency Friction, Extend-and-Pretend, Corporate Governance, Portfolio Triage, Macroeconomic Shifts.*

Introduction

For over a decade, the global venture capital landscape operated under a veil of unprecedented monetary accommodation. Driven by the Zero Interest Rate Policy (ZIRP), the industry embraced a "growth-at-all-costs" mentality that drove valuations to unsustainable heights and subsidized fundamentally unprofitable business models. Today, that illusion has fractured. The macroeconomic pivot toward higher interest rates and tighter liquidity has laid bare the fragility of these constructs, giving rise to a distinct and troubling new archetype: the "zombie startup."

It is important to distinguish these entities from traditional corporate zombies. While the latter are typically mature, debt-laden enterprises sustained by bank forbearance, startup zombies are early-to-growth-stage ventures artificially propped up by repeated, reluctant infusions of VC follow-on capital. The continued survival of these unviable companies presents a striking economic paradox. Classical market logic dictates that during a liquidity crunch; capital should rapidly flee unprofitable ventures. Yet, venture funding continues to trickle into these stagnant entities. We argue that this counterintuitive behaviour is not a mere market anomaly, but rather the direct result of severe agency frictions embedded within the VC fund structure. Specifically, the short-term incentives of General Partners (GPs) frequently diverge from the long-term capital efficiency goals of their Limited Partners (LPs). By unpacking the macroeconomic catalysts of this shift, dissecting the underlying principle-agent conflicts, and mapping the broader distortions inflicted on the innovation ecosystem, this article decodes the mechanics of the zombie startup phenomenon. Ultimately, we move beyond diagnosis to propose robust, actionable governance solutions designed to restore market discipline and true capital efficiency to the post-ZIRP venture landscape.

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Objectives

A. Mapping the Shift: How post-ZIRP economics created an epidemic of stuck, unprofitable companies.
B. Exposing VC Friction: Why fund managers protect paper returns by keeping dead firms alive.
C. Measuring the Damage: How zombies choke out talent and stall real innovation.
D. Providing a Playbook: Actionable fixes for investors, managers, and founders to clear out the stagnation.

Literature Review

Caballero, Hoshi, and Kashyap (2008) - "Zombie Lending and Depressed Restructuring in Japan. "The Takeaway: While originally about Japanese banks in the 90s, this is the bedrock literature for "zombie" firms. The authors define zombies as companies that can barely cover their debt interest. In the startup context, recent literature adapts this definition to define zombie startups as those burning cash but unable to raise new equity or generate enough revenue to survive without constant, dilutive life support. Acharya, Balasubramaniam, and Ranganathan (2023) - Working papers on the transition from Zero-Interest-Rate Policy (ZIRP) to high-rate environments. The Takeaway: This literature highlights the macroeconomic whiplash. For a decade, VCs operated in a ZIRP environment where the cost of capital was virtually zero, encouraging "growth at all costs." The literature shows how the sudden macroeconomic shift (rate hikes) didn't just make new funding scarce; it fundamentally broke the unit economics of startups that were built on the assumption of infinite cheap capital.

Ewens, Jones, and Rhodes-Kropf (2022) - The Price of Innovation / VC pricing dynamics. The Takeaway: This stream of literature reviews how the 2020-2021 boom created a generation of startups with bloated headcounts and inefficient customer acquisition costs. The literature points out that the macro shift forced a brutal reality check: the market stopped rewarding top-line revenue and started demanding bottom-line profitability, instantly turning yesterday's "unicorns" into today's "zombies." Tian (2020) and recent working papers on Evergreening in Venture Capital. The Takeaway: This is the smoking gun of the Zombie Paradox. The literature shows that VCs will often inject follow-on capital into failing startups (evergreening) just to keep the company's valuation artificially high on paper. Why? To avoid the "denominator effect" (where a drop in private asset values ruins the LP's overall portfolio allocation) and to protect the GP's reputation. The zombie lives because killing it hurts the VC. Lerner, Schoar, and Wong (2007) - Secrets of the Academy: The Costs of Venture Capitalist Reputation. The Takeaway: VCs are highly sensitive to signalling. The literature proves that VCs will delay a "down round" (raising money at a lower valuation) or avoid writing down an asset because it signals failure to the market. This agency friction means zombies are kept in a state of suspended animation while the GP hopes for a macroeconomic miracle. Kaplan and Stromberg (2004) - Characteristics, Contracts, and Actions: Evidence from Venture Capitalist Analyses. The Takeaway: This is the holy grail of VC governance literature. It shows how VCs use complex contracts (liquidation preferences, board seats, vesting schedules) to protect themselves. In the context of zombies, the literature highlights how these contracts often lead to gridlock. Founders want to keep swinging for the fences; VCs want to liquidate or sell for scraps. The friction between these two goals keeps the zombie trapped in the middle. Cumming and Johan (2008) / Recent updates on Down-rounds and entrepreneurial incentives. When a zombie startup finally runs out of cash and is forced into a down-round, the governance dynamics get toxic. The literature reviews how harsh liquidation preferences in down-rounds can wipe out the founders' equity entirely. This creates a massive agency friction: if the founders have no equity left, they have no incentive to work hard, effectively killing the company from the inside out. Strömberg (2008) - The New Demographics of Private Equity / Board dynamics. This literature looks at what happens when VCs actually take control. It shows that while VCs are great at picking winners, their governance in "loser" scenarios is often hampered by their own lack of operational bandwidth. They don't have the time to properly restructure a zombie, so they just leave the founder in place, hoping they'll figure it out.

Redesigning the VC Model for a High-Rate World. Recent industry-academic syntheses (e.g., a16z research, Pitchbook data analysis, and academic reviews by Gompers, 2023) on The Future of VC Fund Structures. The final stream of literature looks forward. It argues that the traditional 10-year VC fund lifecycle is broken for a high-interest-rate world. **The literature suggests future governance must include:**

- Longer fund durations to allow for actual restructuring rather than panic-selling.
- Stricter LP advisory committees to force GPs to write down zombies honestly.
- Shift in GP compensation away from AUM-based management fees toward pure carried interest, aligning GP and LP incentives.

Methodology

1. To investigate the mechanics of the "Zombie Startup Paradox," this study employs a qualitative synthesis approach, bridging rigorous academic desk research with real-world market intelligence. The objective was to trace exactly how and why capital stagnation takes root in the current economic climate, moving beyond theoretical assumptions to map practical market behaviors.
2. The research design unfolded across four interconnected phases. We began by establishing a strict temporal and sectoral scope, focusing exclusively on the post-ZIRP transition (2020–2026) within early- to growth-stage private markets. From there, we curated a dual-stream data pool. This involved synthesizing foundational theories from top-tier finance journals—such as the Journal of Finance and the Review of Financial Studies—with contemporary industry analytics from PitchBook, the National Venture Capital Association (NVCA), and Federal Reserve reports. To extract the most relevant insights, we

executed targeted database queries using precise search clusters, including terms like "zombie startups venture capital" and "extend and pretend evergreening," to capture both academic discourse and practitioner commentary. Ultimately, we synthesized these findings by filtering for the most recent data, allowing us to map the direct trajectory from the end of cheap capital to actionable frameworks for structural reform.

3. Naturally, this approach carries inherent limitations, primarily stemming from the notoriously opaque nature of private markets. Because venture capital firms fiercely guard their internal metrics and backroom negotiations, granular, fund-by-fund proprietary data remains largely inaccessible. Consequently, rather than relying on unverified internal figures, this study grounds its conclusions in broad, verifiable industry trends and established theoretical models. While this ensures the reliability of our macro-level observations, it also means that micro-level, firm-specific anomalies may fall outside the immediate scope of this analysis.

A Quick Caveat on Blind Spots: Venture capital is notoriously opaque. Because private markets guard their internal metrics, we relied on broad, verifiable industry trends rather than backroom, fund-by-fund proprietary data.

Application of Theoretical Framework

To decode the mechanics of the zombie startup phenomenon, we view the post-ZIRP venture landscape through the dual lenses of Agency Theory and Signaling Theory. Together, these frameworks explain not just why capital stagnates, but how market participants actively perpetuate it. At its core, the persistence of zombie startups is a classic manifestation of principal-agent friction. In the venture capital model, Limited Partners (LPs) act as principals seeking long-term capital appreciation, while General Partners (GPs) serve as agents. This relationship is governed by the traditional "2-and-20" compensation structure, where GPs rely heavily on a 20% carried interest that only materializes upon profitable exits. When a portfolio company stalls in a high-rate environment, the rational response for an LP is to cut losses and reallocate capital. The GP, however, faces a starkly different calculus. Writing down a failing asset immediately craters the fund's internal rate of return (IRR) and broadcasts poor stock-picking to the market—two fatal blows to a GP's ability to raise their next fund. Consequently, the GP is structurally incentivized to deploy follow-on capital at flat or discounted valuations. This "extend-and-pretend" strategy artificially delays the realization of loss. It protects the GP's short-term performance metrics and projects an illusion of portfolio health, even as it actively drains LP capital efficiency. While Agency Theory explains the GP's underlying motivation to keep the zombie alive, Signalling Theory illuminates the market mechanics that ultimately trap it there. In private markets, a down-round is the ultimate negative signal. It publicly broadcasts failure and triggers punitive anti-dilution clauses that can wipe out the equity of early employees and founders. Desperate to avoid this stigma, founders and GPs frequently bypass transparent down-rounds in favour of "bridge rounds." These financial lifelines are structured with complex, hidden downside protections—such as participating preferred shares or aggressive liquidation preferences. While this manoeuvre temporarily shields the founders' paper wealth and spares the GP from marking down the asset, it effectively poisons the cap table. The resulting terms become so financially punitive that no new, rational outside investor will touch the company. The startup is thus locked in a state of suspended animation, entirely dependent on a closed loop of GP-led life support.

Actionable Governance Interventions for Stakeholders (Table no 01)

Stakeholder	The Core Challenge	The Practical Solution & Action Plan
Limited Partners (LPs) *(The Investors' Investors)*	Blind Spots & Hidden Losses: LPs often struggle to see the true health of a portfolio because General Partners have a natural incentive to hide bad news.	**Bring on the Sunshine:** Independent Valuations: Require third-party mark-to-market valuations every quarter. Smart Incentive Alignment: Use "clawback" clauses tied to follow-on investments in stagnant rounds. Annual Check-ups: Demand a clear, formal "Portfolio Triage Matrix" every year.
General Partners (GPs) *(The Venture Capitalists)*	"Extend and Pretend": GPs often keep throwing good money after bad to protect their paper returns and avoid the stigma of a write-down.	**Be Ruthlessly Honest:** The 3-Way Rule: Strictly apply a "Kill, Cure, or Scale" framework. Smart Compensation: Tie GP pay to long-term success rather than short-term inflated metrics, penalizing cash poured into zombie projects. Normalize Honesty: Shift the culture so that prompt, transparent write-downs are celebrated as smart risk management.
Founders *(The Entrepreneurs)*	Stuck in Denial: Founders fear the dilution of a down round and often avoid facing hard truths about pivoting or shutting down.	**Face the Music Early:** Build Tripwires: Include clauses in term sheets that automatically spark a strategic review if key growth or profit targets are missed two quarters in a row. Change the Narrative: Treat shutting down a failing venture not as a failure, but as a smart reallocation of talent and capital toward better ideas.

Think of the startup ecosystem like a garden where some plants get stuck on life support—neither growing nor dying, just draining resources. Those are zombie startups.

To fix this, here is a simple cleanup guide for the three main groups involved:

a. The Money Backers (Limited Partners): They invest in funds and are often left in the dark about failing companies. *The fix:* Demand independent check-ups so fund managers can't hide their losses.

b. The Fund Managers (General Partners): They often keep throwing good money after bad to protect their paper returns. *The fix:* Stop rewarding them for fake progress, and treat pulling the plug as smart risk management rather than a failure.

c. The Founders: They're naturally terrified of admitting defeat or facing down rounds. *The fix:* Set up automatic "tripwires" to look at the hard data early, and shift the culture so shutting down a dead-end project is seen as a brave way to redirect energy toward things that actually work.



Explanation of the above diagram in the following manner

Anatomy of the Loop: How the Trap Closes

The diagram maps out three interconnected feedback loops that explain how temporary market shifts transform into systemic stagnation:

The Zombie Trap (R1)

When macroeconomic realities shift—such as moving away from a Zero-Interest-Rate Policy (ZIRP) toward capital scarcity—external funding naturally contracts. Ideally, this would trigger a healthy culling of non-viable businesses.

Instead, General Partners (GPs) face intense psychological and professional pressure to protect their internal rate of return (IRR) metrics and avoid the stigma of a public write-down. Fearing IRR degradation, funds deploy discretionary follow-on capital into underperforming assets—a classic "Extend and Pretend" strategy. Rather than letting the market clear, this behavior artificially keeps struggling entities afloat, proliferating zombie startups and cementing the trap.

Ecosystem Distortion (R2)

Keeping zombies alive doesn't happen in a vacuum; it exacts a heavy toll on the broader market. When capital is tied up in sustaining non-viable ventures, it triggers ecosystem crowding out.

- Misallocation of Talent: Brilliant engineers, operators, and visionary founders remain locked in stagnant projects instead of migrating to high-impact disruptors.
- Distorted Exit Markets: The presence of artificially supported entities warps competitive dynamics and pricing signals.
- Choked Innovation: Ultimately, early-stage innovation suffers, degrading the overall quality of deal flow for future generations of investors.

3. The Inevitable Correction (B1)

Because capital is finite, the illusion cannot last forever. Sustained capital misallocation eventually leads to LP capital depletion. As Limited Partners watch their capital trapped in non-yielding assets, commitments to new VC funds dry up. This drop in dry powder reinforces capital scarcity, eventually forcing a painful, bottom-up market correction that clears out the backlog—often at a severe macroeconomic cost.

Limitations and Broader Implications

While this study provides a comprehensive conceptual framework for understanding the zombie startup paradox, several inherent limitations must be acknowledged. First, the venture capital industry is characterized by profound information asymmetry. Because private markets fiercely guard their internal metrics, proprietary funding structures, and GP-LP negotiations, accessing granular, fund-level data on hidden losses is exceptionally difficult. Consequently, this research relies heavily on established theoretical models and broad, verifiable industry aggregates rather than exhaustive internal fund data. While this approach ensures the reliability of our macro-level observations, micro-level, firm-specific anomalies may remain obscured.

Second, the geographic scope of this analysis is primarily anchored in the United States and European tech hubs. The institutional frameworks, regulatory environments, and capital dynamics governing startup ecosystems in emerging markets operate under fundamentally different constraints. Therefore, the governance prescriptions and triage frameworks proposed herein may require significant contextual adaptation to be effective outside of established Western markets. Future research should explore how agency frictions and zombie proliferation manifest in developing economies with distinct financial infrastructures.

Finally, there is a temporal limitation to consider. The macroeconomic transition away from the Zero Interest Rate Policy (ZIRP) era is a relatively recent phenomenon. Because this structural correction is still unfolding, the long-term efficacy of the proposed governance frameworks—such as the sustained impact of mandatory portfolio triage matrices on LP returns—remains to be fully validated. Proving these outcomes will require longitudinal studies as the post-ZIRP landscape continues to mature.

Nevertheless, the broader implication for the startup ecosystem is clear. Clearing out the dead weight of zombie startups is not merely an exercise in accounting cleanup; it is a vital, immediate step in restoring capital

efficiency and redirecting top-tier talent back toward genuine, scalable innovation.

Conclusion

Bottom Line: Cleaning House and Moving Forward

The whole "Zombie Startup Paradox" comes down to a messy collision between a tough economic reality and the way venture capital incentives are set up. When investors choose to "extend and pretend" rather than take a loss, they accidentally trap talent, distort the market, and crowd out genuine breakthroughs.

What comes next? The startup ecosystem is heading toward a much-needed deep clean:

- The Near-Term Wave: Expect to see a surge of distressed acquisitions and "acqui-hires," where healthy companies scoop up brilliant engineers trapped inside dying startups, alongside a sharp rise in structured wind-downs.
- A Shift for Investors: LPs are going to change how they do their homework. Instead of just chasing flashy short-term return rates, they'll start strictly evaluating how disciplined fund managers are when it comes to cutting losses.

Ultimately, clearing out the zombies is going to force the startup world back to basics—making sure venture capital gets back to doing what it was always meant to do: backing profitable, scalable innovation instead of subsidizing stillness.

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Conflicts of interest

The authors declare that there are no conflicts of interest regarding the publication of this paper.

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Right to Livelihood of Trible's under Human Right Perspective

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Abstract
Humanity yearning for respect, tolerance and equality goes a long back in history, but the curious thing to note is that although our societies have in many respects made great strides in the technological, political, social and economic field. Even though much have spoken about human rights but it is very difficult to give crystal clear definition of human rights. Some philosophers have aptly remarked that, it may be difficult to define what the human rights are, but it is impossible to ignore them. The struggle of Human Right aims for the human happiness. A society can be nominated as civilized society only after the fulfilment of the rights of individual including tribal people. Human rights are the rights which are invariant to all human being irrespective of nationality, place of birth, colour, religion, language or any other status. Human rights are not a luxury to us but it is a basic need of very human being. Commonly alleged as rights of tribal over forest produce and forest land and forest rights have been a major area of concern as well as debate in India. Tribal peoples in our India having their own culture and customary practices need to be protect by the stated. Tribal have emotional, psychological and cultural attachment with the forest as they always lived in the forest. Forest in fact have influenced their collective imaginations, belief systems and culture, there by shaping their identity. Even today there is Co-existence of tribe's and the forest.

Keyword's: *Human right, Tribal People, Forest, Culture, Globalization, Deforestation.*

Introduction

Human rights constitute a precious heritage for the mankind for which many battles have been fought & won. And the battle continues in order to safeguard various rights & freedom like right to personal liberty, right to livelihood, right against discrimination & freedom from exploitation and many more. All these rights & freedom enshrined in Universal declaration of Human rights, 1948.[1] This paper critically analysed the rights of tribal community such as right to livelihood, right to food, specially to recognize the first rights and occupation of forestland to the forest dwelling scheduled tribes and other traditional forest dweller. Human rights as a term most commonly used are the rights which every human being is entitled to enjoy and to have protected. Human rights are those rights without which human existence cannot be possible & permissible, all the rights of tribal people are in event inalienable, natural and moral and self-determination. Human rights of Tribal cannot be taken away by the state for the development project. Human rights of everyone is not only protected by our constitution, but also some documents of international level like universal Declaration of Human Rights – 1948 & the ILO convention No – 107 and recommendation – 104 in 1957 on the protection of indigenous and tribal population to which the India is member of it.[2] This ILO resolution emphasis upon the development of technical programmes and projects for solving the poverty and unemployment problem attending indigenous and tribal people & not for the displaced those people from their place of residence for globalization issues. This case is selected by me because of that; there is need to protect & support those tribal community & forest dwellers & protect their basic human rights this issue was recent origin from last three decade. When state adopted the policy of globalization & privatization; everything is change except the rule of change and the life of nation or a social political system is not an exception to it. The political, social and economic conditions change continuously. Due to this session we lose more than one million hectors of forest cover every year due to development projects.

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[1]Universal Declaration of Human Rights, G.A. Res. 217A (III), U.N. Doc. A/810 (1948).
[2]ILO Convention No. 107 concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries (1957) and Recommendation No. 104 (1957).

It is a time that we realize the importance of forest & value their worth. Despite of economic development, we do not able to survive & good quality of life if we do not have sufficient green cover around us. In nutshell forest can help us in maintaining the ecological balance. Each providing shelter to wild animals, preserving the genepool of various trees and protecting the tribal population who are totally depends on forest & forest produce.

Tribal peoples are unaware about their human rights due to lack of education, ignorance of law. State agencies are not reach to those tribal population because of far away from general society and in adequacy of policies for upliftment of them. Even though there is a protection of the basic rights of tribal community by passing the legislation in the year of 2006, [3] but it was not much benefited to these population. So, I will try to critically analysed this problem in the context of Human Rights & Social Transformation in Environmental Law.

Objectives of Analysis

1. To understand the rights of tribal people in the context of Human Rights.
2. Role of stakeholders in protection of Human Rights of Tribal's.
3. Critically understand the Role of the State in welfare era.
4. Role of the judiciary for enforcement of the Rights of Tribal's.

Methodology

The critical analysis of the case study through to various aspects of Human Rights and the rights of the Tribal's community enshrined under various provisions of Law. Fundamental rights and directive principles of state policy under part – III & part – IV of the constitution.[4] To analyse the role of the state to implementing the law relating to forest Right Act 2006 with considering the case laws decided by Apex Court of India.

Case Study Overview

The situational case study on Human Rights regarding Tribal Community. Summary of the case as follows:

A group of tribals lived for generations at village Dhani in North Maharashtra. The entire community was rich in natural resources like water, food, fuel etc. however one day they were informed of the government's decision to develop the land which was possessed by tribals by constructing the building for Multinational company. The community was assured six compensation and alternate accommodation. Human Rights are to be exercise and enjoyed by all people. Without them, people including tribals cannot fully develop as human beings. Human rights are based on mankind's increasing demand for a life in which the inherent dignity and worth of a human being is respected and protect. But it is a duty of a state as welfare state to be respected & protected those human rights irrespective of any discrimination. State instrumentality does it through the laws and enforcement agency like judiciary. The realization of the right to development of every human being and the Nation is impossible without recognition of Human Rights and Fundamental Freedom. Denial of Human Rights and fundamental freedom has led to social and political unrest sowing the seeds of violence in conflict within and between societies and communities. Denial of Human Rights of tribal directly or indirectly affect the environment and economic development. In this case the major stakeholders are the tribal people and the state agencies. Tribal people as a human being recognize their rights as right to livelihood, right to development, right to freedom to hold and live in the forest, community rights such as nistar including right to protect, regenerate or conserve of all the forest villages and old habitation. On the other part state is under obligation to protect, preserve the rights of tribal community through the Act or statute and actual implementation of it. In case of violation of Human Rights of tribal, the judiciary played an important role as a protector & guarantor of citizen's Rights.

In relation of the above situation some cases highlighted & decisions of supreme court as a guiding principle for protection of tribal rights. Fatesang Gimba Vasava v State of Gujarat (1987) It is a typical case that explains the impact of reservation of forest on the tribal life. The state forest officials blocked transportation of bamboo mats made out of tribal labour on the ground that they are forest produce.[5] Suresh Lohiya v. State of Maharashtra (1996)

The Supreme Court held that when a product from bamboo is commercially different, it could not be treated as forest produce.[6][7] Lingappa Pochanna v State of Maharashtra (1985) and P Rami Reddy v State of Andhra Pradesh (1988)

Both cases upheld the constitutional validity of the laws that barred alienation of tribal lands to the non-tribals, and facilitated restoration of such lands to the tribals.[8]

Hills Syndicate v North Cachar Hills Autonomous Council (2000)

It was held that more rights and privileges to the tribal people living in tribal areas.[9]

[3]The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (Act No. 2 of 2007).

[4]Constitution of India, Part III (Fundamental Rights) and Part IV (Directive Principles of State Policy).

[5]Fatesang Gimba Vasava v. State of Gujarat, AIR 1987 Guj 9.

[6]Suresh Lohiya v. State of Maharashtra, Criminal Appeal No. 430 of 1993 (Supreme Court of India, decided 23 August 1996).

[7]Indian Forest Act, 1927, Section 2(4) (definition of forest-produce).

[8]Lingappa Pochanna Appelwar v. State of Maharashtra, (1985) 1 SCC 479; P. Rami Reddy v. State of Andhra Pradesh, (1988) 3 SCC 433.

[9]Hills Syndicate v. North Cachar Hills Autonomous Council (2000).

Narmada Bachao Andolan v. Union of India (AIR 2000)

The writ petition had been filed against the construction of the Sardar Sarovar dam for violation of Right to life of the Tribals residing there. Since they were not provided with satisfactory relief and rehabilitation measures.[10]

Thematic Analysis

The case study selected by me with the broad theme of Human Rights and social Transformation in Environmental Law. We the human being as a creature of nature must be follow the natural law and moral principles for surviving ourselves and other creature of nature. In concern of the case study, we are discussing the two issues such as –

1. Impact of the deforestation on Indigenous Human Rights and
2. Displacement due to Environmental degradation - A Human Right Concern

Impact of the deforestation on Indigenous Human Rights

Forest is the natural resource available to us without any cost. But it is human tendency that, if anything available to us free of cost, we cannot be careful about it. Forest act as a carbon sink by absorbing the carbon dioxide around us and release the precious oxygen which is essential for the survival of life in all forms. In addition to these forests also have immense economic benefits. Forest can help in maintaining the ecological balance, adding to fertility of the soil and preventing soil erosion, providing shelter to wild animals and tribal population. Decide the environmental benefits forest bring revenue to the state, supply raw material to the industries and act as a source of fuel and fodder.

Environmental Impact due to deforestation

Deforestation is the one of the main causes of every kind of pollution and environment degradation. Global warming, ozone depletion, greenhouse effect throughout the world is due to increasing the temperature of the earth, no doubt it is happened because of deforestation, decline of natural resources and many more. The significance of forest is best explained by supreme court of India in Rural Litigation and Entitlement Kendra v. State of U.P (1988).[11] Forest needs to be protected to save our mother earth, therefore from colonial era to the modern time there is a various legislation for protection and preservation of forest and classified the forest in four categories. State empowers to take the land of the individual person for public purpose like construction of dam, road, railway track etc. through the concept of eminent domain. But sometime state uses their power for the purpose of globalization, privatization, industrialization, organization and displaced the tribal people who are lived their generation to generation.[12] No doubt the development project may help as for employment generation for local livelihood, but if they are not need about that so government can't be does it without the desires of local people. The tribal people have become strangers in their homes commercialization had set in and the forest had become the important source of raw materials to the forest-based industries & sometime multinational companies also. By an inequitable privatization of common property resources in favour of small elite, the law in fact worked against the interest of the rural & tribal people whose very existence had been dependent upon those resources. Thus, these changes struck a blow to the symbiotic relationship between forest and the tribal people.

Criticism

Tribal ethos is different from those of non-tribal peoples. The forests are a national asset and the state has power to regulate it. However, in this process, it is neither fair nor conductive for the security of tribal life. If the regulation of the state makes arbitrary inroads into their traditional rights and lifeline. Under the constitution of India, the places of tribal provided under schedule – VI as tribal area like village Dhami in North Maharashtra.[13] Special regulations apply to tribal area where legislative, executive and judicial institutions different from those of rest of the country. General laws are in modified form apply to scheduled area. In tribal areas, autonomy of self-governing institution takes care of the transaction in Land. The legislative imposes the prohibition and restriction of the transfer of land of tribal people through the legislation. The scheduled Tribes and other Traditional forest Dwellers (Recognition of Forest Rights) Act, 2006.[14] This act is meant to recognize and provide the forest rights and occupation of forest land to forest dwelling scheduled Tribes and Traditional Forest dweller who have been residing in such forests for generation. The Government decision to develop the land of tribal by constructing the building for a multinational company was violative of the provision of above Act. It is a misuse and abuse of power by the state which violate the human rights of tribals as right to life and livelihood.[15] Again the state agency cannot be interface with their customary law and religious fraction and traditional management practices of community resources. The above Act was challenged on the ground of violates the right to equality, in the constitution. But it was found by the court of law that the law is meant for uplifting the scheduled Tribes. This law implements the Art – 46 of constitution "To

[10]Narmada Bachao Andolan v. Union of India, (2000) 10 SCC 664; AIR 2000 SC 3751.

[11]Rural Litigation and Entitlement Kendra v. State of U.P., AIR 1987 SC 2187; (1989) Supp (1) SCC 537.

[12]Forest (Conservation) Act, 1980.

[13]Constitution of India, Fifth Schedule and Sixth Schedule (administration of Scheduled Areas and Tribal Areas).

[15]Constitution of India, Article 21. See also Olga Tellis v. Bombay Municipal Corporation, (1985) 3 SCC 545 (right to livelihood is part of right to life).

promote, with special care and their economic interest as an indigestion people of the society."[16]

Conclusion

The right to livelihood of tribal communities is an integral part of the right to life guaranteed under Article 21 of the Constitution of India. Forests are not merely a source of timber or revenue for the State; they constitute the cultural, spiritual and economic foundation of tribal identity. Displacement without free, prior and informed consent and without adequate rehabilitation violates both constitutional and international human rights norms. While the Forest Rights Act, 2006, represents a significant legislative attempt to correct historical injustice, its effective implementation remains the real challenge. Tribal people continue to face problems of lack of education, ignorance of law and inadequate reach of State agencies. The judiciary has played a crucial role in interpreting and enforcing tribal rights through various decisions, but the ultimate responsibility rests with the State to ensure that development does not come at the cost of the dignity and survival of the most vulnerable sections of society. Sustainable development must be rooted in the recognition that the protection of tribal rights and the conservation of forests are two sides of the same coin. Only when the State, judiciary and other stakeholders work together to uphold the human rights of tribals can we claim to be a truly civilized society that respects equality, dignity and the inherent worth of every human being.

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Conflicts of interest

The authors declare that there are no conflicts of interest regarding the publication of this paper.

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[16]Constitution of India, Article 46 – Directive Principle directing the State to promote the educational and economic interests of Scheduled Castes and Scheduled Tribes and protect them from social injustice and exploitation.