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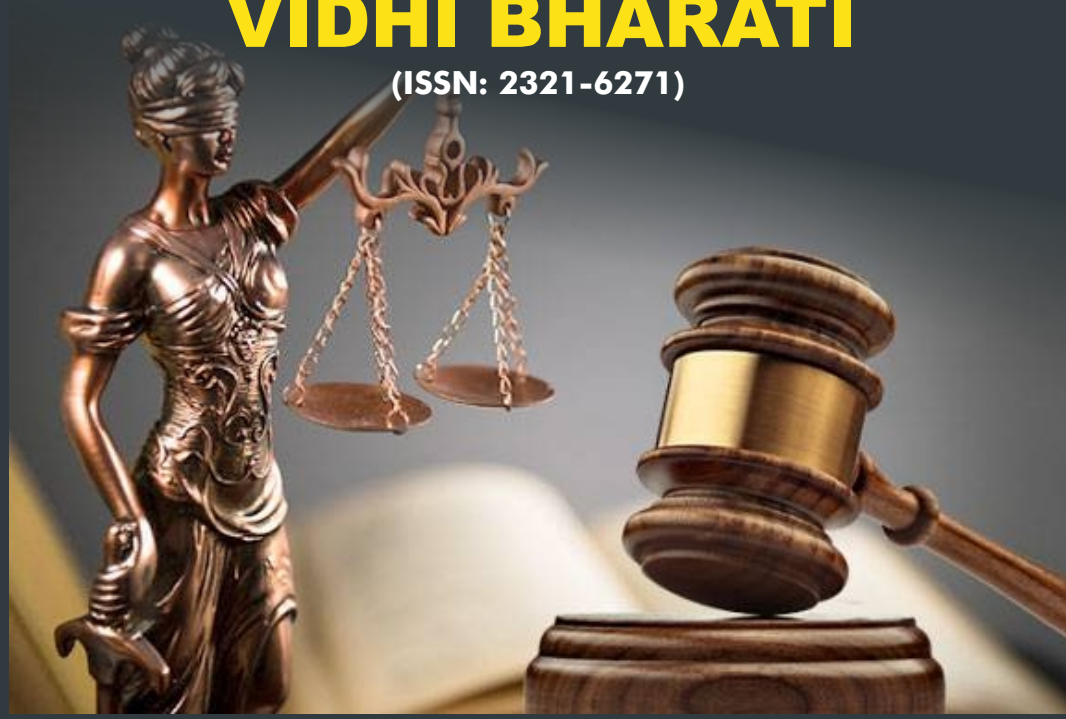

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EDITORIAL

Bharati Vidyapeeth is one of the topmost and dynamic Institutions in the country which provides professional education along with conventional education to the students in urban as well as rural areas. Considering the needs of the 21st Century, more focus is given on imparting quality professional education. As a part of it, Bharati Vidyapeeth is running three Law Colleges at Sangli, Kolhapur and Karad respectively, which are affiliated to Shivaji University, Kolhapur and approved by the Bar Council of India, New Delhi. These colleges have proved their excellence in the academics of legal discipline since their establishment for which NAAC accredited with 'A'.

Our academic and professional commitment to cater to the ever-growing demands of legal education and profession in Western Maharashtra, every year, we publish Research Journal- "VIDHI BHARATI" with ISSN 2321-6271. It covers different socio-legal issues from several fields of knowledge. This is a joint venture publication of the three law colleges of the Bharati Vidyapeeth Pune run in the jurisdiction of Shivaji University, Kolhapur.

The present volume is a selection of research articles received from research scholars, academicians, professionals, etc., from different parts of the country. The volume aims at documenting socially sensitive, economically crucial, and legally important issues observable in different sections of Indian society. It is true that the articles incorporated in the volume deal with different topics and aspects of socio-economic and legal reality. However, the articles are characterized by a common vision which critically addresses various issues relating to the progress of legal awareness and legal implementation. Some of the articles examine the present situation of a particular problem and suggest beneficial measures, while some others point towards the depth and seriousness of the problem. As such, most of the articles deal with ground level realities, focusing on positive aspects on the one hand and the negative consequences on the other. The articles express concern with regard to several issues viz. Globalization and changing profile of Indian legal system, Alternative Dispute Resolution, Female Feticide and female infanticide, corruption and Human Rights, Bio-diversity Law, Black Money, Medical Ethics, Honor Killing, Right to Education, cybercrimes, surrogacy etc. these articles underline the experiences and concern of different sections of our country.

The articles also raise some questions for the readers and seek to obtain the proper solution for it. No such specific theme was selected for this volume and hence the articles on a variety of issues and problems received from the scholars were accepted. However, only those based on criteria and of research skills and research norms are incorporated in the volume.It is overall, an attempt to share and shape the knowledge and enrich it. Furthermore, the present volume invites the attention of the scholars to make a further meaningful dialogue and strengthen academic discipline.

I hope that this volume will stand as a model of thinking and give strength to the volumes to be published every year in the month of June. Publishing the research journal is a teamwork. I was fortunate to get ready help and willing co-operation from my associates of editorial team. I am indeed indebted to them. However, I am especially thankful to the members of the Editorial Board for their constructive suggestions and encouragement.

I express sincere thanks to all authors for their expertise and contributions to this journal.

I am always inspired by the great work of and indebted to our late Founder Dr. Patangraoji Kadam Saheb. I am deeply grateful to Hon. Chancellor Dr. Shivajiro Kadam Sir, and Secretary Hon. Dr. Vishwajeet Kadam sir for their constant support, encouragement, and co-operation in this academic endeavor.

I look forward to a greater and a keener participation from our academic fraternity. We will march together to scale new heights in research quality. We would be very happy to receive suggestions or comments to raise the quality of the journal to greater heights.

Sanjay Aher
Editor-in-Chief

Research Journal
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ARTICLES

DOCTRINE OF JUSTICE, EQUITY AND CONSCIENCE

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Introduction

The phrase "Doctrine of Justice, Equity, and Conscience" is not a specific legal doctrine with a universally recognized definition. However, it encompasses principles that are often associated with legal and ethical decision-making.Justice: Justice refers to the concept of fairness and impartiality in the application of laws and the resolution of disputes. It involves treating individuals and groups equally, without discrimination, and ensuring that they receive their due rights and entitlements.Equity: Equity is the principle of fairness that goes beyond the strict application of laws. It recognizes that sometimes the law may not provide a just outcome in certain circumstances. In such cases, equity allows for the consideration of individual circumstances, mitigating factors, and the promotion of a fair result.Conscience: Conscience refers to an individual's internal moral compass, their sense of right and wrong. It involves taking ethical considerations into account when making legal or moral judgments. Conscience prompts individuals to act in accordance with their deeply held beliefs, values, and sense of justice.

The combination of these principles suggests that legal decisions should not solely rely on strict adherence to existing laws, but also consider the broader notions of justice, fairness, and moral values. However, the application of these principles can vary depending on the legal system and context in which they are used.

Indian Scenario

In India, the Doctrine of Justice, Equity, and Conscience is not explicitly codified as a specific legal doctrine. However, the principles underlying

this doctrine have been recognized and applied in various aspects of Indian law. Here are a few examples:

Judicial Interpretation: Indian courts, particularly the Supreme Court, have interpreted and applied the principles of justice, equity, and conscience in their judgments. When faced with situations where strict legal provisions may lead to unjust outcomes, the courts have relied on these principles to ensure fairness and uphold constitutional rights.

Public Interest Litigation (PIL): PIL is a unique legal mechanism in India that allows citizens or organizations to seek judicial intervention in matters of public importance. PIL cases often involve issues of social justice, human rights, and equitable distribution of resources, where the courts apply the principles of justice, equity, and conscience to address systemic inequalities and protect the interests of marginalized communities.

Constitutional Law: The Indian Constitution provides a framework for ensuring justice, equality, and the protection of fundamental rights. The principles of justice, equity, and conscience are implicit in the constitutional provisions that guarantee equality before the law, protection against discrimination, and the right to a fair trial.

Personal Laws: India has a diverse legal landscape with different personal laws for different religious communities. In matters of personal laws, courts have sought to strike a balance between religious practices and the principles of justice, equity, and conscience. This includes issues related to marriage, divorce, inheritance, and succession.

It is important to note that the application of these principles can vary depending on the specific circumstances and the discretion of the judiciary. The doctrine provides a flexible approach to ensure fairness and justice, particularly when rigid adherence to existing laws may lead to unjust outcomes.

Historical Preview

It was maintained even under smritis that one's own satisfaction to the

source of dharma. It was also ordained that any decision should be arrived based upon Yukti or Nyaya. These aspects under ancient law amply cover the modern concept of justice, equity and good conscience. In absence of any specific law, the principle of justice, equity and good conscience shall apply. In the smriti or in the event of a conflict between the smritis, what would be most fair and equitable in the opinion of judge would be done in particular case. Narad, Brihaspati and now Supreme Court supported this source of law. Where the law analogically deduced is inadaptable to the present needs of society or where it is such that its rigid application would result in hardship to the public then rule of equity should become applicable. Abu Hanifa, the great jurist (Mughal period) called this 'Itihasan' (literally translated as 'juristic preference').

During British India, the Charter 1683 authorized Company to raise military forces. It also provided that a court of judicature should be established at such places as the Company might consider suitable, consisting of one person learned in civil laws and two merchants-all to be appointed by Company, and decide according to equity, good conscience, laws and customs of merchants by such dates as the Crown from time to time directs. Thus, under this Charter the Company was authorized to establish admiralty courts at places of its own choice.

The Supreme Court observed that the jurisdiction of the Assam and Orissa High Courts was derived from their respective parent High Courts, namely, the Calcutta High Court and the Patna High Court. In the Courts in the Mufassal, the Civil Courts Acts, e.g., section 37 of the Bengal, Agra and Assam Civil Courts Act, 1887; section 5 of the Punjab Law Act,1872; sections 5&6 of the Central Provinces Law Act, 1875; section 3 of the Oudh Law Act,1876, require the Courts to decide cases according to justice, equity and good conscience. There can therefore be no doubt that the Courts which functioned in the former British India territory were enjoined to decide cases not governed by any specific statutory rules according to justice, equity and good conscience, which meant rules of English common law in so far as they were applicable to

Indian society and circumstances.

Juristic Views

According to Maine, “the most useful of instruments in the maturity of jurisprudence is the most dangerous of share in its infinity”. The Allahabad High Court held that where there is a conflict of opinion, and there is no specific rule to guide the court. The court follows that opinion which is more in accordance with justice, equity and good conscience.

Again, Allahabad High Court held that when there is no clear authority available on a point or where the authorities available are of conflicting nature, it is open to the jurists even according to a school of Muslim law to resort to principle of equity for the purpose of deciding a particular question at issue before them, particularly it would be open to the courts to draw upon this source where rigidity or narrowness of rules suggested need for adjustment in the light of changes brought about by the altered conditions of life and society in a particular age.

The Hon'ble Supreme Court, while referring the decision of Privy Council held, in absence of any clear Shastrictext, the courts have the authority to decide cases on the principles of justice, equity and good conscience. On this principle the Privy Council also had decided a case that murderer was disqualified from succeeding in the property of the victim. The Hon'ble Supreme Court held that, the principle of governance has to be tested on touchstone of justice, equity and fair play and if decision is not based on justice, equity and fair play and has taken into consideration other matters, though on face of it decision may look legitimate but, as a matter of fact, reasons are not based on values but to achieve popular accolade,that decision cannot be allowed to operate.

The Rajasthan High Court held that in a substantial part of Rajasthan it was recognized even in Alwar that if a mortgage deed contains a stipulation which unreasonably restrains or restricts the mortgagor's equity of redemption, courts were empowered to ignore that stipulation and enforce the mortgagor's right to redeem, subject, of course, to the

general law of limitation prescribed in that behalf. The court, therefore, satisfied that no case has been made out by the appellant to justify our interference with the conclusion of the Rajasthan High Court that the relevant stipulation on which the appellant relies ought to be enforced even though it creates a clog on the equity of redemption.

Judicial Interpretation and application

The Hon'ble Supreme Court has observed that "the Fundamental Rights and the Directive Principles constitute the 'conscience' of our Constitution. To ignore Part IV is to ignore the sustenance provided for the Constitution, the hopes held out to the Nation and the very ideals on which our Constitution is built, there is no anti-thesis between the fundamental rights and the directive principles; one supplements the other. Both Parts III and IV have to be balanced and harmonized then alone the dignity of the individual can be achieved. They (fundamental rights and directive principles) were meant to supplement each other."

The Punjab Division Bench held that although the Transfer of Property Act and the Indian Easement Act are not in force in Punjab , the Punjab Courts when deciding cases in which principles of law dealt with by the provisions of those Acts are involved, may adopt those provisions as embodying law applicable to the case especially when the law enunciated therein coincides with the principles of equity, good conscience and justice for which there is no statutory law applicable to the Punjab. In that case it was held that the mortgagor in possession had no authority, without the consent of the mortgagee, to do an act which was likely to prove destructive or permanently injurious to the property mortgaged.Though the Transfer of Property Act is not applicable to Punjab, the right to expectancy may not be transferred. This view was again reiterated in Atma Singh & Gian Singh v. Mangal Singh & Ors. and applied Sections 58, 92 and 100, Doctrine of Subrogation, but excluded the applicability of the technical rules. It was further held that in Punjab and Lahore there is no disagreement as to Principles of Transfer of Property Act being applicable to Punjab because they are based on

justice, equity and good conscience. The Supreme Court held that though the Transfer of property Act does not apply to Punjab, the principle of equity, justice and good conscience would apply to Punjab.

While applying the principle of justice, equity and good conscience the Hon'ble Supreme Court held that though the Transfer of Property Act per se did not apply in Punjab as is not made applicable by Government, but the principles of the Act would apply. Though the application for redemption was dismissed and became conclusive, the mortgagor's right to redemption is not barred. A suit for redemption under Transfer of Property Act will be maintainable and civil court has jurisdiction to grant the decree of redemption.

There are two other decisions of the Privy Council to which we may refer at this stage. In one case, the Privy Council was dealing with a case from Burma, and it observed that the Burmese Courts are directed, in the absence of any statutory law applicable to accounts against a mortgagee in possession, to follow the guidance of justice, equity, and good conscience. Acting on this principle, the Privy Council accepted Mr. Haldane's contention that there was no rule of abstract justice in taking the accounts of a mortgagee in possession, and that the Indian rule, which was embodied in S. 76 of the Transfer of Property Act, should, though the Act had not been extended to Burma, be followed there in preference to the English practice. It would thus be seen that the equitable principle underlying the provisions of S. 76 was extended to the case on the specific ground that the Burmese Courts had been directed by the relevant statutory provision to follow the guidance of justice, equity and good conscience in the absence of any statutory law applicable to accounts against a mortgagee in possession. This decision, therefore, is in line with the two earlier decisions of the Privy Council.

Similarly, where the Privy Council was dealing with the provisions in a mortgage deed conferring on the mortgagee upon redemption an interest in the mortgaged property, it was held that the said provisions amounted to a clog or fetter on the equity of redemption and as such, were void not

only against the mortgagor, but also against the purchaser of his interest, since they were inconsistent with the very nature and essence of a mortgage. In this case, again, section 28 of Regulation No.VII which was applicable to the North-West Frontier Province, had expressly provided that in cases not otherwise specially provided for, the Judges shall decide according, to justice, equity and good conscience; and so, recourse to the equitable doctrine was permissible because there was the statutory mandate requiring the Judges to apply the said doctrine where there was no specific legislative provision in relation to matter with which they were dealing.

In another case, Full Bench of Punjab High Court held that though the Doctrine of Clogging, in terms does not apply in Punjab, when there is no statutory prohibition, governing the matter be restricted to case where something unconscionable or oppressive in the bargain calls for redress. In terms the Full Bench applied the principles in the provisions of the Transfer of Property Act consistent with the Doctrine of justice, Equity and Good Conscience.

Thus, Supreme Court has explained the rule of justice, equity and good conscience, while observing that "it is axiomatic that the courts must apply the principles of justice, equity and good conscience to transitions which come up before them for determination even though the statutory provision of the Transfer of Property Act are not made applicable to these transactions. It follows therefore that the provisions of the Act which are but a statutory recognition of the rules of justice, equity and good conscience also govern those transfers. If, therefore, we are satisfied that the particular principle to which the legislature has now given effect by the amendment did in fact represent a principle of justice, equity and good conscience, undoubtedly the case will have to be decided in accordance with the rule laid down in the amended section, although in express terms it has not been made applicable to leases executed prior to 1929 or even prior to the Act coming into force."Similarly, the Rajasthan High Court held that the principle may well be regarded to be a salutary one and in accordance with the principles of equity, justice, and good conscience.

The series of decisions show that the High Courts in India conformed to the view that whether or not there is a statutory provision directing the Judges to give effect to the principles of justice, equity and good conscience, it is their duty to enforce that principle where they are dealing with stipulations introduced in mortgage transactions which 'appear to them to be unreasonable, oppressive or unjust.

Conclusion

The equitable principle of justice, equity, and good conscience, long and consistently applied by Civil Courts in India, could be applied in the State of Alwar even though the Transfer of Property Act had no application there at the time when the mortgage document was executed, or its period expired. The strict provision of the texts of Hindu Law in this regard would be of no avail.Thus, it is clear that the equitable principle of justice, equity and good conscience has been consistently applied by Civil Courts in dealing with mortgages and transfer of property and especially personal laws this rule is very useful and courts are using as and when required to be used.

■■■

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Information Technology Act and E-governance

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Abstract

The 'e' in E-governance stands for electronic Governance refers to lawful rules for management, control, and administration. E-governance is a public sector, use of information and communication technologies with aim of improving information and service delivery encouraging the citizen to participate in decision making process and making the government more accountable, transparent, and effective.E-governance generally considered as a wider concept than E-government, since it brings change in the way of citizen, relate to government and to each other. E-governance can bring the concept of citizenship. Its objectives are to enable, engage and empower the citizen. This paper throws lights on role of information technology act in E-governance.

Keywords – E-governance,E-government, ICT,e-Kranti

Introduction

Electronic governance or e-governance is the application of information technology for delivering government services, exchange of information, communication transactions, integration of various stand-alone systems between government to citizen (G2C), government-to-business (G2B), government-to-government (G2G), government-to-employees (G2E) as well as back-office processes and interactions within the entire governance framework.Through e-governance, government services are made available to citizens through IT. The three main target groups that can be distinguished in governance concepts are

government, citizens, and businesses/interest groups.

Objectives of E governance

i. E-governance is not only providing information about the various activities and organisations of the government, but it involves citizens to communicate with government and participate in decisions-making process.
ii. Putting government rules and regulations online.
iii. Putting information relating to government plans, budget, expenditures, and performances online.
iv. Putting online key judicial decision like environment decision etc, which is important for citizen and create precedence for future actions.
v. Making available contact addresses of local, regional, national, and international officials online.
vi. Filing of grievances and receiving feedback from the citizens.
vii. Making available the reports of enquiry committees or commission online.

E-governance andE-government

E-governance is a broader concept that deals with the whole spectrum of the relationship and network within the government regarding the usage and application of ICT(Information and communication technologies). E-government is a narrower discipline dealing with the development of online government services to the citizen and businesses such as E tax, E transportation, E participation amongst others.

SMART Governance

Simple- implies simplification of rules and regulations of the government and avoiding complex processes with the application of ICTs and therefore, providing a user-friendly government.

Moral- meaning the emergence of a new system in the administrative and political machinery with technology interventions to improve the

efficiency of various government agencies.

Accountable- develop effective information management systems and other performance measurement mechanisms to ensure the accountability of public service functionaries.

Responsive- Speed up processes by streamlining them, hence making the system more responsive.

Transparent- providing information in the public domain like websites or various portals hence making functions and processes of the government transparent.

Features of e-Governance

- ü Improves delivery and efficiency of government services.
- ü Improved government interactions with business and industry
- ü Citizen empowerment through access to information
- ü More efficient government management
- ü Less corruption in the administration
- ü Increased transparency in administration
- ü Greater convenience to citizens and businesses
- ü Cost reductions and revenue growth
- ü Increased legitimacy of government
- ü Flattens organisational structure (less hierarchic)
- ü Reduces paperwork and red-tapism in the administrative process which results in better planning and coordination between different levels of government.
- ü Improved relations between the public authorities and civil society
- ü Re-structuring of administrative processes
- ü e-Governance Initiatives

Steps taken to promote e-governance in India.

- · A National Task Force on Information Technology and Software Development was set-up in 1998.
- · The Ministry of Information Technology was created at the Centre in 1999.
- · A 12-point agenda was listed for e-Governance for implementation in all the central ministries and departments.
- · The Information Technology Act (2000) was enacted. This Act was amended in 2008.
- · The first National Conference of States' IT Ministers was organised in the year 2000, for arriving at a Common Action Plan to promote IT in India.
- · Government set-up NISG (National Institute for Smart Government).
- · The state governments launched e-Governance projects like SETU of Maharashtra, e-Seva (Andhra Pradesh), Bhoomi (Karnataka), and so on.

The National e-Governance Plan (NeGP) was launched. It consists of 31 Mission Mode Projects (MMPs) and 8 support components.The National Policy on Information Technology (NPIT) was adopted in 2012, The National e-Governance Plan (NeGP). The National e-Governance Plan (NeGP) provides a holistic view of e-Governance initiatives across the country.Around this idea, a massive countrywide infrastructure reaching down to the remotest of villages is evolving, and large-scale digitization of records is taking place to enable easy, reliable access to the internet.The Government has proposed to implement "e-Kranti: National e-Governance Plan (NeGP) 2.0" under the Digital India programme.

e-Kranti - Electronic Delivery of Services

e-Kranti is an essential pillar of the Digital India initiative.Considering the critical need for e-Governance, mobile governance and good

governance in the country, the approach, and key components of e-Kranti have been approved by the government.The e-Kranti framework addresses the electronic delivery of services through a portfolio of mission mode projects that cut across several government departments.The main aims of the initiative are to:

- Ø Redefine NeGP with transformational and outcome-oriented e-Governance initiatives.
- Ø Enhance the portfolio of citizen-centric services.
- Ø Ensure optimum usage of core Information & Communication Technology (ICT)
- Ø Promote rapid replication and integration of e-Governance applications.
- Ø Leverage emerging technologies.
- Ø Make use of more agile implementation models

E-governance under IT Act, 2000

The Information Technology Act, 2000 (also known as ITA-2000, or the IT Act) is an Act of the Indian Parliament (No 21 of 2000) notified on 17 October 2000. It is the primary law in India dealing with cybercrime and electronic commerce. Secondary or subordinate legislation to the IT Act includes the Intermediary Guidelines Rules 2011 and the Information Technology Rules, 2021. The original Act contained 94 sections, divided into 13 chapters and 4 schedules. The laws apply to the whole of India. If a crime involves a computer or network located in India, persons of other nationalities can also be indicted under the law. The Act provides a legal framework for electronic governance by giving recognition to electronic records and digital signatures. It also defines cybercrimes and prescribes penalties for them. The Act directed the formation of a Controller of Certifying Authorities to regulate the issuance of digital signatures. It also established a Cyber Appellate

Tribunal to resolve disputes arising from this new law. The Act also amended various sections of the Indian Penal Code, 1860, the Indian Evidence Act, 1872, the Banker's Book Evidence Act, 1891, and the Reserve Bank of India Act, 1934 to make them compliant with new technologies.

Amendments

A major amendment was made in 2008. It introduced Section 66A which penalized sending "offensive messages". It also introduced Section 69, which gave authorities the power of "interception or monitoring or decryption of any information through any computer resource". Additionally, it introduced provisions addressing - pornography, child porn, cyber terrorism, and voyeurism. The amendment was passed on 22 December 2008 without any debate in Lok Sabha. The next day it was passed by the Rajya Sabha. It was signed into law by President Pratibha Patil, on 5 February 2009.

Electronic governance dealt under sections 4 to 10A of the IT act, 2000.

Legal recognition of record (section 4)

Where any law requires that any information should be in the typewritten or printed form then such requirement shall be deemed to be satisfied if it is an electronic form. Therefore, section 4 confers validity on electronic record.

Legal recognition of electronic signatures (section 5)

Where any law provides that only information or other matters shall be authenticated by affixing the signature or any document shall be signed or bear the signature of any person, then such information or matter is authenticated by means of electronic signature affixed in such manner as may be prescribed by the central government.

Use of electronic records and electronic signature in government and it's agencies (section 6)

The filling of any form, application or other documents, creation, retention or perseverance of record, issue or grant of any license or permit or payment in government offices and its agencies may be done through the means of electronic form.

Delivery of services by service provider (section 6A)

For the purpose of E governance and for efficient delivery of services to public through electronic means the appropriate government may, by notification in the official gazette authorize any service provider to set up, maintain and perform such other services as as it may specify.

Retention of electronic records (section 7)

The documents, records or information which to be retained for any specified period shall be deemed to have been retained if the same is retained in the electronic form provided the following conditions are satisfied:

- ü The information remains accessible to be usable subsequently.
- ü The electronic records are retained in its original format which accurately represent the information contained.
- ü The detail which will facilitate the identification of the origin, destination, dates, and time of receipt of such electronic records are available therein.

Audit of documents etc. Maintained in electronic form (section 7A):

Any law for time being in force contains provision for audit of documents, record, or information, then such provision shall also be applicable for audit of documents, records or information processed and maintain in electronic records.

Publication of rule, regulation etc in electronic gazette (section 8):

Where any law provides that any rule, regulation, order, by law, notification or any other matter shall be published in official gazette, then such requirements shall be deemed to have been satisfied if such rule,

regulation, order, bylaw, notification or any other matter is published in official gazette or electronic gazette.

No right to insist government office etc to interact in electronic form (section 9)

No right is conferred upon any person to insist any ministry or department of central government or state government or any authority under any law or controlled or funded by central or state government should accept issue, create, retain, and preserve any documents in the form of electronic records or effect any monetary transaction in the electronic form.

Power to make rules by central government in respect of electronic signature (S.10)

The central government may prescribe:

1. The manner and format in which electronic signature should be affixed.
2. The manner which facilitates identification of the person affixing the electronic signature.
3. Control processes and procedure to ensures adequate integrity, security and confidential of electronic records or payment.
4. Any other matter which is necessary to give legal effect to electronic signatures.

Offences SectionOffencePenalty65Tampering with computer source documentsImprisonment up to three years, or/and with fine up to ₹2,00,00066Hacking with computer systemImprisonment up to three years, or/and with fine up to ₹5,00,00066BReceiving stolen computer or communication deviceImprisonment up to three years, or/and with fine up to ₹1,00,00066CUsing password of another personImprisonment up to three years, or/and with fine up to ₹1,00,00066DCheating using computer resourceImprisonment up to three years, or/and with fine up to ₹1,00,00066EPublishing private images of othersImprisonment up to three

years, or/and with fine up to ₹2,00,00066FActs of cyber terrorismImprisonment up to life.67Publishing information which is obscene in electronic form.Imprisonment up to five years, or/and with fine up to ₹10,00,00067APublishing images containing sexual actsImprisonment up to seven years, or/and with fine up to ₹10,00,000 67C Failure to maintain recordsImprisonment up to three years, or/and with fine.68Failure/refusal to comply with ordersImprisonment up to 2 years, or/and with fine up to ₹1,00,00069Failure/refusal to decrypt dataImprisonment up to seven years and possible fine.70Securing access or attempting to secure access to a protected systemImprisonment up to ten years, or/and with fine.71MisrepresentationImprisonment up to 2 years, or/and with fine up to ₹1,00,00072Breach of confidentiality and privacyImprisonment up to 2 years, or/and with fine up to ₹1,00,00072ADisclosure of information in breach of lawful contractImprisonment up to 3 years, or/and with fine up to ₹5,00,00073Publishing electronic signature certificate false in certain particularsImprisonment up to 2 years, or/and with fine up to ₹1,00,00074Publication for fraudulent purposeImprisonment up to 2 years, or/and with fine up to ₹ 1,00,000 **Table-** Listof offences and the corresponding penalties

In 2022, it was reported of a proposal to replace the Information Technology Act with a more comprehensive and updated Digital India Act, which would cover a wider range of information technology issues and concerns. This law could ostensibly have focal areas around privacy, social media regulation, regulation of over-the-top platforms, internet intermediaries, introducing additional contraventions or offences and governance of new technologies.

Importance of the Information Technology Act

The Indian government closely connects data to citizens' privacy, and this is demonstrated when each person must be able to exercise a substantial degree of control over that data and its use. Data protection is legal safeguard to prevent misuse of information about individual person on a medium including computers.

Conclusion

The IT Act provides a legal framework for electronic governance by giving recognition to electronic records and digital signatures. It also defines cybercrimes and prescribes penalties for them. The Act directed the formation of a Controller of Certifying Authorities to regulate the issuance of digital signatures.E-government is a narrower discipline dealing with the development of online government services to the citizen and businesses such as E-tax, E-transportation, E participation amongst others. E-governance under IT Act, 2000 Electronic governance dealt under sections 4 to 10-A of the IT act, 2000.

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SELF HELP GROUP- A KEY TO DEVELOP ECONOMIC GROWTH OF A NATION AND INDIVIDUAL STABILITY OF WOMEN

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Introduction

A country's overall developmentis connected with women's empowerment and societal growth. Increasing women's standing, in the perspective of the United Nations (UN), benefits both individuals personally and the country's overall social and economic growth. Despite making up half of the population, women only have a little amount of influence over wealth. Gender discrimination occurs when the majority of women are restricted to a narrow range of low-paying activities. Any underdeveloped country's primary issues are poverty and unemployment.

The Government of India tried toimplementa number of programmes towards the conclusion of the Ninth Five Year Plan to reduce poverty and encourage meaningful employment. But the "Self-Help Group" idea was the most successful plan with the least emphasis on money outlay. According to Sabyasachi Das (2003), it is a tool to combat poverty and boost rural development. The effectiveness of this self-help group technique, particularly in terms of empowering women, has been demonstrated.

Women's empowerment, consists of five elements:

- women's sense of self-worth,
- their right to make and exercise choices,

- their right to access opportunities and resources,
- their right to have the authority to manage their own lives,
- both inside and outside of the home, and their capacity to direct social change to foster a more just social and economic environment at the local, national, and global levels.

"In respect to Indian population women have occupied almost 50 % of the population. In a view to advance the society's social and financial aspect, it isindispensable to ensure that women are receiving equal opportunities of self-development. For that purpose, Self Help Groups are contributing a vital role.

Since decades the Concept of Self-HelpGroups familiar to all but for better understanding, the concept of Self-Help Groups are as under,

- These are unofficial groups of women who decide collectively to explore options for improving their standard of living.
- It may be characterized as a self-governing, peer-controlled informational community of individuals with comparable socioeconomic circumstances that aspire to work together to accomplish a shared goal.
- Villages deal with a number of issues such as poverty, illiteracy, a lack of skills, a lack of formal credit, etc. Individual efforts will not be enough to solve these issues; we must work together.
- SHG can therefore help the underprivileged and marginalized alter their lives. n the idea of "self-help" has been used to promote self-employment and reduce poverty.

HISTORICAL BACKGROUND

In the field of micro-finance, Bangladesh has been acknowledged as a pioneer. An action research initiative called "Grameen Bank" was created by Dr. Mehmud Yunus, a professor of economics at Chittagong University in Bangladesh. The initiative got under way in 1976, and a government regulation adopted in 1983 officially designated it as a bank.

Even then, the Bangladesh Bank, the nation's central bank, does not have it on its timetable. The Grameen Bank provides loans to landless impoverished people, primarily women, in an effort to encourage self-employment. It had 23.78 lakh members as of the end of December 2001 and had disbursed a total of 14.653 crore in microcredits.

India has tweaked the Bangladeshi model and adopted it. In the modern economy, micro-finance has become a popular tool for reducing poverty and empowering women. Self-help organizations and credit management organizations have also arisen in India as a result of microfinance's accessibility. As a result, SHG has become more widespread throughout India. In India, banks predominate as the means of distributing microcredit. Ilaben Bhat, a founding member of Ahmadabad's "SEWA" (Self Employed Women's Association), created the idea of "women and micro-finance" in 1970. Micro-finance is seen as a successful strategy for ending poverty on a global scale. In the years preceding 1997, a number of gatherings were held in an effort to create a plan that could be used by all countries on the planet.

In India, three alternative forms of Self-Help Groups banks have emerged: banks directly identify and fund Self Help Groups, Self Help Groups founded by Non-GovernmentalOrganizations (NGOs), Government agencies but supported by banks, and NGOs and other financial promote Self Help Groups. Self-help groups are expanding faster than ever in India, and financial institutions are seeing their value in helping the less fortunate. There has been an increase in the involvement of various government agencies, non-governmental organizations (NGOs), commercial and cooperative banks, regional rural banks, and others in the creation of Self-Help Groups across the nation in recent years. Self-help groups have been proven to be beneficial by several studies in the past, and they are now an essential part of many social welfare programs' execution of policy.The 1975 was hailed as "the year for women." A "decade for women" was also announced to run from 1975 to 1985. The campaign for women's

emancipation gained popularity during this time period. In this time period, emphasis was placed on the crucial role played by women, who make up 50% of society.

In 1991–1992, NABARD heavily promoted self-help groups. That was the real origin of the "SHG movement." Self Help Groups were also given permission by the Reserve Bank of India to create bank savings accounts in 1993. The movement received a big boost from the availability of financial services. Gujarat, Maharashtra, Andhra Pradesh, Rajasthan, Tamil Nadu, and Kerala are the states where the SHG movement first gained traction. After then, it was connected to other corporate and cooperative entities as well as Regional Rural Banks (RRBs). Due to their popularity in the late 1990s and early 2000s, the government now prioritizes the development of Self-Help Groups through social initiatives. Local autonomy is made possible by the decentralization of authority at local authorities in 2004, which gives self-help groups the urge to act as a powerful organization for the underprivileged. Any economic endeavor depends on finance. There are issues with both supply and demand. The SHG beneficiaries are interested in receiving more financing, which is a demand-related issue, and it is seen that financial institutions are not supplying the SHGs with appropriate financing, which pertains to the supply side. The stakeholders contend that they are having financial issues as a result of insufficient financial help and the lenders' uncooperative attitude. The majority of SHGs have found that the financial support given to them by the relevant agencies is insufficient to satisfy their needs. Additionally, the financial authorities fail to provide SHGs with subsidies in a timely manner. The idea that women should have access to the same opportunities as men was prioritized. A "year of women's empowerment" was declared for the year 2001.

NABARD has played a critical role in promoting the formation and expansion of Self-Help Groups by bringing together all relevant players. In order to encourage financial intermediation, it also provides

Revolving Fund Assistance to selected non-governmental organizations and microfinance firms. According to the Bank's annual report, NABARD was able to cover around 56 million poor persons in 2004-05, with 11.2 million poor households having access to bank credit, including repeat financing. Credit flows increased by 61% year on year, with over 95% of Self-Help Groups repaying on time (NABARD, 2005).

Need of Self-Help Groups

Self-help groups have rapidly spread as a successful technique for improving the social and economic position of the rural and poor populations. They are extremely important in the current situation for the following reasons: -

- To make credit and financial services available to and accessible to the rural population. They are unable to fully benefit from the same due to a lack of resources and understanding. Self-help organizations are more eager to give members access to different financial institutions.by educating members about the various government programmes available to them that can provide them with excellent financial support.
- To take action together to end the cycle of poverty. Rural and urban poverty problems cannot be resolved or eliminated on an individual basis. Each member of the self-group can take advantage of opportunities to start their own business with the help of the others. This will enable people to do their part to fight poverty.
- Creates a strong communal network throughout the communities. Self-help organizations are rapidly being highlighted as one of the most important variables influencing credit linkage in rural regions.
- Bank financing for low-income individuals and women might be challenging. People are unable to launch their preferred businesses or expand their sources of income as a result. As a

result of this threat, poverty increases. A woman who joins a self-help organization can be qualified for loans from that organization. As it gives the impoverished in rural and urban areas access to the bank's credit capabilities, it aids in the reduction of poverty.

- To provide group members with resources and opportunity for self-employment in order to assist them in achieving financial independence. The government and NGOs are also providing self-help organizations with a number of skill development programmes. As a result, it benefits SHG members and makes them eligible for self-employment.
- To improve healthcare for self-help group members, others from rural regions, and individuals with similar backgrounds through raising literacy rates, improving relationship planning, and improving healthcare system.
- Raising literacy rates, enhancing relationship planning, and strengthening the healthcare system in order to improve healthcare for members of self-help groups, people from rural areas, and others from similar backgrounds.

Advantages of Self-Help Groups

- Financial Inclusion - Because Self Help Groups guarantee returns, banks are encouraged to lend to underserved and underprivileged groups of society.
- Self Help Groups provided a platform for the underprivileged to enhance their living who would not otherwise have one.
- Social Integrity - Self Help Groups work to combat a number of social problems, including dowries, alcoholism, and early marriage.

- Gender Equality - Self Help Groups assist the country in moving towards actual gender equality by empowering women.
- Pressure Groups - Self Help Groups serve as pressure groups that put pressure on the government to take action on crucial problems.
- Improving the effectiveness of government programmes - Self Help Groups aid in the implementation and enhancement of the effectiveness of government programmes. Through social audits, they also contribute to lowering corruption.
- Alternative means of subsistence or employment - SHGa helps people find work by offering vocational training. It also helps them improve their current means of subsistence by providing tools, etc. Additionally, they lessen our reliance on agriculture.
- Impact on healthcare and housing - Financial inclusion brought about by Self Help Groups has improved family planning, decreased child mortality rates, improved maternal health, and also helped individuals battle diseases more effectively through better housing, food, and healthcare options.
- Financial literacy - Self Help Groups promote financial literacy among the rural section and encourage people to save money.

Goals Which Can Be Achieved by SHG

Self-help groups strive to accomplish the following goals for both the group as a whole and for each member individually:-

1. Specializing in women's emancipation.
2. Freeing individuals from the grasp of payday lenders
3. Increasing the capacity of women and enabling them to take part in productive activities.
4. To foster among the members the habits of saving and banking

5. To guarantee that loans are available for use in productive ways
6. To assist members in improving their economic and social standing and achieving economic success through lending facilities.
7. Protecting the members from moral, financial, and technical weaknesses
8. To foster a sense of community among the participants and to boost their self-awareness and competence.
9. To promote among the members the ideals of group decision-making and problem-solving
10. To educate women in low-income regions of the city and the countryside about the importance of this for their status
11. To provide knowledge about benefit distribution, financial management, and organization
12. To inspire the members—especially the women—to engage on social duties associated to development.
13. To create a forum for the members so they have a place to go and encourage one another.
14. The promotion of credit links and skill development for ultimate economic empowerment.
15. Encouraging the members' awareness of the need to find answers to their financial issues.

The Role of Self-Help Group in India's Socioeconomic Development

- Monetary Planning and Decision-Making: The capacity to continuously save, obtain access to institutional savings institutions, and take part in the management of these resources is one of the main benefits of joining a SHG. They have their own bank accounts and routinely deposit money into them. They also

regularly save. Members of SHG gain from being able to save their hard-earned money.

- Right to use to credit: Women who take part in SHGs gain advantages from having simpler access to loans. As a result of increased financial mobility brought on by SHG involvement, many rich organizations assert that people's quality of life has increased.
- Employment: Through the introduction of SHGs, poor rural residents now have the opportunity to launch their own companies. The training, according to several participants, helped them better their financial circumstances.
- Making choices as a family: The SHG program's social effect increased involvement in decision-making, knowledge of various programs and organizations.Due to incidents involving their health and marriage, the male family members' perspectives have changed; they are now persuaded of the need of SHGs and actively urge women to attend meetings. Additionally, women claim that having funds in their names increases their sense of self-worth. Within households, women are now treated with more respect and status.
- Members' Self-Confidence: The group's creation revealed latent abilities and leadership characteristics among the members. As a consequence, it is fair to assume that SHG members improved their family standing after joining, were advantageous in family money, and occasionally benefited others as well.

Privileges Granted to Self Help Groups

SHG is an informal group and registration under any Societies Act, State cooperative Act or a partnership firm is not mandatory vide Circular RPCD.No. Plan BC.13/PL -09.22/90- 91 dated July 24th, 1991.

Following are the privileges granted to Self Help Groups by the various recommendations included in this circular:

1.Banks should create links with the Self-Help Groups (Self Help Groups) and offer sufficient incentives to their subsidiaries to finance the groups, making the process straightforward and uncomplicated.

2.Savings Bank A/C opens for business- Self-Help Groups, whether registered or not, that work to encourage saving habits among their members are eligible to open savings bank accounts with financial institutions. Self-help groups offer microloans to women business owners so they can maintain their enterprises while also providing a setting in which they may grow in agency and decision-making abilities. To support women businesses Government implemented number of programs. The Swarn Jayanti Gramme Swarojgaar Yojana (SGSY), Rural Livelihood Mission, the UmaidAbhiyaan, aims to create Self Help Groups and help its participants grow as individuals in order to encourage self-employment in rural regions. Union Budget 2023-24 - Vision for AmritKaal– not only an empowered economy, but also one that is inclusive. The Dindayal Anthodia Yojana National Rural Livelihood Mission has achieved tremendous success by organizing rural women into 81 million Self Help Groups (Self Help Groups).

Limitations of Self-Help Groups

1. An excessive reliance on governmental institutions and non-governmental organizations-: Many self-help groups rely on the agencies that support them to survive. The Self-Help Groups are at danger of failing if these organizations stop providing support.
2. Insufficiently trained facilitators: The facilitators lack formal education in the management of Self-Help Groups. This is vital for rural populations who lack the abilities to get bank loans, keep ledgers, handle cash books, and preserve records since they are illiterate and averse to technology.
3. Lacks skill development: Most Self-Help Groups do not take advantage of new technical advancements and skills. This is due

to a lack of understanding of new technology, as well as a lack of ability to use them. Furthermore, there is a dearth of efficient systems that promote skill development in rural regions.

4. Self-Help Groups are led by non-professionals: There is no professionalism in Self-Help Groups. This does not foster the growth and development of Self-Help Groups.
5. Inadequate security: Most groups are not registered. They are governed on the basis of mutual trust among the members. The funds made by SHG members may not be secure, which raises concerns among the members.
6. Members' ignorance: -the majority of the groups are uninformed of the support programmes that are available to them. Many people are unaware of the plan.
7. Individual challenges with meeting attendance:Despite the fact that SHG meetings were organized on a regular basis but mostof the women remain absent due to their household works, agricultural activities etc.
8. Lack of Training Resources: Self-Help Group members are not provided with sufficient training resources to compete with strong units in production, management, and technology.
9. Quality and product-related issues are another significant issue for SHGs. The SHG recipients cannot make high-quality goods because of their limited training.
10. Raw Material Issues: Each SHG typically purchases raw materials from the vendors on an individual basis. They are unable to take advantage of the savings and financing possibilities that come with larger purchases since they acquire raw materials in smaller amounts.
11. Infrastructure issue: Rural areas frequently have this issue. But

few members are actually aware of it. Whatever is created does not reach the market as a result of a lack of infrastructure, such as roads, railroads, cold storage, vending zones, SEZ, controlled marketplaces, and krusak Bazar, etc.

12. Low Return: Because of ineffective management, excessive manufacturing costs, a lack of quality consciousness, etc., certain groups do not find the return on investment to be appealing.Additionally, there are elements that have diminished the power and efficacy of this effort to advance the SHG movement.
13. The bureaucratic practice of employing Self-Help Groups to conduct state-sponsored activities stems from the belief that these Self-Help Groups are the final link in the delivery chain, rather than institutions with their own mission and plan. The negative rivalry among governments to claim the greatest number of Self-Helporganizations, with little regard for quality, resulted in a fast increase in the formation of these organizations. Many were founded by Gram Panchayat secretaries who had no concept of what a SHG was.

Conclusion and Suggestions

Self-help groups might be beneficial in rural areas, especially for women, according to the research. Both economically and socially, these activities have benefitted rural women. The government should provide equal weight to the contributions of women and their well-being in society since women are a crucial part of the nation's economic success. The Self-HelpGroup Scheme still has to be improved, though, in order to be a successful instrument for the empowerment of women and a nation like India that is searching for better possibilities for economic growth. To enhance the development through SHG's necessary requirements shall be fulfilled.

1. Enactment of certain statute related to Self Help Groups: -

The lack of formal regulation governing self-help groups has led to a number of problems that self-help group members are now dealing with. There is no single supreme organization or entity to whom all of these organizations answer.

2. In order to ensure that Self Help Groups in the study region operate effectively, it is advised that members of these groups get ongoing training and capacity-building at various stages.

3. Timely disbursement of loan

The majority of self-help group activities are seasonally and chronologically based. The analysis discovered that the bank's and the agencies' loans were insufficient. In the research region, many self-help groups lament the lack of sufficient loan funds for consumer loans as well as loans for economic enterprises. Timely disbursement of loan is necessary for SHG.

4. The diversification of sources of income-the majority of the Self-Help Groups that were sampled for the study in the study region indicate discontent with the revenue generated by their business. In the research region, self-help groups often participate in traditional income-generating activities using conventional inputs, yielding modest returns on investment. Thus, modern and cutting-edge technologies that will broaden their business through farming, animal husbandry, soap production, weaving, marketing, pickle production, etc. Diversified sources of income would enable them to engage throughout the year and provide a better rate of return.

5. Continual observation and assessment The promoting organizations

must promote effective and prompt monitoring and assessment of the activities and progress of the group in order to maintain tabs on the group's development and operation. This will make it easier to gauge the group's development, governance, ability to save and pay back money, and internal conflict problems.

6. Pricing assistance and marketing infrastructure -one of the biggest issues Self Help Groups faces is a lack of marketing resources and market connections. Government and marketing organizations must start setting up a structured marketing infrastructure and a pricing that supports the members' output. A suitable institutional framework for market integration and pricing support should be offered. This will encourage self-help groups to engage in more creative and lucrative income-generating ventures.

7. Programmes for awareness and training -training is a crucial element of self-help groups and that it is one of the most crucial performance indicators, supporting the successful operation of self-help groups in the study region. Self-help groups can only succeed if their members get training and awareness since it changes their knowledge, abilities, and attitudes.

Suggestions

As per the study, some suggestions are necessary to uplift SHG's.

1. Group homogeneity is a crucial factor in the efficient operation of SHG. When forming self-help groups, consideration must be given to members' socioeconomic status, professions, and shared resources. As a consequence, the group will function more cohesively, and members will work together more effectively to solve challenges.

2. A large number of self-help groups don't keep up appropriate bookkeeping and accounting. Leaders and participants in SHG groups

are urged to get familiar with the foundations of accounting and bookkeeping and to maintain correct and up-to-date records for their accounts and registrations.

3. Training has a significant impact on success in reaching the primary purpose of microfinance. Training is a crucial instrument for bringing about improvements in knowledge, skill, and attitude. Self Help Groups with trained participants function better.

4. A suitable monitoring and evaluation mechanism must be put in place to follow the development of the Self-Help Groups at different stages on a regular basis.

5. MFIs and Self-Help Groups marketing firms must diversify and become more versatile as they grow their businesses, offerings, and services to better serve their clients. More women would take part if the operation was flexible enough to take a client-specific strategy.

6. Infrastructural and marketing challenges are common among Self Help Groups in the study region. Due to problems with raw materials and marketing connections, Women Self Help Groups find it difficult to execute their income-generating operations. Therefore, it is advised that NGOs and promotional groups check to see that there are sufficient marketing links and that raw materials are conveniently available for manufacture.

7. Any self-help organization must be able to make choices with confidence and responsibility about group operations and financial matters.

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Social Determinants of Health: Exploring the Impact of Social and Economic Factorson Health Outcomes

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Abstract

The term "social determinants of health" describes the different social and economicvariables that affect health outcomes. There are several factors that determine access to healthcare, including income, education, employment, housing and social support. The significanceof social determinants of health has long been acknowledged because of their pivotal role indetermining the health and wellbeing of both individuals and communities. This paper exploresthe influence of social and economic factors on health outcomes and emphasises therequirement for policyand interventions that address social factors of health.

Introduction

Biological, behavioural, environmental, and social factors all contribute to health, whichis a complex and multidimensional concept**.** It is important to understand that social andeconomic conditions have an impact on health outcomes. These conditions include factors suchas income, education, employment status, housing, and access to healthcare services. Healthinequalities and disparities contribute to social determinants of health, which in turn affectindividual and community well-being.

Health disparities are defined as differences in health outcomes between different populations.Health disparities can be attributed to various factors, including social factors of health, accessto healthcare, and

individual behaviour. Addressing health disparities requires a comprehensiveapproach that considers social determinants of health and provides targeted interventions tovulnerable populations.Health outcomes are influenced by societal and economic variables in addition to personalchoices and genetics. The economic, social, and physical environments that people are born,grow, live in, work in, and age are all considered social factors of health. A person's healthoutcomes are significantly shaped by the social factors of health. For bettering health equityand lowering health disparities, it is crucial to comprehend the impact of socioeconomicdeterminants of health.

Methods

This research paper is a systematic review of the literature on social factors of health. A searchwas conducted using databases such as PubMed, Scopus, and Web of Science. The search termsused were "social determinants of health," "health outcomes," "income," "education,""employment," and "social support." The inclusion criteria were studies published in English,peer-reviewed, and conducted in high-income countries. The exclusion criteria were studiesconducted in low-income countries and those that did not focus on the impact of social factorsof health-on-health outcomes.

Results

The results of the literature review showed that social determinants of health have asignificant effect on health outcomes. Income, education, employment, and social support werefound to be the most important social determinants of health. Chronic diseases and mentalhealth disorders are more common among low-income, low-educated, and unemployedindividuals.Social support, including family, friends, and community, has a protective effect onhealth outcomes.

Income and education are two of the most important social determinants of health.Research has consistently shown that people

with higher income and education levelslead to better health outcomes. For example, A person with a high-income level is lesslikely to suffer from chronic diseases, disabilities, and premature death. Similarly,Higher education levels are also associated with less chronic disease, disability, andpremature death.

There are several reasons why income and education levels are importantpredictors of health outcomes. First, A person with higher income and education levelmeans that he will be able to access health-promoting resources and opportunities, suchas healthy food options, affordable housing, and physical activity options. Second,High-income and educated individuals are more likely to make informed decisionsabout their health, such as exercising regularly and eating healthily. Finally, Health careservices are more likely to be available to high-income and educated individuals, whocan prevent and treat a variety of illnesses.

Employment status is another important social determinant of health. Research hasshown that individuals who are employed are more likely to experience better healthoutcomes compared to those who are unemployed. For example, individuals who areemployed have lower rates of chronic disease, disability, and premature death comparedto those who are unemployed.There are several reasons why employment status is a good predictor of health, First, it can promote mental health and well-being, as employment gives people a senseof purpose and meaning. Second, the benefit of employment is that it providesindividuals with a source of income, which can allow them to access resources andopportunities that promote good health. For example,healthy food alternatives, housingthat is safe and affordable, and exercise opportunities can enable individuals to live ahealthier life... Finally, People with jobs have access to healthcare services, whichprevent and treat a variety of illnesses.

Race and ethnicity are social constructs that refer to groups of people who sharecommon cultural, historical, or ancestral backgrounds. It is common to confuse raceand ethnicity, but the two terms have different meanings. An individual's race refers tohis or her physical characteristics, such as colour of the skin, texture of hairs, and facialfeatures; an individual's ethnicity is related to their cultural factors, such as theirlanguage, religion, and customs.

Race and ethnicity are important social determinants of health because theyshape experiences of discrimination, racism, and social disadvantage, which in turn canaffect health outcomes. Racial and ethnic minorities in many countries experienceworse health outcomes than white populations. Discrimination, poverty, and a lack ofaccess to healthcare are some of the possible causes of this.

In research, minority populations have been found to experience more socialdisadvantages, including less education, less income, and higher unemployment ratesthan white populations. These social and economic factors can affect health outcomesby limiting access to healthcare, increasing exposure to environmental toxins andpollution, and causing chronic stress and trauma. Furthermore, minorities are morelikely to die prematurely and from chronic diseases such as diabetes, hypertension, and

heart disease than whites.Social and environmental factors shape these disparities inhealth outcomes rather than biological or genetic differences alone. It is essential totake note of that race and identity are intricate and multi-faceted develops that can meetwith other social variables, like orientation, sexuality, and handicap. An important frame work for comprehending the influence of race and ethnicity on health outcomesis intersectionality, or the recognition of the interconnected nature of social identitiesand experiences.

Housing refers to the physical structures and conditions in which people

live, includingthe quality, affordability, and stability of housing. Health outcomes, including physicalhealth and mental health, are influenced by housing.There are a number of negative health outcomes associated with poor housingconditions, including respiratory diseases, asthma, and mental disorders.In addition,unstable or insecure housing, such as homelessness or frequent moves, can causechronic stress and increase the risk of illness and injury.

Research has found that the quality and stability of housing are important factorsin promoting health and well-being. For example, studies have shown thatimprovements in housing quality, such as better insulation, heating, and ventilation, canreduce the risk of respiratory diseases and improve mental health outcomes. Similarly,stable and affordable housing has been linked to lower rates of chronic disease andimproved access to healthcare. However, access to quality housing is not equallydistributed across populations. Low-income and marginalized communities are morelikely to experience housing insecurity, inadequate housing conditions, anddiscrimination in the housing market. These disparities in housing access and qualitycan exacerbate health inequities and contribute to negative health outcomes.Efforts to improve housing as a social factor of health can include policies andinterventions to increase access to affordable, safe, and stable housing for allindividuals and communities. This can involve a range of strategies, such as increasingfunding for affordable housing programs, improving housing standards and regulations,and addressing discriminatory practices in the housing market.

Access to healthcare services is an important social determinant of health. Theavailability of healthcare services has been shown to be associated with improvedhealth outcomes compared with individuals without access to it. Access to healthcareservices enables individuals to receive preventative care, diagnosis and treatment forillnesses, and ongoing management of chronic health conditions.However, access to healthcare services is not equal for all individuals.Individuals who lack

health insurance or who have limited access to healthcare servicesdue to financial or geographic barriers are not expected to receive timely andappropriate healthcare services. These individuals are more likely to experiencepreventable health problems and are at higher risk for complications and poor healthoutcomes.

Social support is said to be the network of relationships and assets that people haveaccess to, including family, friends, and community organizations. Among the kinds of social support available are emotional support (such as someone to talk to about personal difficulties), instrumental support (such as help with day-to-day tasks ortransportation), informational support (such as advice or guidance), and appraisalsupport (such as encouragement or feedback).

There are a wide range of positive health outcomes associated with socialsupport, including improved mental health, lower rates of chronic disease, and fasterrecovery from illness and injury. Social support can help individuals to cope with stressand trauma, provide a sense of belonging and social connection, and facilitate access toresources such as healthcare and education.

Research has found that people with strong social support networks tend to havebetter health outcomes than those who are socially isolated or lack support. Forexample, studies have shown that social support is also linked with few rates ofdepression and anxiety, lower blood pressure and heart rate, and improved immunefunction.It should be noted, however, that social support and health outcomes arecomplex and may be determined by a variety of factors, such as the type and quality ofsupport, the timing of the support, and personal characteristics like personality andcoping style.For example, research has found that the quality of social support (e.g.,supportive versus unsupportive) is more important than the quantity of support, and thatsupport received during times of stress or crisis can be particularly beneficial.

Overall,social support is an important factor in promoting health and

well-being. Efforts toimprove social support can include interventions to build stronger social networks andrelationships, improve access to community resources, and reduce social isolation andloneliness.

Discussion

The findings of this research paper have important policy implications. Policies aimedat addressing social factors of health, such as income inequality, access to education, andemployment opportunities, can lead to improved health outcomes. Additionally, policies aimedat improving social support can have a significant impact on health outcomes, particularly forvulnerable populations. For example, policies aimed at increasing access to affordable housing,healthy food options, and public transportation can improve health outcomes for low-incomeindividuals.

Future research should focus on developing interventions aimed at addressing socialdeterminants of health and evaluating their effect on health outcomes. These interventionscould include policies aimed at increasing access to education, job training programs, andsocial support programs. Additionally, research should focus on identifying effective strategiesfor addressing health disparities among different populations.

Conclusion

The social factors of health have a significant effect on health outcomes. Social factorsof health, such as income, education, employment, and social support, are crucial in improvinghealth equity and reducing health disparities. It is possible to improve health outcomes foreveryone by addressing the social determinants of health. In addition, research must identifyeffective approaches for addressing health disparities throughout society.Social determinants of health often lead to health disparities, a major public health concern.People living in rural areas, low-income individuals, and racial/ethnic minorities mayexperience health disparities. Providing targeted interventions to vulnerable populations is keyto addressing health disparities.

Limitations

- First, the social factors of health framework can be difficult to operationalize inpractice. It can be challenging to identify which specific factors are most influential in
- shaping health outcomes and how to measure them. This can make it difficult to developpolicies and interventions that effectively address social factors of health.
- Second, while social factors of health are important, they are not the only factors thatinfluence health outcomes. Genetic, biological, and behavioural factors also play a rolein shaping health outcomes. Therefore, it is important to take a holistic approach tounderstanding health and well-being.
- Third, the social factors of health framework can sometimes oversimplify the complexand intersecting factors that influence health outcomes. For example, while poverty isan essential social factor of health, it is not the only factor that influences healthoutcomes for low-income individuals. Other factors, such as access to healthy food,safe housing, and quality education, can also play a role.

Despite these limitations, the social factors of health framework remain avaluable tool for understanding the complex and multifaceted nature of healthoutcomes. By addressing social factors of health, we can work towards creating a moreequitable and healthy society for all.

Future Implications

- Understanding social determinants of health calls for an integrated approach tohealthcare, as healthcare providers recognize the impact of social factors on healthoutcomes and seek to integrate social care into healthcare delivery to improve patientoutcomes.
- Another important implication is the need for policy interventions that address socialfactors of health. Policies that

address social factors of health can include things likeincreasing access to housing which are affordable, improving access to healthy food,and increasing access to education and job training.

- In addition, understanding social factors of health can help inform the development ofcommunity-based interventions that promote health and well-being. There are numberof interventions that can be used to promote physical activity and healthy living, suchas community gardens and walking groups.

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Legal intricacies in Euthanasia and Palliative Care- a panacea for patients

- Ishita Saboo

Abstract

Recently, especially due to the Covid pandemic, there has been lot of awareness about the beneficial aspects of the palliative care and lot of patients/individuals are opting for it. The most recent judgement as passed by the Supreme Court in 2018 (*Common Cause vs. Union of India)* and the order passed in January 2023 have made the process of palliative care and Euthanasia more legal oriented and they are under the legal obligation to abide by the rules, acts, regulations. However, there has been an interrelation of the aspects of palliative care with that of hospice despite both of them differing in their sphere. The palliative care and physicians are under the obligation to abide by the legal rules and principles in order to evade any criminal liability or penalty and operate in a regulated manner. This Article, in order to make the physicians aware of the legal origin and intricacies of the palliative care legally has traced the origin of Right to Die with dignity as emancipating from Right to Life; has discussed in depth the legal responsibilities as imposed on palliative care units by analysing the legal provisions and Acts as dealing with palliative care units. Thereafter, a new dimension altogether, in terms of spirituality and models of spirituality aiding in the palliative care units working effectively has been examined.

Introduction:

In the recent times, in Indian context there has been a lot of awareness in the society about the concept of palliative care. Lot of patients are opting for palliative care units in a timely manner. According to the Merriam Webster dictionary, palliative care refers to the "*medical and related care*

provided to a patient with a serious, life-threatening, or terminal illness that is not intended to provide curative treatment but rather to manage symptoms, relieve pain and discomfort, improve quality of life, and meet the emotional, social, and spiritual needs of the patient." In order words, it essentially refers to the medical care as provided by the physicians in order to manage and relief the symptoms of the patients as suffering from a terminally ill disease. This mechanism works in a reverse direction to that of Euthanasia which refers to the right to dignified death in case the patient is suffering from a terminal disease; instead of terminating the suffering, it aims at managing and reducing the discomfort to a greatest possible extent. The due care and support is provided by the physicians in a regulatory manner. Hence, it can be concluded that essentially palliative care is a kind of a "patient-centred, transcultural and holistic approach" towards the well-being of the patient.

Jane E Brody, a renowned American journalist of The New York Times, had peened down her opinion which is widely accepted "*Many still believe palliative care is appropriate only when nothing more can be done to treat a patient's disease and prolong life. But unlike hospice, palliative care can and should be delivered while patients continue treatment for their diseases*". This statement by her has opened the door for wide range of criticism and debate with respect to the scope of palliative care globally. Many believe that palliative care is a last resort as an alternative to Euthanasia when nothing can be done in order to save the patient; however, this supports the concept of prolonged and continuous care right from starting in order to reduce the pain and sufferings.

This has emerged due to the legal intricacies as involved in the Euthanasia which refers to the voluntary termination of the patients who are suffering incurable disease. Euthanasia is a combination of two Greek words viz. Eu + Thanatos. Eu means good and Thanatos means death. "Good Death". Euthanasia is the practice of willingly ending a life

to get relief from pain and suffering.

Merriam-Webster's Law Dictionary defines Euthanasia "the act or practice of killing or permitting the death of hopelessly sick or injured individuals (such as persons or domestic animals) in a relatively painless way for reasons of mercy".

Oxford Learners Dictionaries explain "the practice (illegal in most countries) of killing without pain a person who is suffering from a disease that cannot be cured" - synonym mercy killing.

In simple words Euthanasia is process where medical science confirms that patients cannot be cured and death is inevitable and patient cannot lead an independent dignified life. Considering the facts to avoid the further pain and mental trauma to patient or his family, doctors recommend good death and patient and his family give consent for mercy killing or good death.

The term Euthanasia was first time used by Francis Bacon4. In his one of the famous works, Euthanasia Medica, he chose this ancient Greek word and thereby he distinguished between Euthanasia interior and Euthanasia exterior. The former refers to the preparation of the soul for death and the latter is used in exceptional circumstances in order to make the end process of life easier and painless.

Man is mortal and death is definite to everyone, but Euthanasia is not death. It is not applicable to everyone. It is applicable to a few patients who are suffering from terminal diseases. Euthanasia is a smooth process of dying for terminally ill patients. It helps the respectful exile to terminally ill patients.

Palliative care is often misunderstood synonymously with that of hospice which refers to the compassionate care, comfort, support, quality of life as extended to the patient, wherein the patient as suffering from a terminal disease with a prognosis of six months or less as on the estimate given by the physicians for the course of treatment followed.

Hence, both of them differ in their scope, palliative care is recommended at any stage of illness be it terminal or not, however, hospice is generally recommended when there is the end stage of the terminal disease as suffered by the patient.

Legal Origin of Right to Die with dignity and Palliative Care in India:

The notion of palliative care as discussed above is opted by the patients in order to manage their pain, sufferings and symptoms in a systematic and organised course of treatment. The programme is designed in a manner with the motive of enhancing the life span of the individual and mitigating the health factor. This main aim of such care and centres arise from the imbedded notion of Right to Life as per the Indian Constitution via Article 21. This essentially stipulates that no one shall be deprived of right to live in a dignified manner and the efforts shall be made by the state to protect the same. Hence, in order to legally trace the origin of Right of Life and subsequently the right of palliative care, it becomes important to appreciate some of the landmark precedents which led to the same.

The debate regarding Right to Life arose from the case of A.*K. Gopalan v. State of Madras* wherein Supreme Court held the position that any law or act cannot merely be declared as unconstitutional only for the reason that it is beyond the scope of natural justice, or the proper due process of law has not been followed.

Contrary to the above in 1978, *Maneka Gandhi v. Union of India* held that the regarding the process established by law as per Article 21 of the Indian constitution, the procedure should be transparent, unbiased, non-arbitrary and rational in nature. Therefore, this ruling gave the green signal for the emergence of the new dimension to the Right of Life and liberty by expanding it and including in its ambit various facets of right of speedy trial, education, noise free environment, pollution free

environment, clean air, medical facilities, food, fair trial and other similar facilities which further strengthens the aspect of personal liberty are part of Right to Life & Personal liberty as mentioned under Article 21.

Thereafter, the major interpretation to the notion of Right to Life and Right to Die emerged in the Indian scenario. The palliative care units/treatment also originates taking inspiration from the same. In the case of *P. Rathinam v. Union of India & another*, the constitutional validity of *Section 309 of the Indian Penal Code (IPC)* which deals with attempt to commit suicide was challenged. The Petitioners pleaded that the said is in violation of Article 14 (right to equality) and Article 21 of the Indian Constitution. The constitution bench as comprising of the two judges answered the question, ***"Has a person residing in India a Right to Die?"*** The bench further held that asArticle 21 guarantees the Right to Life and personal liberty it also in its ambit provides for the "right to not live a forced life". Hence, the Court declared that Section 309 of IPC is "an obstruction to fundamental rights and warranted to be removed from the statute book to civilize and humanize our penal laws". Moreover, self-killing or attempt to commit does not harm the public tranquility and the government should not intervene with personal liberty of the citizens and such efforts or sections should be removed from the statute books. Hence, it was held that Right to Life includes Right to Die as per Article 21 of the Indian constitution.

Other landmark judgment,*Gian Kaur v. the State of Punjab*, constituted a larger bench comprising of five judges to review the decision as given in the above case. In this case, the Trial Court held the Petitioner and her husband guilty under Section 306 of IPC for aiding in the suicide of the victim. However, in the above-mentioned case, it was held thatRight to Life under Article 21 includes the Right to Die also. Hence, this case overruled the position as given by given in *P. Rathinam* case as mentioned above. It was held that the decision given in *P. Rathinam* was not taken in the right perceptive and it was a wrong conclusion that the

fundamental rights include the "right not to" also. Since the right not to speak is an error, while taking a life is a criminal act. The Court restored the constitutional validity of Section 306 and 309 of IPC.

After more than a decade of the above case, Aruna *Ramchandra Shanbaug v. Union of India & Others*, the two-judge constitution bench, first time gave the legal recognition to the act of passive Euthanasia in India with certain procedural safeguards to the victim who was in the Permanent Vegetative State for a long period of 37 years.The recognition was not given to suicide but to that of the passive Euthanasia wherein the removal of life-supporting measures is done for the patient suffering from incurable terminal disease if done by following the proper procedural safeguards. Since, as Euthanasia got legal recognition here, the role of palliative care arises in order to support the patients and manage the symptoms in order to enhance the life span.

The most recent case (2018) in India which has also led to the empowering of the palliative care in India, is that of *Common Cause v. Union of India and Another*wherein a PIL was filed in the Supreme Court pleading to incorporate the Right to Die with dignity under Right to Life as per Article 21. The petitioners seek to issue directions for procedure to ensure that a terminally ill patient should be able to execute a document titled "My Living Will and Attorney Authorisation". Hence, in this case, Supreme Court recognised that that Right to life and liberty as envisaged under Article 21 is irrelevant and meaningless until it includes personal dignity. The court further clarified that Right to Live with dignity also includes the smooth processing of dying in case of terminally ill patient or a person in PVS with no hope of recovery. Although, the Court did not use the word "Living Will" but approved the *Advanced Directives* and the right of self-determination. In January 2023, the court has passed the order that a detailed guidelines and procedure for formulating the same shall be released by the court.

Hence, the above-mentioned cases trace the origin of Right to Die with dignity along with that of Right to Life. The directions as given by the court for passive Euthanasia and Living Will shows that the aspirations of the society is changing and in such a scenario, the role of the palliative care enhances. The individuals as opting and formulating their *Living Will* which is a legal document wherein; they mention the course of treatment as to be followed in case they are not in the capacity to give consent and suffering from an incurable terminal disease. The role of palliative care units here becomes of utmost importance in order to manage the symptoms of the individuals.

Legal responsibilities in Palliative Care:

In order to implement the palliative care legally and abide by legal, it becomes important to be aware of the legal mechanism of functioning of the palliative care. When a patient who is suffering from a disease opts for the palliative care, the obligation has been imposed on both the parties to disclose the medical condition and records in good faith. The element of privacy arises here or rather the *medical privacy*. Essentially, medical privacy involves within itself the element of confidentiality as expressed by the patient along with the data as stored in the physical or the electronic records of the hospitals or the palliative care. In India, the landmark case as dealing with maintaining the privacy with the patient is that of *Mr. X vs Hospital Z,* wherein Supreme Court held that professionally the doctor-patient relationship is one that is based upon the element of confidentiality and the obligation is imposed on the doctors or that of the palliative care units to maintain morally, ethically and legally the privacy of the individual and not infringe the same as per Article 21 of the Indian constitution.

The Supreme Court case of *Samira Kholi vs. Dr Prabha Manchanda*held on the aspect of the element of consent in terms of the doctor-patient relationship which implies that consent element in certain cases is

implied from the actions of the patients as well. Therefore, in the cases wherein a patient with voluntary consent agrees to submit himself/herself towards the course of treatment in the palliative care, the duty is automaticallyimposed on the medical professionals to respect and maintain the privacy, confidentiality and consent of the patient who is suffering from the terminal disease.

Recently, in the year 2018, DISHA (Digital Information Security in Healthcare Act) has been proposed by the Indian parliament and the comments have been asked in from the stakeholders on the draft working paper. The main aim of this Act is to legally regulate the generation, collection, usage, access of the health information of the patient as collected. The object behind enacting such a legislation is that of maintaining the digital health data privacy, confidentiality security of the patients by the medical professionals and the palliative care units. This shows how primacy have been laid given to the aspect of the patient autonomy here.

Also, as per the *Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations*, *2002*, under Chapter 7 (7.14) it has been given that the registered medical professionals as working in the hospitals or that of the palliative care units shall not disseminate any of confidential or privacy related information of the patient while carrying out the medical treatment. Subsequently, Chapter 8 (8.2) mentions about the consequences of violating the provisions as laid down under the previous chapter which is holding an enquiry on the first place and if found guilty of the misconduct, then imposing the punishment as the medical council may deem fit or may remove or suspend the medical professional as the case may be.

Another significant Act which bounds the medical professionals and essentially the palliative care units is the *COPRA, 2019 (Consumer Protection Act)* which has specifically brought the private medical or

palliative care centres also under its purview. Under this Act, the liability is imposed on the medical professionals not per se when the injury is suffered by the patient but when such an injury has been resulted from the consequences of the breach of the medical duty by the medical professionals or the physicians. In other words, the physicians are liable when the damage or the injury happens due to the breach of their cautious and due care duty. Hence, while engaging in the palliative care units, the medical professionals shall ensure that there is no breach occurred on his/her own cause. The patient is equated to that of a consumer and he has the right to file a suit against the breach of medical duties by the physicians.

The most important directive as given by the Supreme Court of India in the *Common Cause* case as mentioned above is that of the "*Living Will*" or the "*Advanced Care Medical Directives*". Both these terms indicate the similar document, in the Indian context, the former term is more in prevalence. When a patient is suffering from the incurable disease, or in a vegetative state, or unable to express their consent or opinion, for the further treatment, the concept of Advance Medical Directive (AMD) emerged in various jurisdictions across the world. This concept provides the patient with the principle of autonomy by giving them the choice to decide if a situation arises.

According to the **Black's Law Dictionary**, it means "a legal document explaining one's wishes about medical treatment if one becomes incompetent or unable to communicate". It is therefore a directive whereas living will be a document. As per the *Common Cause case (as explained above in Article)*; *Advance Medical Directive would serve as a fruitful means for the facilitation of the* ***"fructification of the sacrosanct right to life with dignity."*** Therefore, this a novel concept in India.

Hence, the duty of due care and caution has been imposed on the palliative care units to ensure the validity of such a will or document and

accordingly carry out the course of treatment as to be followed with the patient suffering from such a disease and had clearly stated as to what course of treatment is to be followed by them.

Spirituality in Palliative Care: Exploring the new dimension:

Spirituality in common parlance is something which is deeply rooted in all the spheres of life. It is nothing but a belief through which the individuals seek to imbibe a meaningfulness and mindfulness in the way of existence of life and their interaction with their surroundings. The hospice school of thought strongly advocates the *total pain* concept as given by *Cicely Saunder*, the founder of modern hospice, which firmly believes that an individual suffers from four types of pain which compositely falls under the purview of total pain, it being physical, psychological, social and spiritual in nature. When a person is diagnosed with any terminal disease, all these factors play a major role contributing towards a holistic recovery. The component of physical pain is already being managed by the medical professionals, many a times the patients enrol in psychological sessions, or the emotional and psychological needs has been taken care by the loved ones. However, what one oftenneglect is the component of spiritual well-being or care which also is of utmost importance towards the road of recovery or relieving the pain and sufferings of the patient.Hence, this is one of the new and emerging dimensions towards exploring the angle of spirituality of the patients as requiring the palliative care assistance.

Often when a person suffers from a life-threatening disease, there arises a spiritual distress which makes them question the meaning of life and difficult in coping. This also leads to the suicidal tendencies amongst the patients. In order to cope with this and stay grounded, the palliative cares centres should work towards implementing the element of spirituality in their process of treatment. Also, various successful jurisdictions such as that of USA have specifically included the element of spirituality in their

guidelines on palliative care.

Models of Spiritualism that can be imbibed in Palliative Care:

(i) Domain Spirituality Model- In this kind of model, the spiritual health component is broadly divided into the domain of knowledge and inspiration. The knowledge domain is further divided into *personal* (individual well-being), *communal* (culture, society aspirations), *environmental* (connection with the natural elements) and *transcendental* (cosmic/divine energy). The inspirational aspect focusses on the spirit and motivation of the patient to fight against the disease and awareness about one's surroundings.

This model can be effectively used by the palliative care centres in terms of identifying these components of the patient.The personal well-being of the individual can be explored by conducting the personal one on one basis session with the patient and making them realise of their purpose and existence in life; thereby the societal component can be implemented by encouraging the patients to participate in various charity, social events and get rooted with the culture; regular walks, gardening and spending time with mother earth can aid in enhancing the environmental aspect and lastly encouraging the belief in external force and making them completely aware about their situation or the disease will help in the transcendental component to a great extent.

Therefore, if the palliative care units or centres devise a proper regulated programme focussing on the domain model, the spirituality in the patients can be imparted to a greatest extent which in turn will aid in speedy and mindful recovery.

(ii) The Existential Care Model-This model is inspired by the guidelines as followed by USA on the palliative care in order

to include the element of spirituality. As per this model, it essentially focuses in the aspect of purpose of life and its existence. This has been a highly successful model in terms of preventing the element of suicidal tendencies among the patients as suffering from terminal disease. This model encourages the patient to address the cause of worry or the disease which is causing the discomfort and then they are made to feel that it is not something that has been suffered only by them. In other words, the interaction of the patients in the palliative care with each other can make them feel that they are not in this alone and together can make a difference in the society as a whole.

(iii) The Coping Model-In this model, the focus is not to eliminate the existing situation per se but rather to device the coping mechanisms in order to deal with the situation at the hand. Hence, this can be used by the palliative care units with the aid of the medical professionals wherein they help in formulating a plan for coping with the disease in hand and if be required, providing with the requisite medical assistance to the patient in order to cope with the terminal disease.

Hence, spirituality is a deeply rooted phenomenon in all the spheres of the human life. If the same is implemented on a large-scale level by palliative care units and the programmes are designed accordingly, it can impact to a greater deal towards the health of the suffering patients.

Conclusion:

Palliative care is very much different in scope from that of the hospice for the patients. It aims at managing the symptoms of the patients and aid in promoting a better life with the ongoing symptoms. The legal origin of the same is traceable from the point of Right to Die getting included in the scope of Right to Life and the duty as imposed on the palliative care units to frame the policies and programmes keeping in mind enhances

scope of Right to Life. Also, by the virtue of various legal provisions and acts as mentioned above, the medical professionals and the palliative care units are under the legal obligations to adhere to the same in order to avoid any legal penalties for contravention of the duties as imposed on them. The Article in the end has explored a new dimension, the element of spirituality models which can greatly contribute towards the effectiveness of the palliative care programmes as devised by the medical professionals. Hence, the importance of the palliative care especially after the judgement as referred to above is unquestionable and the same is guided by the legal principles.

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AN EMPIRICAL STUDY ON IMPACT OF POLICE BEHAVIOUR ASSOCIATED WITH STRESS DISORDER AND THE NEED FOR PSYCHO-EDUCATION.

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Abstract:
According to recent systematic reviews, being a police officer seems to be a highly demanding and stressful occupation, due to the current characteristics of modern societies. For a police officer, those characteristics include: the uncertainty and danger related to the permanent threat of terrorist attacks, the increase of violence with firearms in urban areas, low human and material resources, team or supervision difficulties, criticism from citizens and society, and lack of understanding from family or friends. This has led to an increasing interest in police officers' psychological well-being, with researchers emphasizing the negative impact of working with negative social situations, such as crime and death, it affects performance, counterproductive work behaviors, and inappropriate interactions with citizens, such as the use of excessive force. This empirical study explores the impact of police behavior on stress disorder and the need for psychoeducation among police officers. The study aims to investigate the relationship between police behavior, stress levels, and the need for psychoeducation. The sample size of this study is 200 samples with age,gender , occupation and educational qualifications as independent variables. The objective of this study is to understand the stress faced by police due to their work environment, to find out effective measures to prevent burnouts, to discuss the need for psychological education to law enforcement officers, to analyze various ways in which a police officer is labeled. The. results also indicate a need for psychoeducation among police officers to help them cope with the demands of their job and improve their mental health. The study concludes by recommending the implementation of psycho-educational programs for police officers to reduce the impact of stress disorder on their mental and physical health.

KEYWORDS:
Stress disorders, Psychological Education, Labeling, Behavioral characteristics, Trauma.

INTRODUCTION:

The stress that police officers face as a result of their work is a topic of significant research interest. Policing is a demanding job that involves dealing with challenging situations on a daily basis, such as responding to emergencies, investigating crimes, and maintaining public order. Studies have shown that police officers are at higher risk of developing mental health issues such as depression, anxiety, and post-traumatic stress disorder (PTSD) compared to the general population. This is partly due to the exposure to traumatic events, but also to the pressures of the job, such as long hours, shift work, and the need to make quick decisions under stressful conditions. Research has also identified factors that may help to mitigate the negative effects of police work on officers' mental health. These include providing adequate training and support, promoting a positive work culture, and encouraging the development of coping strategies. In addition, there are efforts to implement policies and programs that can support the well-being of police officers. For example, some police departments have implemented wellness

programs that focus on physical fitness, nutrition, and mental health, while others have established peer support programs to provide emotional support to officers. Overall, the issue of police officer stress is a complex and multifaceted one that requires ongoing research, policy development, and program implementation to promote the well-being of those who serve and protect our communities. Yes, that's correct. The nature of policing exposes officers to a range of potentially traumatic events (PTEs) that can contribute to the development of post-traumatic stress disorder (PTSD) and other mental health issues. Examples of PTEs that police officers may encounter include physical violence, accidents, natural disasters, and exposure to disturbing scenes of injury or death. PTSD is a serious mental health condition that can affect an individual's ability to function in their daily life. Symptoms of PTSD can include flashbacks, nightmares, intrusive thoughts, avoidance behaviors, and hyperarousal. These symptoms can be triggered by reminders of the traumatic event, which can make it difficult for police officers to perform their duties effectively and may impact their personal and professional relationships. Efforts are being made to address the issue of PTSD in policing. For example, some police departments have implemented debriefing and counseling services to support officers after PTEs, while others have developed peer support networks and provided training on mental health awareness and resilience. However, more research and action are needed to address the issue comprehensively and effectively. A study published in the Journal of Traumatic Stress found that police officers who had experienced more traumatic events were more likely to report symptoms of PTSD. The study also found that social support from colleagues and supervisors was associated with lower levels of PTSD symptoms. Followed by A review of the literature published in the Journal of Anxiety Disorders found that police officers are at higher risk of developing PTSD compared to the general population. The review also identified several risk factors for PTSD in policing, including exposure to violence, lack of social support, and prior

traumatic experiences. Whereas a study published in the Journal of Occupational Health Psychology found that police officers who reported higher levels of job stress were more likely to experience symptoms of PTSD. The study also found that social support from colleagues and supervisors was associated with lower levels of job stress. Alsoa study published in the Journal of Police and Criminal Psychology found that police officers who reported higher levels of emotional intelligence were less likely to experience symptoms of PTSD. The study also found that emotional intelligence was positively associated with job satisfaction and job performance. One of the most widely used models of PTSD symptom clusters is the one developed by the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (DSM-5). The DSM-5 defines four main symptom clusters of PTSDS are (I) Intrusion (intrusive memories, flashbacks, or nightmares of the traumatic event). (II) Avoidance (avoidance of people, places, or things that remind the person of the traumatic event.). (III) Negative alterations in cognition and mood (negative thoughts and feelings, feelings of detachment, loss of interest in previously enjoyed activities, and difficulty experiencing positive emotions). (IV) Arousal and reactivity (hypervigilance, increased startle response, irritability, anger, and difficulty sleeping). The Aim of this study is to understand police behavior and provide them with proper psychological education.

OBJECTIVES:

- To understand the stress faced by police due to their work environment.
- To find out effective measures to prevent burnouts.
- To discuss the need for psychological education to law enforcement officers.
- To analyze various ways in which a police officer is labelled.

REVIEW OF LITERATURE:

1. **J. Stogner, B. Miller, Kyle McLean (2022):** In their 2022 article titled "Police Stress, Mental Health, and Resiliency during the COVID-19 Pandemic," Stogner, Miller, and McLean discuss the unique challenges that police officers have faced during the pandemic and explore potential avenues for providing support to officers. The authors note that police officers have been exposed to a range of stressors during the pandemic, including increased workloads, concerns about exposure to the virus, and the emotional toll of responding to COVID-19 related incidents. These stressors can contribute to the development of mental health issues, including anxiety, depression, and PTSD. The authors also recommend further research into the impact of the COVID-19 pandemic on police officers' mental health and well-being, to help inform future policy and support efforts. Overall, the article highlights the importance of addressing the mental health needs of law enforcement officers, particularly during times of crisis like the COVID-19 pandemic.
2. **C. Queirós, F. Passos, (2022):** In their 2022 article titled "Operational Police Stress: Factor Structure, Associations with Psychological Distress and Burnout," Queirós and Passos discuss the need for specific instruments to measure stress and burnout in policing tasks. The authors conducted a study to identify the factor structure of operational police stress and its association with psychological distress and burnout. The study involved a sample of 624 police officers from Portugal who completed a survey that measured operational police stress, psychological distress, and burnout. The results of the survey were analyzed using factor analysis, which revealed two dimensions of operational police stress: social issues and work issues. These dimensions were found to be associated with

measures of psychological distress and burnout. Based on these findings, the authors proposed a second-order solution called "operational police stress," which captures the specific stressors associated with police work. They argue that this instrument is better suited for measuring police stress and burnout than more general instruments that do not take into account the unique demands of police work.

3. **A. Bishopp, N. L. Piquero, (2021)**. The authors argue that recent high-profile force incidents have fueled distrust of police, particularly within minority communities. As a result, there is reason to expect that minority officers experience stress differently than their white counterparts. Using data from a survey of over 1,400 police officers working in three large cities in Texas, the authors find that stress is significantly related to officers' acts of misconduct within both races. However, they also find that there are noticeable differences in the role anger plays in the stress/misconduct relationship among white and minority officers. The authors suggest that these findings have important implications for understanding and addressing police misconduct, particularly within minority communities. By identifying the unique stressors experienced by minority police officers and how these stressors relate to misconduct, interventions can be developed to address these issues and improve police-community relations. Overall, the article highlights the importance of considering the role of race and stress in understanding police misconduct and developing interventions to address these issues. By recognizing the unique stressors experienced by minority police officers, interventions can be tailored to address these issues and improve the well-being of police officers and their relationships with the communities they serve.

4. **J. Saunders, V. Kotzias, R. Ramchand (2021)**. The changing socio-political context has led to increased occupational stressors for law enforcement officers. In a study involving representatives from 110 law enforcement agencies, the most commonly reported stressors included the daily enforcement activities that expose officers to potentially dangerous situations, administrative burden and shift work, and family and relationship challenges. Respondents also highlighted the negative portrayal of police by the media and the strained police-community relations, which have led to increased fear and stress among officers. These stressors have been compounded by the 24-hour news cycle and the widespread use of personal recording devices and social media platforms for sharing videos.
5. **Penelope Allison, A. Mnatsakanova (2020):** The paper explores the link between police stress and depressive symptoms among police officers and investigates the potential role of coping strategies and hardiness in moderating this relationship. To measure occupational stress, the study calculated stress indices based on the frequency and severity of work-related events over the past year. Depressive symptoms were assessed using the Center for Epidemiologic Studies Depression (CES-D) Scale for the past week. Linear regression was used to analyze the association between stress indices and depressive symptom scores. The study aims to shed light on the potential protective factors that can buffer against the negative effects of police stress on mental health.

6. **D. Grupe, C. McGehee, (2019)**: The study found that mindfulness training can be an effective intervention for reducing PTSD symptoms and improving stress-related health outcomes in police officers. Law enforcement officers are often exposed to various traumatic stressors and organizational

stressors, which can put them at a higher risk of developing PTSD and other negative health outcomes. However, there are limited evidence-based interventions available to address occupational stress for this population. The study also suggests the importance of establishing norms and cut-off values for measuring police stress meaningfully, particularly using the Operational and Organizational Police Stress instrument.

7. **D. McCreary, I. Fong, D. Groll (2019)**: The Operational and Organizational Police Stress Questionnaires (PSQ-Op and PSQ-Org) are important tools in understanding the unique stressors faced by police officers. However, they do not provide information on the relative levels of stress experienced by officers in different departments or organizations. To address this gap, researchers developed gender-based norms and cut-off values for the PSQ measures, which can help organizations assess and address officer stress. The norms are provided for both overall scale scores and individual items and could have important implications for improving the mental health and well-being of police officers.
8. **Wirth, M. Andrew, (2019):** This study looked at the association between shiftwork and white blood cell (WBC) counts among police officers from the Buffalo Cardio-Metabolic Occupational Police Stress study. Shift workers often experience disruptions in their circadian rhythms which can lead to sleep problems and abnormal hormone secretion. Previous evidence has suggested that shift workers may have higher levels of WBCs compared to those who work during the day. The immune system and circadian rhythms are closely linked, so these elevated WBC levels may increase the risk of chronic diseases. The study analyzed the cross-sectional relationship between long- and short-term shiftwork (3, 5, 7, and 14 days) and WBC counts

among police officers.

9. **Burnout, Jennifer Griffin, I. Sun (2018):** This study investigated the relationship between demographic characteristics, work-family conflict (WFC), resiliency, stress, and burnout among police officers. The results showed that WFC and resiliency partially mediate the relationship between demographic characteristics and stress/burnout. The study found that stress was positively associated with burnout. The study suggests that policies aimed at reducing work-family conflict and enhancing resiliency may be effective in reducing stress and burnout among police officers. The findings also highlight the importance of addressing work-family conflict and enhancing resiliency in interventions aimed at reducing stress and burnout among police officers.
10. **E. Winter, Allyson M Hynes, +3 authors Jeremy W. Cannon (1915) :**The purpose of this study was to investigate whether police-based transport of patients with penetrating trauma is associated with lower 24-hour mortality than emergency medical services (EMS)-based transport. The study analyzed data from 3,313 patients with penetrating trauma in Philadelphia, Pennsylvania, and found that individuals with similar injury mechanisms and severity had similar 24-hour mortality when transported by police compared to EMS. Moreover, patients with the most severe injuries were more likely to be alive upon arrival at the hospital when transported by police. Based on these findings, the study suggests that police transport is a safe and effective alternative to traditional EMS transport for patients with penetrating trauma.

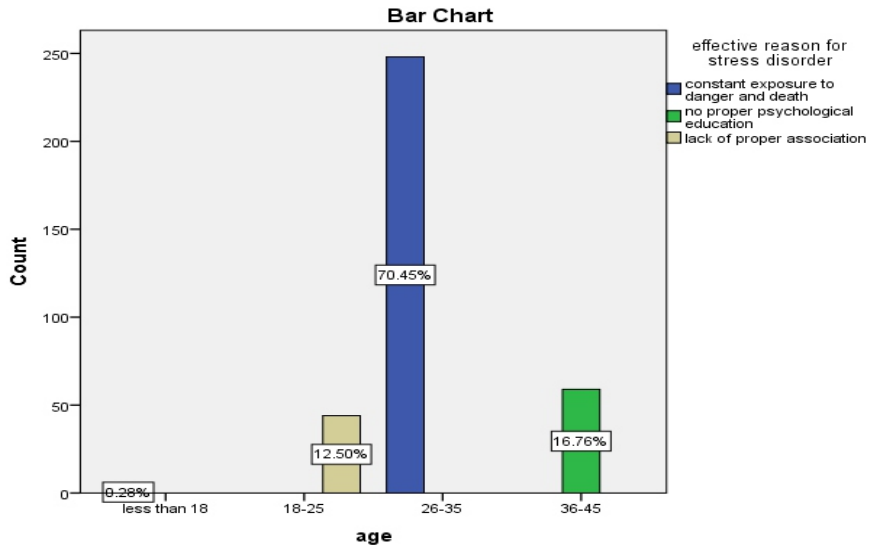
METHODOLOGY:

The research method followed here is empirical research. The

information was gathered from individuals in Chennai utilizing helpful examining techniques and the all-out number of inspecting or the testing size was 200. The instrument utilized for this exploration was SPSS Version 26. The autonomous factors in this examination were age and gender. The reliant factors in this review were justification for stress handled by police, assessment on the working on PTSD on police, regardless of whether they get enough leave or not, whether they are given legitimate pay, measures to be taken by the public authority to forestall their suicides due to trauma.

DATA ANALYSIS:

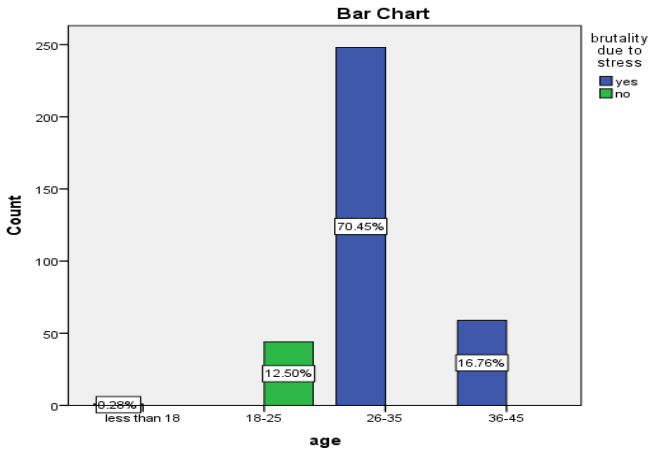
FIGURE 1



LEGEND:

Figure 1 represents the overall performance of sample with regards to age and effective reason for stress disorder.

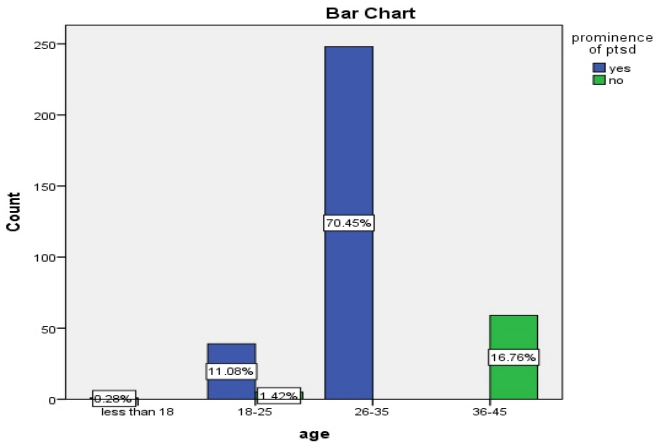
FIGURE 2



LEGEND:

Figure 2 represents the overall performance of sample with regards to age and brutality due to stress disorder.

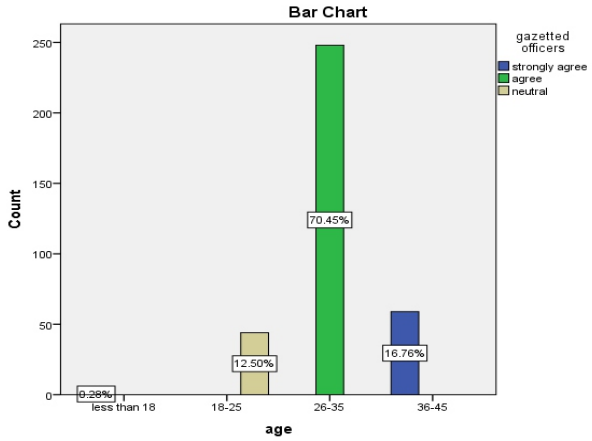
FIGURE 3



LEGEND:

Figure 3 represents the overall performance of sample with regards to age and effective reason for stress disorder.

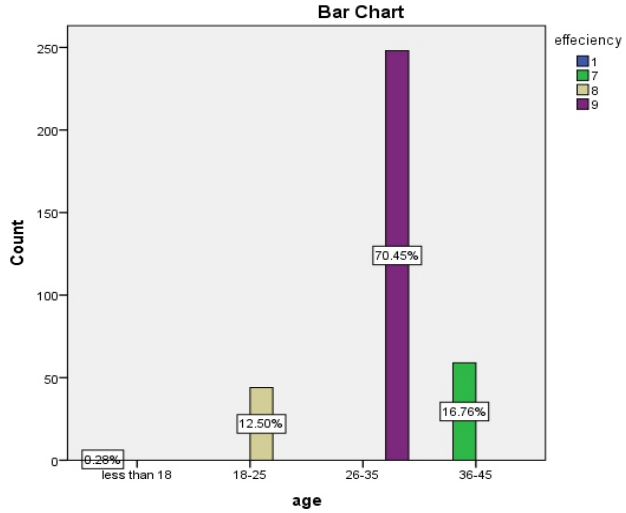
FIGURE 4



LEGEND :

Figure 4 represents the overall performance of sample with regards to age and effective reason for stress disorder.

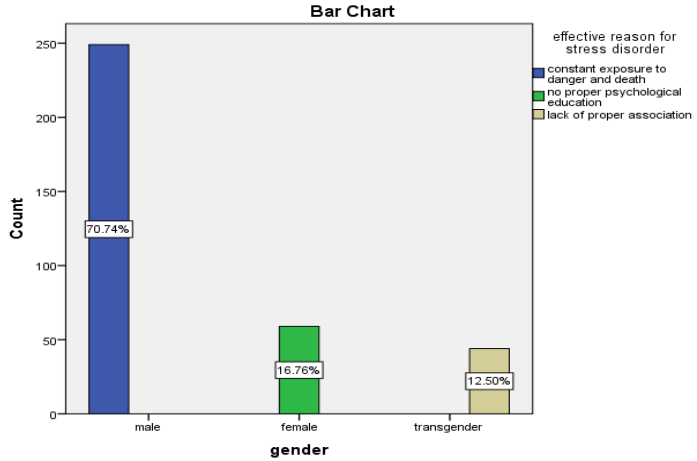
FIGURE 5



LEGEND:

Figure 5 represents the overall performance of sample with regards to age and efficiency.

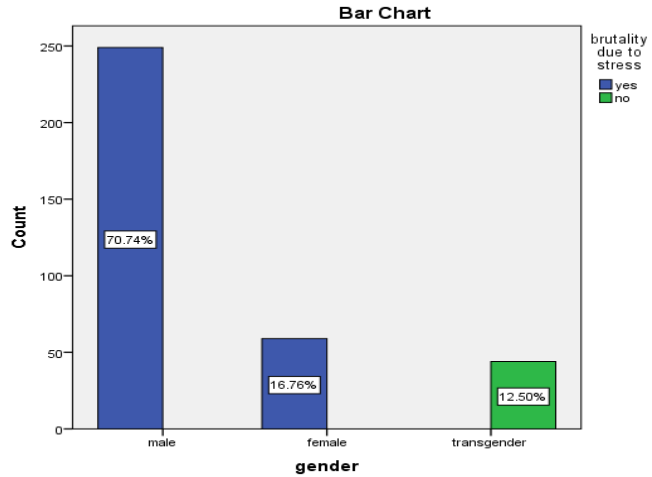
FIGURE 6



LEGEND:

Figure 6 represents the overall performance of sample with regards to gender and effective reason for stress disorder.

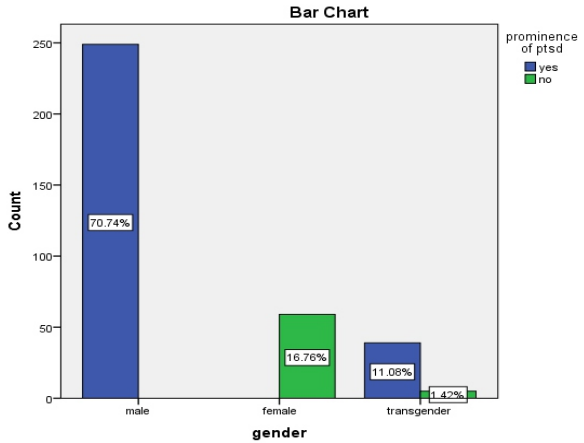
FIGURE 7



LEGEND:

Figure 7 represents the overall performance of sample with regards to gender and brutality due to stress disorder.

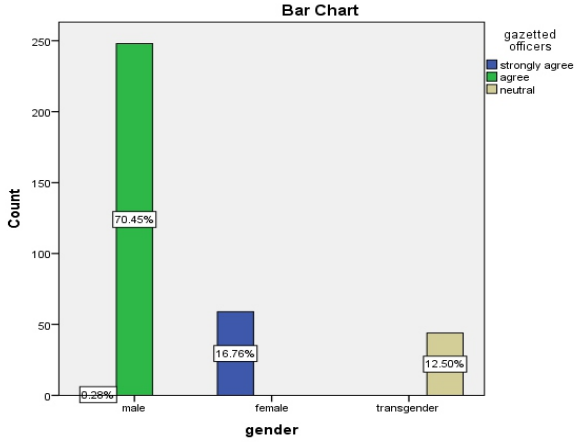
FIGURE 8



LEGEND:

Figure 8 represents the overall performance of sample with regards to gender and prominence of PTSD.

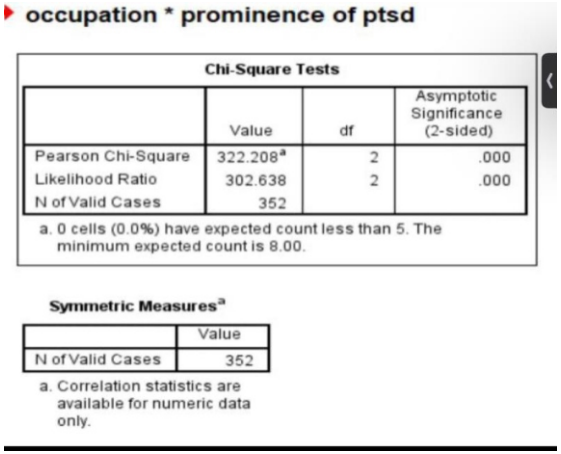
FIGURE 9



LEGEND:

Figure 9 represents the overall performance of sample with regards to gender and effective reason for stress disorder.

FIGURE 10



occupation * prominence of ptsd

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	322.208[a]	2	.000
Likelihood Ratio	302.638	2	.000
N of Valid Cases	352		

a. 0 cells (0.0%) have expected count less than 5. The minimum expected count is 8.00.

Symmetric Measures[a]

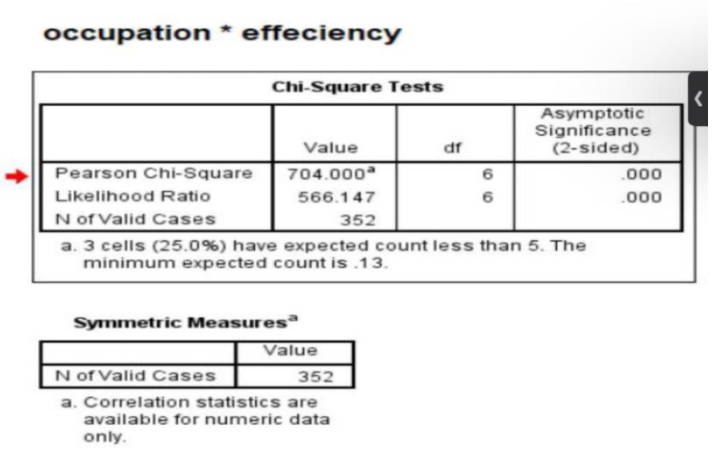
	Value
N of Valid Cases	352

a. Correlation statistics are available for numeric data only.

LEGEND:

Figure 10 represents the chi square tests overall performance of sample with regards to occupation and prominence of PTSD.

FIGURE 11



occupation * effeciency

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	704.000[a]	6	.000
Likelihood Ratio	566.147	6	.000
N of Valid Cases	352		

a. 3 cells (25.0%) have expected count less than 5. The minimum expected count is .13.

Symmetric Measures[a]

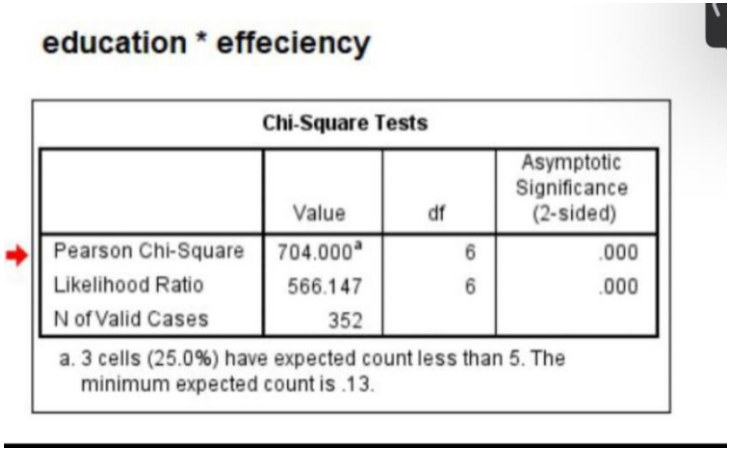
	Value
N of Valid Cases	352

a. Correlation statistics are available for numeric data only.

LEGEND:

Figure 11 represents the chi square tests overall performance of sample with regards to occupation and efficiency.

FIGURE 12



education * effeciency

Chi-Square Tests

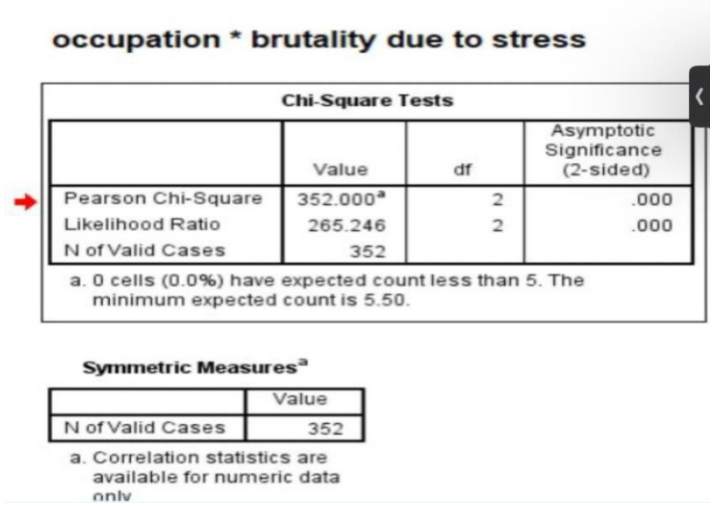
	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	704.000[a]	6	.000
Likelihood Ratio	566.147	6	.000
N of Valid Cases	352		

a. 3 cells (25.0%) have expected count less than 5. The minimum expected count is .13.

LEGEND:

Figure 12 represents the chi square tests overall performance of sample with regards to education and efficiency.

FIGURE 13



occupation * brutality due to stress

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	352.000[a]	2	.000
Likelihood Ratio	265.246	2	.000
N of Valid Cases	352		

a. 0 cells (0.0%) have expected count less than 5. The minimum expected count is 5.50.

Symmetric Measures[a]

	Value
N of Valid Cases	352

a. Correlation statistics are available for numeric data only.

LEGEND:

Figure 13 represents the chi square tests overall performance of sample with regards to occupation and brutality due to stress.

RESULTS:

The results of the research are as follows which states that the overall performance of sample population is provided in which independent variables like age, gender, residence, educational qualification, occupation is considered and dependent variables like brutality due to stress, effective reason for that disorder, prominence of PTSD, gazetted officers, efficiency of government on improving police's mental health. **Figure 1** represents the overall performance of sample population about age and effective reason for stress disorder among which 70.45% of majority response has said that constant exposure to danger and death can be the reason for stress disorder among police officers. **Figure 2** represents the overall performance of sample population with regards to age and brutality due to stress among which 70.76% from the age group of 26 to 35 have said police are acting brutally.**Figure 3** represents the overall performance of sample population with regards to age and effect of reason for stress disorder among which a list of 0.29% from the age less than 18 has said that the police officers are prominent to PTSD. **Figure 4** represents the overall performance of sample population with regards to age and an effort to recent among with 70.45% from age group 26 to 35 has agreed that Gazetted officers are more prevalent but also, they are seized from certain privileges. **Figure 5** represents the overall performance of sample population of regards to it and efficiency on which 9 out of 10 has been given as a rating by a age group of 26 to 35.**figure 6** represents the overall performance of sample population with regards to gender among which 70.76% from their gender male has said that constant exposure to danger and death is the reason for the stress disorder among police officers. **Figure 7** represents the overall performance of sample population with regards to gender and brutality due to stress in which a list of 12.50% from the gender transgender has said no that police offices are not brutal. **Figure 8** represents the overall performance of sample population with regard to gender and prominence of PTSD in which 70.74% of the gender male have said that police are prominent to PTSD. **Figure 9** represents the overall performance of sample population with regards to gender and affects the reason for stress

this order along with 70.45% from the gender mail has agreed that the resident officers aren't any settings to mental health. **Figure 10** represents the overall performance of sample population with regards to educational brutality to the stress and among which 70.74% from the educational background higher secondary has said that police are brutal to the public due to stress. **Figure 11**represents overall performance of sample population with regards to occupation and prominent of PTSD with the help of chi-square test. **Figure 12** represents the overall performance of sample population with regards to occupation and efficiency with the help of chi-square test. **Figure 13**represents the overall performance of the sample population with the help of chi-square test which is in regards of education and efficiency.

DISCUSSION:

The discussion of the research is derived from the results given above from which it is clear that the police's behavior are brutal in many cases and it is due to that they are prominent to vote share this order the most common is justice order seen in police offices or post-traumatic stress disorders which can be caused due to that they are constantly exposed to danger and death for instances when a police has been came across a suicide case there are lots of chances that suicide is running over his mind again and again as which will ultimately causes him a thought of suicide in future. Around 70.74% from the age group 26 to 35 has said that constant exposure to death and death are reason for stress disorder and also 36 to 45 age group people around 16.76% has said that no proper psychological education can also be the reason (**figure 1**). Around 70.45% of people from the age group 26 to 35 agreed that police are brutal towards the public (**figure 2**). Around 70.45% from the age group 26 to 35 he said that police officers are prominent to PTSD this can be because they are constantly exposed to danger and it and they have no proper psychological education (**figure 3**). around 12.50% from the age group 18 to 25 has been neutral that these resident offices are not getting enough privileges being neutral in this case is clearly shown that police officers are entitled to many privileges as well as their seat from many

privileges as well(Figure **4**). Around 5.50% from the age group 18-25 had given 8 out of 10 for the officials of government in handling police offices (**Figure 5**). Around 15.76% of the gender female has said that no proper psychological education can be the reason for the stress disorder and as prevention is better than cure proper education is provided at the early stage of an occupation further misleads of stress disorder can be prevented (**Figure 6**). Around 12.50% of the gender transgender has said that police are not brutal (**figure 7**). Around 1.42% of the general transgender have said that police are not prominent with PTSD and 16.76% of the female said that police aren't prominent with PTSD and 70.74% of gender Male city police are prominent to watch PTSD (**Figure 8**). Around 70.45% of the gender mail has agreed that each from certain privileges and as below 16.78% of the gender female has said that they are provided enough with certain privileges (**Figure 9**). **Figure 10**represents overall performance of sample population with regards to occupation and prominent of PTSD with the help of chi-square test. **Figure 11** represents the overall performance of sample population with regards to occupation and efficiency with the help of chi-square test. **Figure 12** represents the overall performance of the sample population with the help of chi-square test which is in regards of education and efficiency. **Figure 13**represses overall performance of sample population will help of chi-square test which is in regards with occupation and brutality due to stress.

LIMITATIONS:

Used convenient sampling in this study because of covid pandemic situation and its associated guidelines we are unable to collect data from random samples. The Major limitation of the study is the sample frame. The sample frame Collected through bus stands,malls,etc. where the respondents aren't devoted enough to answer the questions. The restrictive area of sample size is yet another drawback of the research. The foremost downside whilst presenting the research topic is that not many people are wise enough to distinguish feminism from the idea of hating men which shows clear lack of awareness.

SUGGESTIONS:

There are several measures that can be taken to prevent police officers from undergoing PTSD and various stress disorders. Some of these measures include:

- Comprehensive Training: Providing comprehensive training to officers on coping mechanisms, recognizing and addressing stress, and dealing with critical incidents.
- Counseling and Support Services: Providing access to counseling and support services that can help officers deal with traumatic experiences and stress.
- Regular Mental Health Check-Ups: Providing regular mental health check-ups for officers to identify any signs of stress or PTSD and take preventative measures.
- Promoting Work-Life Balance: Encouraging officers to have a work-life balance that includes healthy physical and mental practices.
- Reducing Stigma: Reducing the stigma around seeking help for stress and mental health issues, so officers feel comfortable seeking help.

CONCLUSION:

This research indicates that more work needs to be done in police stress research even though a plethora of research already exists. Because policing is one of the most stressful occupations, more research is needed in gaining a better understanding behind the factors of stress and how police officers can better cope with job stress, which positive avenues can be used in dealing with the various elements in policing. Even though this thesis only included positive ways to deal with stress, future research should probe police officers' negative coping methods when dealing with stress such as alcohol or other vices. However, negative coping methods would be difficult to probe because many officers may avoid sensitive questions. That is, many officers might not

answer or answer accurately questions about negative behaviors such as how excessively they drink alcohol or if they resort to drugs. Administrative support is also a noteworthy variable because of the overall bureaucratic nature of police work. In general, police officers are required to follow departmental policy that may contrast with the police discretion in situations where quick judgment is necessary. Even though administrative support was found to be source of support and not stress in this thesis, past research has contrasting results. The officers said the paperwork was excessive to the extent that the time officers spent on paperwork could be used patrolling the streets. Overall, this thesis showed that danger was a source of stress and administrative support reduced stress.

■■■

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AN ANALYTICAL STUDY ON ALTERNATIVE DISPUTE RESOLUTION TECHNIQUES IN INDIA

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ABSTRACT

In today's environment, conflict resolution is an essential mechanism for maintaining societal harmony. “The dispute resolution process attempts to settle and prevent disagreements, allowing individuals and groups to continue working together. Alternative Dispute Resolution (ADR) refers to a variety of methods for resolving legal issues. The corporate sector and ordinary people have discovered that it is impossible for many people to file lawsuits and obtain speedy justice. Court dockets are backlogged, resulting in delays of a year or more for parties to get their cases heard and determined. In this study, the researcher put emphasis on the significance of the phrase Alternative Dispute Resolution, which encompasses a variety of mechanisms of dispute resolution such as Lok Adalats, Arbitration, Conciliation, and Mediation. Many nations have employed alternative dispute resolution strategies to effectively resolve conflicts. As a result, this study focuses on the many ways of Alternative Dispute Resolution in India, as well as the legal procedures that enable individuals obtain fair and satisfying results.”

Keywords: Arbitration, ADR, Supreme Court, Dispute Resolution, Lok Adalat.

Introduction

Dispute resolution is an essential step for maintaining societal harmony. The dispute resolution process attempts to settle and prevent

disagreements, allowing individuals and groups to continue working together. It may thus be argued that it is the sine qua non of social existence and social order, without which it may be difficult for individuals to live together.

Alternative Dispute Resolution (ADR) refers to a variety of methods for settling legal issues. The corporate sector and ordinary people have discovered that it is impossible for many people to file lawsuits and obtain speedy justice. Court dockets are backlogged, resulting in delays of a year or more for parties to get their cases heard and determined. In response to the problem of delayed justice, an ADR Mechanism was created.

Alternative conflict resolution approaches are becoming more widely accepted in the legal and business sectors, both at the national and international levels. Its many ways can assist parties in resolving conflicts on their own terms in a cost-effective and timely manner. Alternative conflict resolution approaches are distinct from the Courts. Alternative dispute resolution approaches can be employed in practically all disputed cases that can be settled by agreement between the parties under the law. Alternative conflict resolution strategies may be used in a variety of types of disputes, including civil, commercial, industrial, and personal issues.

The purpose of alternative conflict resolution is written in the Indian Constitution's preamble, which commands the state to "secure to all citizens of India, justice-social, economic, and political-liberty, equality, and fraternity.”

The Law Commission of India has maintained that, the reason judicial delay is not a lack of clear procedural laws, but rather the imperfect execution, or even utter non-observance, thereof. In its 14th Report, the Law Commission of India said unequivocally that the delay is due to non-observance of several of the legislation's critical provisions, notably those designed to expedite the disposition of processes.

The Supreme Court stated unequivocally that this stage of the matter must be addressed: 'An independent and effective judicial system is one of our constitution's essential pillars... It is our constitutional responsibility to announce the backlog of cases and to make steps to increase case disposition."

Because of the methods adopted, the alternative conflict resolution mechanism can protect and strengthen personal and corporate relationships that might otherwise be harmed by the adversarial process. It is also adaptable since it allows combatants to select processes that are appropriate for the nature of the dispute and the business setting in which it happens.

The phrase "Alternative Dispute Resolution" encompasses a variety of techniques of dispute resolution, including Lok Adalats, arbitration, conciliation, and mediation. Many countries have employed this alternative dispute resolution strategy to effectively resolve disagreements. Mediation is one of the most prevalent kinds of Alternative Dispute Resolution. In fact, some have classified mediation as the most appropriate Dispute Resolution strategy. Mediation as a strategy for conflict resolution is not a novel idea. To put it simply, mediation is an agreeable resolution of problems with the intervention of a neutral third party who works as a facilitator and is known as a "Mediator." ADR is generally less formal, less costly, and takes less time than a normal trial. ADR can also provide consumers with more control over when and how their disagreement is handled.

History of Arbitration in India

Before the enactment of the Act, the law governing arbitration in India consisted of three statutes:

i. "The Arbitration (Protocol and Convention) Act, 1937;"
ii. "The Indian Arbitration Act, 1940;" and
iii. "The Foreign Awards (Recognition and Enforcement) Act, 1961."

The "1940 Act was the general law governing arbitration in India and resembled the English Arbitration Act of 1934. The 1961 Act and the 1937 Act dealt with the enforcement of foreign awards and effected the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, 1958 (New York Convention) and Convention on the Execution of Foreign Arbitral Awards, 1927 (Geneva Convention) respectively."

Different Types of Alternative Dispute Resolutions:

Arbitration, Conciliation, Mediation, Judicial Settlement, and Lok Adalat are the most prevalent methods of ADR in civil matters. In India, the Civil Procedure Code was changed by incorporating Section 89 as well as Order 10 Rule 1-A to 1-C. Section 89 of the Civil Procedure Code allows for conflict resolution outside of court. It is based on the recommendations of India's Law Commission and the Malimath Committee. On a combined reading of Section 89 and Rule 1-A of Order 10 of the Civil Procedure Code, it appears that the Court may instruct the parties to choose one of the five forms of Alternative Dispute Resolution and, at their discretion, send the issue to arbitration.

Arbitration

Arbitration, a type of alternative dispute resolution (ADR), is a procedure for resolving conflicts outside of the courts in which the parties send the disagreement to one or more individuals - arbitrators - whose judgement they agree to be bound by. It is a dispute resolution procedure in which a third person evaluates the facts in the case and makes a legally binding and enforceable judgement for both parties. Arbitration rulings have limited review and appeal powers. Arbitration is distinct from court processes and mediation. Arbitration might be optional or mandated. If the subject is submitted to arbitration, the provisions of the Arbitration and Conciliation Act, 1996 shall govern the case, according to Section 89 of the Civil Procedure Code.

Conciliation

Conciliation is an alternative conflict resolution procedure in which the parties to a disagreement hire a conciliator who meets with them individually to discuss their issues.

Conciliation is a voluntary action in which the parties are free to agree and try to resolve their issue through conciliation. The procedure is adaptable, with parties determining the timing, structure, and substance of the conciliation proceedings. These proceedings are almost never made public. They are interest-based because the conciliator will consider not only the parties' legal positions, but also their business, financial, and/or personal interests when suggesting a solution.

In the Indian context, the words conciliation and mediation are synonymous. Conciliation is a voluntary procedure in which a trained and qualified neutral conducts conversations between disputing parties and supports them in recognizing their conflicts and interests in order to reach a mutually acceptable compromise. Conciliation includes conversations between the parties and the conciliator with the goal of exploring sustainable and equitable settlements by focusing on the existing issues in the dispute and developing settlement options that are acceptable to all parties. The conciliator does not make decisions for the parties, but rather assists them in creating possibilities in order to reach a solution that is acceptable to both. The process is risk-free and does not bind the parties until they reach and sign the agreement. When the opposing parties reach an agreement before a conciliator, the agreement has the impact of an arbitration award and is legally enforceable in any court in the nation.

The following types of disputes are usually conducive for conciliation:

(i) commercial,
(ii) financial,
(iii) family,
(iv) real estate,

(v) employment, intellectual property,
(vi) insolvency,
(vii) insurance,
(viii) service,
(ix) partnerships,
(x) environmental and product liability.

Mediation

Global mediation settlement is now a voluntary and informal conflict resolution method. It is a straightforward, voluntary, party-centered, and organized negotiation method in which a neutral third party aids the parties in settling their conflicts peacefully via the use of certain communication and negotiating skills. Mediation is a procedure in which the parties control the outcome. The mediator just facilitates the parties' efforts to seek a negotiated settlement of their disagreement. The mediator takes no choices and does not impose his opinion on what constitutes a fair settlement.

Each side meets with an experienced impartial mediator throughout the mediation process. The session begins with each side outlining the problem and the desired resolution from their perspective. Following the airing of each side's distinct viewpoints, the mediator divides them into private rooms, initiating a process of "Caucus Meeting" and subsequently "joint meetings with the parties." The eventual result is both parties' agreement. The mediator has no authority to impose his judgement on the parties. In the mediation, there is a win-win situation.

Judicial Settlement

Judicial Settlement is also included in Section 89 of the Civil Procedure Code as a means of alternative dispute settlement. Of course, no specific regulations have been established thus far for such a resolution. The phrase Judicial Settlement, on the other hand, is defined under Section 89 of the Code. Of course, it is stated that if a Judicial Settlement is reached, the terms of the Legal Services Authorities Act, 1987 shall

apply. It indicates that in a Judicial Settlement, the concerned Judge attempts to resolve the parties' issue peacefully. If an amicable solution is sought and reached at the request of the judge in the case, such settlement shall be considered a decree under the Legal Services Authorities Act of 1987. Section 21 of the Legal Services Authorities Act of 1987 states that every Lok Adalat award is presumed to be a Civil Court judgement. In India, there are no codified criteria for judicial settlement.

Lok Adalat

The notion of Lok Adalats, or people's courts, as formed by the government to settle conflicts via conciliation and compromise, is gaining traction. It is a judicial institution and a conflict resolution agency created by the people for social justice through settlement or agreement obtained through methodical discussions. The first Lok Adalats were held at Una aim, Junagadh district, Gujarat State, in 1982. Even matters pending in ordinary courts within their jurisdiction are accepted by Lok Adalats.

Section 89 of the Civil Procedure Code also allows pending civil issues to be referred to in the Lok Adalat. When a case is referred to the Lok Adalat, the provisions of the Legal Services Authorities Act of 1987 take effect. The Lok Adalat is chaired by a serving or retired judicial official, with two additional members, often a lawyer and a social worker. There is no court cost, therefore it is accessible to individuals who are financially weak in society. If the amount has already been paid, it is repaid if the matter is resolved at Lok Adalat. Because Lok Adalat is not as rigidly bound by procedural rules as other courts, the process is more easily comprehended even by the ignorant or undereducated. In contrast to typical court processes, the parties to a dispute can interact directly with the presiding officer. If a matter is referred to the Lok Adalat, the members of the Lok Adalat will attempt to resolve the dispute between the parties amicably; if the dispute is not addressed, the subject will be sent to the relevant Court, which will issue the required judgement. The decree issued will be final and binding on the parties, and no appeal will

be allowed.

On the other hand, the essential requirement of the Lok Adalat is that both parties in disagreement agree to a resolution. Furthermore, the Lok Adalat's decision is binding on the parties to the dispute, and its order is enforceable through legal means. No appeal lies against the order of finality linked to such a resolution, which can only be granted by Lok Adalat after getting the consent of all parties to the case. In some circumstances, the permanent Lok Adalat can make a merit-based decision even without the assent of the parties.

Such a decision is final and binding. There is no way to appeal from there. This is not to argue that Lok Adalat is without advantages. Lok Adalat are very successful in resolving money issues. Partition claims, damages, and even marital matters can be readily resolved before a Lok Adalat since the possibility for compromise is greater in these circumstances. Lok Adalat is a definite gift to the litigant public, since it allows them to get their problems resolved quickly and for free. The attendance of attorneys on behalf of the parties at Lok Adalats is not prohibited.

Lok Adalat are not intended to be replacements for current courts, but rather to augment them. They are basically win-win solutions, an alternative to 'Judicial Justice' in which all parties to the conflict benefit.

Certain hybrids of Alternative Dispute Resolution are also worth mentioning. These procedures have evolved via the use of a variety of Alternative Dispute Resolution techniques, with the ultimate goal of attaining a consensual settlement. The goal of many of these hybrids is to keep the primary goal of reaching a settlement in mind, and all permutations and combinations should be used towards that goal to decrease the burden of the adjudicatory process in courts. The many Alternative Dispute Resolution methods and its hybrids have discovered answers to various types of disagreements, and hence understanding of these processes may be of great use.

Arbitration and Conciliation (Amendment) Act, 2019

The 2019 Amendment Act, which featured numerous key modifications, was passed with the goal of promoting institutional arbitration in India. The Central Government announced Sections 1, 4, 9, 11, 13, and 15 of the 2019 Amendment Act on August 30, 2019. Certain clauses, particularly those dealing to the planned Indian Arbitration Council, have yet to be announced. The 2019 Amendment Act included the following significant changes:

i. *ACI (Arbitration Council of India):* Introduced provisions for the establishment of the Arbitration Council of India, which would grade arbitral institutions, recognize professional institutes that provide accreditation to arbitrators, issue recommendations and guidelines to arbitral institutions, and work to make India a Centre for domestic and international arbitrations. This adjustment, however, has not yet been communicated.

ii. *ACI Accredited Arbitral Institutions:* Amends the provisions of the 2015 Amendment Act to give the Supreme Court and High Court the authority to select arbitrators from arbitral institutions accredited by the Arbitration Council of India. This amendment has not yet been notified.

iii. *Time Limits:* The 2015 Amendment Act established a time restriction of 12 months (extendable to 18 months with the permission of the parties) from the day the arbitral tribunal enters into the reference for the conclusion of arbitration proceedings. The 2019 Amendment Act changes the commencement date of this time restriction to the completion of the pleadings. The pleadings must be finished within six months.

iv. Removed 'international commercial arbitration' from the time restriction for completing arbitration.

v. *Secrecy and Arbitrator Immunity:* Added explicit rules on the secrecy of arbitration procedures and arbitrators' immunity.

International Commercial Arbitration with Seat in India

Notice of Arbitration: According to Section 21, arbitration begins when the opposing party receives the notice of arbitration requesting that the dispute be submitted to arbitration ("Notice of Arbitration"). Arbitral proceedings under the Act begin on the day the respondent gets the notice. A Notice of Arbitration communicates- a) the desire to send the issue to arbitration; and b) the demand that the opposing party do anything in that respect on his side. This will typically serve to define the start of arbitration proceedings under the Act.

Referral to Arbitration: Under Part I, courts have the authority to refer parties to arbitration if the subject matter of the dispute is covered by the arbitration agreement. Section 8 of the Act states that if an action is taken before a judicial authority that is the subject of an arbitration agreement, the judicial authority is required to submit the issue to arbitration upon an application by a party. It is important to note that the above application must be made by the party either before or at the time of making his first statement on the substance of the dispute, and must be accompanied by a duly certified or original copy of the arbitration agreement, which does not have to be signed in order to be considered valid. However, it has been decided that there is no need to file a formal application requesting a particular petition for reference if the party raises an issue to the suit's maintainability in light of the arbitration provision.

Arbitrator(s) Appointment: The parties are free to agree on a method for appointing the arbitrator(s). In the absence of an agreement on the method for appointing arbitrators, each party will select one arbitrator, and the two appointed arbitrators will appoint the third arbitrator who will operate as a presiding arbitrator for a tribunal of three arbitrators. If one of the parties fails to select an arbitrator within 30 days, or if the two

appointed arbitrators fail to appoint the third arbitrator within 30 days, the party may petition the Supreme Court or the appropriate High Court (as applicable) for an appointment. However, if the parties have agreed to a specific method for appointing an arbitrator, it is not permissible to disregard it and use the exercise of powers in Section 11(6) of the Act. The Supreme Court/High Court can authorize any person or institution to appoint an arbitrator. In the case of an ICA, the application for appointment of the arbitrator must be presented to the Supreme Court, but in the case of domestic arbitration, the arbitrator would be appointed by the separate High Courts with territorial authority. The application for the appointment of an arbitrator before the Supreme Court or the relevant High Court, as the case may be, must be resolved as quickly as practicable, and an effort must be made to do so within 60 days. Due to current jurisprudence and process, there has always been a worry in India about the time it takes to select arbitrators. Typically, such an appointment would last 12-18 months. The 2015 Amendment Act addressed this issue by instituting a timeframe.

Conclusion

Arbitration should pique the interest of Indian attorneys as a dispute settlement strategy. Its current popularity in India can only be traced to conservatism ingrained in the common law system. As a result, conflict resolution techniques can be used to commercial issues, with the exception of those involving communal land; yet, it provides insight into the possibilities accessible outside of the adjudicatory system provided by common law. By comparing it to arbitration and litigation criteria, attorneys, particularly government lawyers, should be able to advise their governments on the necessity for and justification for arbitration in business contracts, particularly those of an international nature.

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Cyber Crimes against Women : A Gloomy Outlook of Technological Advancement

Meera A. S.

Introduction

The Vedas honoured women as "Devi," or Goddesses, praising them as the creator, the mother, and the one who gives birth.Women are held in extremely high respect in ancient Indian culture.Women's oppression and abuse were considered degrading not just to the women themselves but to the whole society because of their significant role in society. Women are now seen as inferior to males in many cultural areas and activities, and they are perceived and depicted as sex objects. Due to the significant gender prejudice that has emerged, even men believe that their wrongdoings against women are not punishable.Cyberbullying and other forms of online crime function similarly in that those who commit the crimes are not frightened of authorities who may punish them. The criminally minded use this gift of the internet to commit crimes and then hide behind the cover provided by it.In the virtual reality of the internet world, anybody may conceal or even make up their identity. The essence of several inventions and technical advancements is Digital India.Computers, the internet, and other technologies are frequently used by more than half of the population. The most popular social media platforms are Facebook, chat rooms, Instagram, Skype, WhatsApp, dating services, and others.On the one hand, digitization has strengthened India's system in every way, including government, education, and the economy, but on the other, it has also resulted in a

significant increase in cybercrime. As long as human civilization has existed, criminal behavior has existed as an economic and social phenomenon. In essence, crime is a legal notion with its own portion of the law."A legal wrong that can be followed by criminal proceedings which may result in punishment" is what is known as a crime or an offense.Whatever its form, crime always has an impact on society, whether directly or indirectly. As the use of computers and the internet has increased, many new crimes have emerged; these crimes are often referred to as cybercrimes.Although the bulk of the victims are women, these crimes may target any segment in society.The actual victims of cybercrime in Indian society are women.

CYBER CRIME – The Concept

No formal definition exists for the term "cyber crime," although it refers to any crime that will be committed via the internet or another means of communication.Understanding crime as it relates to computers and the internet is required in order to comprehend the idea of cybercrime. The concept of conventional crime and the concept of cybercrime is not fundamentally different.Both include actions or inactions that break the law and call for official retribution.If a computer is either the object or the subject of activity that constitutes a crime, it is possible to define cybercrime as belonging to the same species as a conventional crime. Cybercrime is any unlawful act that makes any use of the computer, as either a target, a tool, or a means of committing more crimes.

Cyber crime against women

Nowadays, cybercrime involving women is a prevalent issue. An Indian woman is targeted by cybercriminals every two seconds, and online communities have become the new front lines in the ongoing battle to protect women's physical and emotional well-being. Some criminals utilize technology to defame women by sending filthy messages and emails over WhatsApp, stalking them in chat rooms and on websites, and,worse than all, making pornographic videos—often without theconsent—by forging emails and utilizing computer software to morph

images.Because they are either ignorant of where to register a complaint or are not serious about making a report due to the possibility of social disgrace, Indian women are unable to immediately report cybercrimes.The impacts of cybercrimes against women are more psychological than physical, despite the fact that the law protecting their security places a greater focus on preventing physical than mental harm.This leads one to the conclusion that women's perspectives need to be extended in particular. They should act as the whip to rein in such criminals by using force against them by filing an instant report. Women who report crimes promptly and warn abusers that they will face severe legal repercussions may be able to address the majority of situations.

Cybercriminals utilize technology to get personal data and misuse the internet for illegal purposes, likecyberpornography, email blackmail, photo morphing, and stalking.

The use of internet forums by criminals in India to harass and abuse women for bizarre reasons is on the rise. Cyberstalking, blackmail, extortion, harassment, etc., mostly target women. Women often disclose their personal information to abusers or criminals, which leads to a large number of cybercrimes. Offenders often have the opportunity to blackmail, harass, abuse, etc.The mother and kids more since they don't understand how to file a complaint. Cybercrimes against women sometimes begin with the establishment of bogus identities on Twitter, Facebook, as well as other social networking sites. These platforms cause serious harm to women by being used for extensive threatening, blackmailing, cheating, or bullying through messenger chats and email.Men with bad intentions commit various cybercrimes, such as for ill-gotten wealth, retaliation, insulting a woman's modesty, extortion, blackmail, sexual exploitation, defamation, inciting hatred against the community, the gratification of taking power, and information theft.

Some major cyber crimes against women

Numerous women have suffered from melancholy, hypertension,

anxiety, heart disease, diabetes, and thyroid disorders as a result of some of the most prominent and well-known cybercrimes.Major cybercrimes include the following:

Cyberstalking;

Women are more likely to be the targets of the growing trend of online stalking. Cyberstalking is the practice of stalking someone online with the purpose of harassing and abusing them. A cyber stalker observes a victim's online behavior to acquire information, makes threats using various verbal intimidation techniques, and does not directly threaten the victim physically.Email harassment is nothing new.Email harassment has been around for a while. It resembles letter-based harassment quite a bit. Harassment includes anything from email-based cheating to blackmail to threats and intimidation.While electronic harassment is comparable to letter harassment, problems often arise when it is filed with false identities.

Defamation:

Libel and defamation are both types of cyberdefamation. It entails posting false material online or disseminating it around the victims' social circle or group, which is a simple way to damage a woman's character by affecting her excruciating mental suffering.Email spoofing is the term for an email that seems to have come from one source but really originated from another. It may result in financial losses.Phishing is known as the effort to get sensitive information, likethe login and password, with the goal of obtaining personal data.

Morphing is the act of altering an original photograph using a false identity or an unauthorized user. It was discovered that false users were downloading female images, changing them, and then reposting/uploading them on other websites.

Trolling: By making controversial or off-topic postings in web forums with the intention of eliciting an emotional or painful response from the intended audience, trolls start online arguments, and criminals begin fighting or harming victims. Trolls are professional bullies who use false identities on social media

to incite a cyber-cold war and are difficult to track down.

Cyber Pornography:The other danger to female internet users is cyberpornography. Pornographic periodicals created utilizing computers and the internet is also included in this.

What victims need to do:

Before going to the police, a woman or young girl who has been the victim of cyber victimization should get in touch with a women's aid cell or non-governmental organization (likethe"All India Women's Conference, Sakshi, Navjyoti, Centre for Cyber Victims Counseling") for support and guidance.Sadly, Indian police still don't always treat cybercrime seriously.

The legal framework for the prevention of Cyber Crime against Women:

The internet primarily has 2 distinctive features.

First off, it crosses all physical and geographical boundaries. Thus the abuser might be operating from anywhere in the globe.

Second, users' anonymity is increased via the internet.

The Information TechnologyActand**TheIPC ("Indian Penal Code")** are essentially the two main laws that handle cybercrimes against women to a considerable degree in India.

The IPC is the country's general criminal code, which lists a significant variety of offenses and their associated penalties. The IT Act is a Specific Law that, in contrast to the IPC, deals with a number of concerns relating to the usage of information technology, such as the commission of crimes.Stalkers and online criminals may be reported under many parts of the Information and Technology Actof 2000 for violating people's privacy:

Section 66A: This article addresses sending emails with the intent to annoy, ormislead the recipient regarding the source of such messages (also known as IP or email spoofing), among other things, via electronic communication. These offenses carry a maximum three-year prison

sentence or a fine.

Section 66B: Receiving a stolen computer or communication device may get you three years in prison and/or a fine of one hundred thousand rupees.

Section 66C: Other forms of identity theft include the use of a stolen password or forged electronic signatures.

Section 66D: Cheating with the use of a computer or other electronic equipment carries a possible three-year jail sentence and a fine of up to one hundred thousand Indian rupees.

Section 66E: Invasion of privacy, also known as the unauthorized disclosure or dissemination of sensitive personal information about another individual. Possible punishments include two years in prison, a 200,000 rupee fine, or both.

Section 66F: With the goal of undermining national unity, integrity, security, and sovereignty, cyberterrorism is denying access to a legitimate user of a computer resource or attempting to break security and acquire unauthorized access to such a resource.

Section 67 deals with transmitting or publishing offensive material in electronic form. With the passage of the ITA Act in 2008, the preceding ITA provision was expanded to encompass child obscenity and the preservation of data by intermediaries.

Section 72: There were also confidentiality diaries and penalties for violating privacy.

Section 354D: Stalking is the topic of this section. It describes a stalker as a guy who pursues a lady, makes contact with her, and keeps track of all of her online activities.

Constitutional Liability

Breaking into someone's home or taking their original work constitutes a complete infringement of their right to privacy.While the Indian Penal Code (IPC) does provide some protection for the 'right to privacy', this

right is not explicitly included as one of the basic rights guaranteed to Indian people in the Indian Constitution.Every person has a basic need for privacy because it creates walls around them that keep others out. Interfering with or prying into another person's private matters is prohibited under the right to privacy.The right to privacy is an integral aspect of the basic right granted by article 21 of the Indian constitution, according to the decisions of India's Supreme court.As a consequence, article 21 of the Constitution of India protects the right to privacy.The accused may thus be charged with breaching Article 21 of the Indian Constitution if a cybercrime involves a person's private property or personal possessions and may be subject to legal remedies.

Relevant Cases

Case I

RituKohli case: - Cyberstalking occurred for the first time in India with the RituKohli Case. Mrs. Kohli went to the police after learning that her name had been stolen and used for four days on the website http://www.micro.com/, specifically on the Delhi channel.Mrs. Kohli also said that the person was communicating online in a foul manner while using her name and address. The same individual also encouraged other chatters to contact RituKohli at later hours by purposefully giving out her phone information to them. Consequently, Mrs. Kohli got over forty calls in only 3 days, primarily demanding overtime.The above call wreaked havoc in the complainant's personal life, leading to the tracking of IP addresses, a police investigation, and finally, the arrest of the culprit. He was later granted bail after a complaint was filed against him under IPC section 509. This is the first time an instance of online stalking has been reported.

Cyberstalking, like email harassment, is not addressed under India's current cyber laws.For breaking privacy and secrecy, only individuals who are covered by Section 72 of the IT Act may be detained remotely.Along with breaching women's modesty under Section 509 of

the IPC and criminal trespass under Section 441 of the IPC, the offender may additionally face charges.

Case II

In the case of ***State of Tamil Nadu versus. SuhasKatti***, the accused utilised a fake email account he had created in the name of the victim, a divorced lady, to send her harassing messages.The victim was subjected to mental harassment as a result of the comments being published since she began getting unwanted calls during the solicitation brief.In response, she went to the Egmore court in February of 2004 with a formal complaint, prompting anarrest by the Chennai police cyber unit.According to Sections 509 and 469 of the IPC and 67 of the IT Act of 2000, he was recruited. He was under arrest for violating the aforementioned clauses when the charges against him were proven.In one instance, a girl went to see someone she had become on Facebook in Kottayam, Kerala. But when she encountered him, she was kidnapped. The girl was eventually located, and when she saw the boy, she informed the police that he had taken her without her would go to a hotel and assaulted her.

Measures governments have to undertake to curb the menace

Legislative Suggestions:

1)It is necessary to enact special cybercrime legislation to address all forms of gender-based online violence.

2) Legislative legislation and standards dealing with cybercrime against women should focus more on emotional damage than physical assault since this is where they have historically been.

Judicial Suggestions:

Every High Court is permitted to set up at least one special bench for dealing with cybercrimes against women, much like several tribunals. Every metropolitan city and district has the option of creating a special branch.

Suggestions for protecting women from various forms of harassment

1) Always use secure passwords, even if it seems counterproductive to disclose them. Since nobody with a reasonable mind divulges their password, correct? False Anyone may have revealed their password to a partner or friend they can trust. Although your pals may not be trying to hurt you, they could accidentally tell someone your password. Relationships may sometimes change before your password. Therefore, it is essential to use complex and confidential passwords.

2) Never provide more information than is necessary: Only two extremes exist on the relationship spectrum: extremely excellent and very awful. Even the most positive individuals may fluctuate between two extremes. Use caution while sharing messages, images, facts, or anything else that might potentially make you seem bad in the future.

3) Never meet online friends or anybody else alone: Tell your trusted friends, family, and teachers of any planned meetings.

4) Don't reveal everything: Always use caution while sharing information about your hobbies, etc.

5) Just block those you donot wish to communicate with.

6) Cybercrime Reporting: It is crucial that each woman immediately report any cybercrime of this kind.

Conclusion

The tactics utilized and the persistence of the offenders are the key problems with cybercrime.The police, the judicial system, and the investigating agencies must stay up to date on web-based application developments to instantly identify the genuine culprit.As new technologies emerge, it is the responsibility of the law and regulatory agencies to ensure that they do not become instruments of harassment or exploitation. Governments may enact legislation to ensure that human rights, particularly those of women, are upheld in digital settings just as they are in physical ones.

As important as it is to have laws in place to protect users, those laws also need to provide education and instruction for all demographics on how to make the most of their communication rights.It's important for people to know how to protect themselves online and what steps to take if they feel their rights have been infringed. At the same time, they need to improve their offline and online smarts.A lot of the problems with fighting cybercrime that existed in the past, such as evidence loss and the absence of a cyber army, have been resolved thanks to the Criminal Law Amendment Bill (2013).A few changes still need to be made, such as having judges that are computer savvy.Cybercrimes against women in India are still given short shrift for a variety of reasons, including a decline in respect for women in modern society and the fact that many people struggle to understand the idea that just sharing someone's picture online constitutes a crime.Because they have no moral justification in society, cybercrimes like email spoofing and morphing get low punishments.This brings us to the most important point, where society must advance, where people must respect others' rights, and where people must comprehend what constitutes a crime.They need to learn to respect women in society and respect other people's privacy. Only if young people are taught to value women from an early age is any of this feasible.Therefore, a reform in the educational system is crucial to combatting cybercrime against women in India, in addition to more severe punitive measures. These changes need cooperation from the public, the government, NGOs, and other groups, as they cannot be brought about by one section of society alone.Women need to be taught how to protect themselves from internet predators by not disclosing personal information to strangers, not sharing photos or videos of themselves or their families, and not giving out their passwords or other sensitive information.Women internet users in India might benefit from increased awareness on how to improve the privacy settings on social networking sites. Therefore, it is essential to improve women's knowledge of the need to use caution while utilizing online resources and to get correct assistance if they are ever a victim of cybercrime so they

can speak out against it. The need for information and technological advancement for the avoidance of harassment of women in India is equally serious.

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The Role of the Indian Judiciary in the Protection of the Environment in India

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Introduction

The Environment related Laws are enacted by the Indian Parliament under Articles 252 and 253 of the Constitution of India. The Water (Prevention and Control of Pollution) Act, 1974 was promulgated as a Central Legislation under Article 252 of the Constitution. Since the "water" is listed under the State list, a Resolution from two or more State Assemblies empowering the Parliament to enact the Legislation on the State List was required. The Water (Prevention and Control of Pollution) Act, 1974 became effective at the State level when it was adopted by the concerned State Assemblies. The Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986 were promulgated under Article 253 of the Constitution of India, which empowered the Parliament to enact legislations on such matters as necessary for compliance of International Agreements in which India has been a party.

Constitutional Provisions in Protecting the Environment

The Constitution of India has basic features in respect of the power of judicial review by the Supreme Court. Under Part III of the Constitution, which guarantees fundamental rights to the people and under Part IV, the State is under obligation to implement the Directive Principles. Article 39-A of the Constitution provides "Right of Access to Courts" to the

citizens. In exercise of its powers of judicial review, the Court enforces the constitutional and legal rights of the under privileged by transforming the right to life under Article 21 of the Constitution and by interpretating the Articles 48-A and 51 A (g) of the Constitution. The Hon'ble Supreme Court of India has given a new dimension to the environmental jurisprudence in India with a view to meeting the problems in theenvironmental field. The Public Interest Litigations (PIL) in India initiated by the Hon'ble Supreme Court emerged through human rights jurisprudence and environmental jurisprudence. PIL in Indian Law has been introduced by the Hon'ble judges. The traditional concept of Locus Standii is no longer a bar for the community oriented Public Interest Litigations. Though not an aggrieved party, environmentally conscious individuals, groups or NGOs may have access to the Supreme Court/High Courts by way of PIL. The Hon'ble Supreme Court while taking cognizance on the petitions has further relaxed the requirement of a formal writ to seek redressal before the Court. Any citizen can invoke the jurisdiction of the Court, especially in human rights and environmental matters even by writing a simplepostcard. The Constitution of India is a dynamic and living tree and is not a static document. The Courts must interpret the Constitution keeping in view the needs of the present generation. Some of the leading public interest litigations are Taj Mahal case, Hazardous industries matter in Delhi, Vellore Citizen's Welfare Forum case and Rural litigation and Entitlement Kendra case relating to limestone queries in Dehradun, etc.

Judicial Activism towards Environmental Protection

The Supreme Court of India has reacted to perceived bureaucratic failures by taking an activist stance toward the enforcement of environmental regulations. The Court, however, hands down decisions and recommendations that are often too difficult to implement, thus leading to greater confusion in environmental enforcement. Furthermore, the Court ignores the logistical difficulties associated with

implementation of their ideas of environmental protection. Most striking is the Court's failure to establish a standard for acceptable pollution; therefore, any level of pollution may constitute a violation.15 Moreover, the Court continues to turn a blind eye to current environmental laws, instead creating its own committees and reporting systems. Rather than this activist position, the Court should take steps to support both current environmental regulations and government actors in their enforcement. The results of such activist actions are clear: if the Court begins to create legislation, it bypasses the democratic means. By creating its own committees, the Court is signaling to the public that legislatively created committees are inefficient and lack credibility. Furthermore, the Court's criticism of the government and its agencies' actions undermines confidence in administrative proceedings.

Despite some criticism of the Supreme Court's activist approach, it is undoubted that the Court's dedication to environmental issues has increased public and governmental awareness.

Public interest lawyering is another significant milestone towards constructive judicial activism in India. It has served as a major contributor towards environmental protection advancement through the Indian court system. Through Public Interest Litigation, the Supreme Court has taken steps to recognize that good health is a fundamental right, and so are conditions that promote good health, such as clean air and water. Ultimately, through a series of cases, the Court determined that there is an obligation to protect the environment that is derived from the protection of fundamental rights. The Judiciary has shown its contribution by dealing with the cases with regard to the legality of Environmental clearance granted to the developmental projects and hence supported in resolving environmental controversies. Judiciary is the Forum, where fairness of the Authority in granting Environmental clearance to a project and its impact on Public Interest can be adjudged. It is also to balance sustainable development. Indian Judiciary has taken up the task of filling up the gaps existent in the overall legal system. This

covers an activist role of the judiciary in protecting the environment also. Some of the cases to this effect and discussed and analyzed as follow:

M.C. Mehta v. Union of India

In the aftermath of the Bhopal Gas leak disaster a lot of consciousness grew towards environmental conservation and health safety measures. It was the Oleum Gas leak case, wherein the Supreme Court considered the importance of safety measures in hazardous industries. In this case the Court propounded the absolute liability principle. In another case filed by M.C. Mehta, the Supreme Court took the opportunity to evolve and invoke the doctrine of public trust. This doctrine binds the state as being trustee of all the natural resources for public at large as the beneficiary. In another action brought by Mehta, the apex court looked into the issue of decreasing ground water level in the national capital region, due to uncontrolled illegal mining. The Court issued stern orders on this, and once again judicial activism was visible to the protection of environment. The same petitioner also filed a petition to prevent the continuous pollution of the holy river the Ganges. In this case the Supreme Court dealt with the pollution of the Ganges due to the negligence of the leather tanneries in Kanpur. In *M.C. Mehta* v. *Union of India*, the Supreme Court empowered the municipalities and the state boards to take immediate steps for prevention of the continuing wrongs. In *M.C. Mehta* v. *State of Orissa*, the Orissa High Court dealt with the same question of providing sewage system when a medical college complex was being set up. The M. C. Mehta cases have contributed immensely to the development of environmental laws in India. This attracts and warrants a salute to the spirit and efforts of the petitioner but these judgments are essentially examples of judicial activism and the constructive role played by the judiciary in this regard cannot be undermined.

Municipal Council Ratlam v. Vardhichand

In this case against the Ratlam municipality, the judicial activism of the eighties made its impact felt more in the area of environmental

conservation than in other fields. In this case the Supreme Court identified the responsibilities of the local bodies towards protection of environment and developed the law of public nuisance in the criminal procedure as a potent instrument for enforcement of municipal duties. The residents within Ratlam municipal corporation area were suffering for a long time from a pungent smell emanating from the open drains. The odour caused by public excretion in slums and the liquids flowing on the street from the distilleries forced the people to approach the magistrate for a remedy. Instead of complying the order of the magistrate to clean the waste and so to remove the nuisance, the municipality opted to challenge it. When the case came to the Supreme Court, the Court observed that a statutory body like the municipality is duty bound to discharge the claimed responsibility. This case is important not only because of being one of the earliest decisions of its kind but also due to the nature of remedy made available by the Court, under the law of public nuisance.

Tehri Bandh Virodhi Sangharsh Samiti v. State of UP and Others

The writ petition was filed praying directions restraining the Union of India, State of UP and the Tehri Hydro Development Corporation from constructing and implementing the Tehri Hydro Power project. The main contention against the construction of the dam was on the basis that the plan for the Tehri project had not considered the safety aspect of the dam and serious threat existed due to this construction, as north India is prone to earthquakes. The design of the dam was on a site which was prone to seismic activity hence posing grave danger to the people residing in that area. Based on the fact and circumstances of the case, the Court came to the conclusion that the Union of India had considered the question of safety of the project in various details more than once and that it had taken into account the reports of experts on various aspects. In the circumstances, the court held that it was not possible to hold that the Union of India had not applied its mind or had not considered the relevant aspects of safety of the dam. The Court lacked expertise in

deciding such technical and scientific details but would always judge to the fact whether or not the Government had taken all relevant consideration, while clearing the project or not.

Narmada BachaoAndolan v. Union of India & Others

In 1987 the ministry of Environment and Forest accorded environmental clearance to build dam subject to certain conditions. A PIL was filed against the decision to make the Dam. The issue was whether environment clearance granted in 1987 without proper application of mind and whether forcible displacement of tribals from their land violative of their fundamental rights under constitution of India Art. 21. The petitioner was an anti-dam organization in existence since 1986 but had chosen to challenge the clearance given in 1987 by filling a writ petition in 1994. While issuing directions and disposing of this case,

Two conditions must be kept in mind:

(i) The completion of project at the earliest.

(ii) Ensuring compliance with conditions on which clearance of the project was given including completion of relief and rehabilitation work and taking of ameliorative and compensatory measures for environmental protection in compliance with the scheme framed by the Government thereby protecting the rights under Article 21 of the Constitution. Keeping these principles in view.

The court issued the following directions.

i. Construction of the dam will continue as per the award of the tribunal.

ii. As the relief and rehabilitation sub-group has cleared the construction up to 90 meters, the same can be undertaken immediately. Further increasing of the height will be only *pari passu* with the implementation of the relief and rehabilitation and on the clearance by the Relief and Rehabilitation Sub-group after consulting the three Grievances redressal

Authorities.

iii. The Environment Sub-group will consider and give, at each stage of the construction of the dam, environmental clearance before further construction beyond 90 meters can be undertaken.

iv. Permission to raise the dam height beyond 90 meters will be given by the Narmada Control Authority, from time to time, after it obtains the above- mentioned clearances from the Relief and Rehabilitation Sub-group and the Environment Sub-group.

v. The States of Madhya Pradesh, Maharashtra and Gujarat are directed to implement the award and give relief and rehabilitation to the oustees in terms of the packages and these States shall comply with any direction in this regard which is given either by the Narmada Construction Authority (NCA) or the Review Committee or the Grievances Redressal Authorities.

vi. Even though there has been substantial compliance with the conditions imposed under the environmental clearance the NCA and the Environment Sub-group will continue to monitor and ensure that all steps are taken not only to protect but to restore and improve the environment.

vii. The NCA will, within four weeks draw up an action plan in relation to further construction and the relief and rehabilitation work to be undertaken. Such an action plan will fix a time frame so as to ensure relief and rehabilitation paripasu with the increase in the height of the dam.

viii. The Review Committee shall meet whenever required to do so in the event of there being any un-resolved dispute on an issue which is before the NCA. In any event the Review Committee shall meet at least once in three months so as to oversee the

progress of construction of the dam and implementation of the Relief and Rehabilitation programs. In case any serious differences in implementation of the award arise and the same cannot be resolved in the Review Committee, the Committee may refer the same to the Prime Minister whose decision, in respect thereof, shall be final and binding on all concerned.

ix. The Grievances Redressal Authorities will beat liberty, in case the need sarise, to issue appropriate direction sto the respective states for due implementation of the redressal and rehabilitation programs and in case of non-implementation ofits directions, the GRAs will be at liberty to approach the Review Committee for appropriate orders.

I. Every endeavor shall be made to see that the project is completed as expeditiouslyas possible.

The court held, when such projects are undertaken and hundreds of crores of public money is spent, individuals or organizations in the garb of PIL can not be permitted to challenge the policy decision taken after a lapse of time. It is against national interest and contrary to the established principles of law that decisions to undertake development projects are permitted to be challenged after a number of years during which period public money has been spent in the execution of the project.

Vellore Citizens Welfare Forum v. Union of India and Ors

The Supreme Court, in *Vellore Citizens Welfare Forum* v. *Union of India and Others,* has observed that the development and environment protection must go together. There should be a balance between development and environmental protection .It is, therefore, necessary that before the proposed Complex of the DDA is brought into execution, it should have environment clearance from the authorities concerned. The whole of the area has to be surveyed from the point of view of environmental protection. In other words, the environmental impact

assessment of the area has to be done by the experts. The court was of the view that the authority contemplated by Section 3(3) of the Environment (Protection) Act, 1986 can be the only appropriate Authority to look in to the environment protection side of the present project or any other project which the DDA or any other Authority may initiate in future. Needless to say, that the City of Delhi is already highly congested and has been rated by the World Health Organization as the 4 th most polluted city so far as the air pollution is concerned. It is, therefore, necessary that the development in the city should have environmental clearance.

In *T.N. GodavarmanThirumulpad*v. *Union of India and Others*

the Delhi Development Authority (DDA) proposed the development of International Hotel Complex on 315 hectares of land situated in heVasant Kunj area after the same area was identified in the Master Plan for Delhi 2001for urban use area under the earlier Master Plan 1962 was identified as green area but there was a change of user to urban area under the latter Master Plan. Supreme Court by an order dated19.8.1997 held that 92 hectares of land out of 315 hectares was a constraint area and only in respect of the balance 223 hectares of land, the constructions have to abide by the conditions of clearance. The applicant contended that 92 hectares of land were a part of the ridge and that report of Environmental Pollution (Prevention and Control) Authority stated that environmental factors were not in favor of urban development use of land and the entire parcel of land should be developed as green and not for industrial use. Respondent contended that 92 hectares was constraint area and was not an integral part of Delhi Ridge, and that only19 hectares were sought to be utilized for the purpose of construction. A bare reading of the order dated 19.8.1997 apparently made a proposition that the Court had treated the land as constraint area and Environmental Pollution Control Authority (EPCA)'s report nowhere indicated that the land was a part of the ridge. It would be inappropriate to reopen the whole issue as to whether the land in question was a constraint area or ridge land. Even if

the land is held to be constraint area the constructions there on were to be made only after having the requisite clearance.

Academy for Mountain Environicsv. State of Orissa and Others

Vedanta Alumina Limited, a subsidiary of M/s Sterlite Industries (India) Ltd had proposed a one million tonperannum capacity aluminarefinery project together with a 75MW coal based captive power plant. Interestingly, the Aluminarefinery was granted environmental clearance with out linking the project with the Mining of Bauxite. M/s Sterlite (theparent companyof M/sVedanta) appliedfor environmental clearance on19.03.2003 to the Ministry of Environment and Forest. In the application,Vedantastated that no forest land is involved and that with in the radius of10kms there is no reserve forest. M/s Vedanta there after on 16.08.2004 applied for use of58.943haforest land consisting of 28.943 ha village for estand 30 ha reserve forest.

However, the application for environmental clearance was not modified and the same.

was processed on the premise that no forest land is involved.

Further, though miningat Lanjigarh was integral part of the Aluminarefinery project, Vedanta could not have started the work on the Aluminarefinery with out getting the clearance for miningal so. Asper the guidelines for projects requiring clearance from forest as well as environment angles, separate communications of sanction will beissued, and the project would be deemed to be cleared only after clearance from both angles. M/s Vedantar equested the ministry to grant environmental clearance for the Alumina Refinery Plant stating that it would take three year stoconstruct there fineryplant where as mines can be opened up in one year. In its application for seek in genvironmental clearance for the project dated19.3.2003 it is stated that no for estland was required for the aluminarefinery and that with inaradius of 10km of the project site there is noreserve forest, which was contrary to the facts on record.

Subsequently, on 16.8.2004 aproposal for allowing the use of 58.943ha forest land,

consisting of 28.943 acre of "Gramya Jungle Jogya" land and 30 ha of reserve forest, was move dunder the Forest Conservation Act through the State Government to the Ministry of Environment and Forest. Out of the above, 26.123 ha forestland was required for the refinery, 25.82ha for the mine accessroad and the balance 7.0ha was required for the construction of the convey or belt for the transportation of the mineral from the mine site to the plant. The union ministry gave environmental clearance for Alumina Refinery Project by delinking it with mining project. In the environmental clearance it is stated that no forestland is involved, even though the application under th e Forest Conservation Act was still pending. As per Para 4.4 of the guidelines laid down by the Ministry of Environment and Forest "Some projects involve use of forest land as well as non- forest land. State Governments or Project Authorities sometimes start work on non- forest lands in anticipation of the approval of the Central Government for release of the forest lands required for the projects. Though the provisions of the Act might not have technically been violated by starting work on non-forestlands, expenditure incurred on works on non-forest lands may prove to be in fructuous if diversion of forest land involved is not approved. It was, therefore, decided that if a project involved forest as well as non-forest land, work should not be started on non-forest land till approval of the Central Government for release of forestland under the Act has been given" But Vedanta had started the work on Alumina Refinery in blatant violation of this provision. Accordingly, the applicant had filed an Application before the Central Empowered Committee on the 21st of September 2005 and the Central Empowered Committee (CEC) gave its recommendations to the Hon'ble Supreme Court of India. Accordingly, the CEC was of the opinion that the Court should consider revoking the environmental clearance dated 29/09/04 granted by the Ministry of Environment and Forest for setting up of the Alumina Refinery Plant by M/s Vedanta and

directing them to stop further work on the project.

Conclusion

To the uninformed observer, India's current emphasis on economic development seems to eclipse its environmental protection efforts. But the combination of strong legislative mandates, an activist judiciary, aggressive public interest litigators, and a proliferation of highly committed environmental NGOs means that India is no longer the heaven it once was for industries indifferent to environmental values. However, there is no denying the fact that a lot is yet to be done. Furthermore, serious impedance to the conservationists' agenda lies in the lack of awareness of the population. Certain state initiatives which may help improve the situation may be promotion of research in the relevant field and making available environmentally friendly technology wherever applicable. To conclude, the role of judiciary in India has undoubtedly been tireless and highly constructive towards protection of the environment.

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WOMEN RIGHTS IN INDIA : ISSUES AND CHALLENGES

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Abstract

In Indian Constitution, there are few articles exist that help the women of Indian society to improve their position and to compete with their male counterparts. For example, Article14 – All are equal in the eyes of law and equally protected by the law. It means equal rights and opportunities in political, economic, and social spheres. Article 15 prohibits discrimination on the ground of sex. Article 15(3) enables positive discrimination in favour of women. Article 16 mentions there shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office without any discrimination on the basis of religion, caste, creed and sex. Article 24 prohibits the employment of children below the age of 14 years in factories, mines or in any other hazardous employment. Article 39 and 39(d) state Equal means of livelihood and equal pay for equal work. As per article 41 the state shall guarantee within its economic limits to all the citizens, the right to work, to education and public assistance in certain cases. Article 42 the state makes provision for Human conditions of work and maternity relief. Under article 44, the state provides a uniform Civil Code to all the citizens throughout the territory of India. Article 46 – The state to promote with special care, the educational and economic interests of weaker section of people and to protect them from social injustice and all forms of exploitation. Article 47 – The state to raise the level of nutrition

and standard of living of its people and the improvement of public health and so on. Article 51 (A) (C) – Fundamental duties to renounce practices, derogatory to the dignity of women. Article 243D (3), 243T (3) & 243R (4) provides for allocation of seats in the Panchayati Raj System.

Key words: women rights, laws, empowerment

INTRODUCTION

Women are not safe in this world. They may be victim of real as well as virtual world's cybercrimes. There are so many rights and legislation to protect rights of women but crimes against women are not diminishing.

WOMEN RIGHTS: CONSTITUTIONAL PERSPECTIVES

1."Article- 15(1)- The state shall not discriminate against any citizen of India on the groundof sex."

2. "Article 15(3)- The state is empowered to make any special provision for women. In otherwords, this provision enables the state to make affirmative discrimination in favour ofwomen."

3. "Article 16(2)-No citizen shall be discriminated against or be ineligible for anyemployment or office under the state on the ground of sex."

4. "Article 23(1)-Traffic in human beings and forced labour is prohibited."

5. "Article 39(a) The state to secure for men and women equally the right to an adequatemeans of livelihood."

6. "Article 39(d)-The state to secure equal pay for equal work for both Indian men andwomen."

7. "Article 39(e)- The state is required to ensure that the health and strength of womenworkers are not abused and that they are not forced by economic necessity to enteravocations unsuited to their strength."

8. "Article 42-The state shall make provision for securing just and humane conditions ofwork and maternity relief."

9. "Article 51-A(e)-It shall be the duty of every citizen of India to renounce practices

derogatory to the dignity of women."

10. "Article 243-D(3)-One-third of the total number of seats to be filled by direct election inevery Panchayat shall be reserved for women."

11. "Article 243-D(4)-One-third of the total number of offices of chairpersons in the

Panchayats at each level shall be reserved for women."

12. "Article 243-T(3)-One-third of the total number of seats to be filled by direct election inevery Municipality shall be reserved for women."

13. "Article 243-T(4)-The offices of chairpersons in the Municipalities shall be reserved forwomen in such manner as the State Legislature may provide."

LEGISLATIVE MEASURES TO PROTECT WOMEN

Indian legislation has enacted various Acts and laws from time to time to sort out theproblems of women against various crimes and degradation by family members, in-lawsand others. List of some are as follows:

- "Laws relating to women"
- "Commission of Sati (Prevention) Act, 1987
- Criminal Law (Amendment) Act, 1983
- Dowry Prohibition Act, 1961
- Immoral Traffic (Prevention) Act, 1956
- Indecent Representation of Women (Prohibition) Act, 1986
- National Commission for Women Act, 1990
- Prohibition of Sexual Harassment of Women at the Workplace Bill, 2013

- Protection of Women from Domestic Violence Act, 2005"
- "Laws relating to working women"
- "Contract Labour (Regulation and Abolition) Act, 1976
- Employees State Insurance Act, 1948
- Equal Remuneration Act, 1976
- Factories (Amendment) Act, 1948
- Maternity Benefit Act, 1961 (Amended in 1995)
- Plantation Labour Act, 1951"
- "Laws relating to marriage & divorce"
- "Anand Marriage Act, 1909
- Arya Marriage Validation Act, 1937
- Births, Deaths & Marriages Registration Act, 1886
- Bangalore Marriages Validating Act, 1936
- Converts' Marriage Dissolution Act, 1866
- Dissolution of Muslim Marriages Act, 1939
- Family Courts Act, 1984
- Foreign Marriage Act, 1969
- Hindu Marriage Act, 1955
- Hindu Marriages (Validation of Proceedings) Act, 1960
- Indian Christian Marriage Act, 1872
- Indian Divorce Act, 1869
- Indian Divorce Amendment Bill, 2001
- Indian Matrimonial Causes (War Marriages) Act, 1948
- Marriage Laws (Amendment) Act, 2001
- Marriages Validation Act, 1892
- Muslim Women (Protection of Rights on Divorce) Act, 1986

- Parsi Marriage & Divorce Act, 1936
- Prohibition of Child Marriage Act, 2006
- Special Marriages Act, 1954"
- "Laws relating to maintenance"
- "The Code of Criminal Procedure, 1973 "
- "Order for maintenance of wives, children and parents under Section 125
- Procedure to be followed under section 125
- Alteration in allowance under section 125
- Enforcement of the order of maintenance"
- "Laws relating to abortion"
- "Medical Termination of Pregnancy Act, 1971
- Pre-Natal Diagnostic Techniques (Regulation & Prevention of Misuse) Act, 1994
- Pre-Natal Diagnostic Techniques (Regulation & Prevention of Misuse) Amendment Act,2001
- Pre-Natal Diagnostic Techniques (Regulation & Prevention of Misuse) Amendment Act,2002"
- "Laws relating to property, succession, inheritance, guardianship & adoption"
- "Guardians & Wards Act, 1890
- Hindu Adoptions & Maintenance Act, 1956
- Hindu Inheritance (Removal of Disabilities) Act, 1928
- Hindu Minority & Guardianship Act, 1956
- Hindu Succession Act, 1956
- Hindu Succession (Amendment) Act, 2005
- Indian Succession Act, 1925

- Indian Succession (Amendment) Act, 2002
- Married Women's Property Act, 1874
- Married Women's Property (Extension) Act, 1959"

International Perspectives to Women Empowerment andHuman Rights

India is a part to various international conventions and treaties; some are as follows:

1. "One of the most important among them is the Convention on Elimination of All Formsof Discrimination against Women (CEDAW), ratified by India in 1993."

2. "Other important international instruments for women empowerment are: The MexicoPlan of Action (1975), the Nairobi Forward Looking Strategies (1985), the BeijingDeclaration as well as the Platform for Action (1995) and the Outcome Documentadopted by the UNGA Session on Gender Equality and Development & Peace for the21st century, 1st century."

3. "Universal Declaration of Human Rights (UDHR, 1948): women rights are definedunder Universal Declaration of Human Rights, 1948 and it protects the women withspecial attention. The principle of Human Rights was defined to protect women fromwomb to the tomb. It defines that every woman is free and equal in dignity and rights and that everyone is entitled to rights and freedoms set defined there with. The Sate partiesshould are required to take necessary steps to maintain equality and eliminatediscrimination against women in all its forms and manifestation."

Preventive Measures to Protect Status of Women and Domestic Violence and Ensure Rights of Women

1. People should respect girl birth and women rights.
2. Gender sensitization should be there in society.
3. Women should be empowered to protect herself and her family.

4. Law should be implemented in proper manner to prevent against women.

CONCLUSION

Women should be empowered to maintain herself and family members. There are so many laws, but the need is to implement it in true sense. People should make a habit to protect rights of women.

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CASTE BASED RESERVATION : AN OVERVIEW OF AFFIRMATIVE ACTION FRAMEWORK IN INDIA

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Introduction

Discriminatory and cruel inhuman degrading treatment of a vast global population has been justified on the basis of caste in the world. In many parts of Asia and Africa, caste is the basis for the definition and exclusion of distinct population groups by reason of their descent. Over 250 million people worldwide continue to suffer hidden apartheid of segregation, extreme forms of discrimination, exploitation and violence. Caste imposes enormous obstacles in their full attainment of civil, political, economic, and cultural rights. Caste is basically descent based and hereditary in nature. It denotes the system of rigid stratification into ranked groups defined by descent and occupation. Indian caste system is perhaps the world's largest surviving social hierarchy. A person is considered to be a member of caste into which he or she is born and remains within that caste until death. From the traditional scholarship a system thousand-year-old in the context of four 'varnas' Brahmin, kshatriya, vaisyas, and sudras gradually termed untouchables or dalits was a class which suffered heavily the social exclusion, shorter life expectancies, lower education attainment and also other indicators.

A solution through affirmative action

A need to redress that social exclusion requires a combination of policies and programs in the form of reservations, protection from the persistent

discrimination in subtle and indirect forms etc which are called affirmative actions… Affirmative action is taken with the object to reduce historically persistent lags in the social and economic welfare of relatively poor communities A quick glance at the historical background shows that such affirmative actions on the part of ruler has a long history in our country which can be traced long back before independence when in 1905 when Vice-Roy Curzon banned Hindus in government services and leveled argument that it was done for setting aside job opportunities for Muslim, then in 1909 and 1935 for purely political reason British government provided job reservations to backward caste, this was historically the commencement of the Affirmative Action strategy used basically for oblique consideration and political motives to divide the population in India to several warring groups along religious, ethnic and caste lines by giving special rights so that future India would be divided weak.

When the Constitution was being drafted in 1946 – 1949 political quotas were agreed upon for schedule caste and schedule tribes i.e untouchables, *dalits and triabls* amongst others such as *Anglo-Indians* there was a cap of ten years on this quota which was to be reviewed in 1960s the year came and the quota was extended for another ten years the extension went on till today and now it would again be reviewed again in 2010. Thus, the quotas have become permanent and various political parties have tried to build their fortunes around it. But still there is no qualitative and numerically strong human development of those underprivileged even after the 60 years of independence.

The affirmative action in Indian context can be viewed basically in the form of **quota based, preferential, caste-based reservation.** This reservation itself has become subject of increasing debate and tension in today's Indian society. The debate had been both emotional as well as intellectual and has generated more tension than shed more light on the issue

Why caste-based reservations?

The founding father of the constitution had incorporated caste-based reservation as one of the methods of achieving social justice, which was initially introduced by British to bring equal opportunity in education and later extended to other sectors of the development process to overcome the economic inequalities attributed to the caste. This caste-based reservation witnessed drawbacks such as it was only meant for public sector and not private sector, the reservation only created sub-class and the benefits did not reach the common needy, the political issues of exclusion and inclusion of OBCs with oblique and political motives, it laid very serious impact by not reducing poverty, constant unemployment rate, less access to education and human resource development etc.

Governmental initiatives and policies

The government of our country has used four -fold strategy along with the reservations.

1) Anti-discrimination legal measures e.g., Protection of Civil Rights Act 1955, Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989

2) Developmental and Empowering measures e.g., reservation in education, public services, as well political participation.

3) The Substantive aspect of antidiscrimination laws must concern themselves with four important basic questions like Who ought not to discriminate? Who ought to be protected from discrimination? In which context ought discrimination to be prohibited? What ought to be the scope of these protective laws? as India is in need of the comprehensive law on antidiscrimination it made a positive effort through the Draft Equal Opportunity Commission Bill by Menon Committee Report 2008. It represents a paradigmatic shift in India's approach to equality. Moving beyond an exclusive focus on reservations, they explore a combination of antidiscrimination and diversity promotion to pursue

social justice and held group specific measures gives rise to politics and resentment in general public. But the draft proposal has left for various unresolved issues regarding antidiscrimination and diversity promotion being related ideals should form of single equality bill with single regulatory and enforcement mechanism. Distinct bodies for monitoring the prohibition on discrimination and promotion of diversity is wasteful as well may result in counterproductive turf wars.

4) The constitution of India the base document of the country upon which the total legal system rests declare in its preamble the principle of equality of opportunity and assured social justice to its citizens. The Constitutional principle of equality permit departure from formal equality for the purpose of favoring specified groups, the schedule caste, schedule tribes, backward class and women and weaker section of society by providing them reservations which will facilitate access to valued positions or resources, by making programs for facilitating the basic amenities by scholarships, grants, loans, health care, legal aid and lastly by providing special protections against exploitations and victimizations e.g., forced labour is prohibited, provisions are made to release the victims of debt bondage. Art 332 of the constitution provided reservations for scheduled caste and schedule tribes in legislature, Art 334 provided seats were to be reserved for both these groups in public services and government jobs. But the constitution's left over to define the terms socially and educationally backward class raised a question of **class or caste** to be the determining factor of beneficiaries of positive discrimination.

The judiciary has interpreted the terms in favor of the beneficiaries at large. In **T. Devadasan** on the issue that can the vacancies which remain unfilled due to non availability of reserved category candidates be carried forward to the next year the court by majority of 4-1 struck down a rule which permitted carry forward of vacancies only to the extent that it exceeds 50% ceiling. It was observed by Subba Rao J. he upheld the carry forward rule and refused to treat 16(4) as an exception to 16(1) his

argument was that "if no candidate is able to fill the reserved seat that is reflective of the bad conditions of dalits (SCs) and adivasis (STs) that even after reservation they cannot enter the public employmen**t thus not carrying forward their seats would mean that affirmative action is on paper and not in reality"** it became the rule of majority in State of **Kerala v N.T. Thomas** which upheld the Carry Forward Rule it reflected a doctrinal shift by new reading of equality by proclaiming that Art 14 and 16 themselves radiate regime of substantive equality. The basic problem is in respect of the exact definition of socially and educationally backwardness in society, but in reality, the present caste criterion is misleading to the cases of best off members of under-represented than worst off. The preferences and reservations do not address the most fundamental problems of economic inequities or access to opportunities in our country, many backward castes are not at all deprived of their rights resources meanwhile the poor and needy among upper castes would not receive benefit in terms of admissions, scholarships, grants despite being most deserving.

The Supreme Court in Indra **Sawney V/S Union of India**. While confirming the reservation in favor of OBCs reiterated that creamy layer should be excluded from the benefits of reservation 'Creamy layer should be made ineligible for reservation if some of the members are too advanced socially, the connecting thread between them are remaining class maps'. The judgment in Indra Sawney contains learned discourses on the philosophy as well as methodology of protective discrimination for backward classes. Patwardhan and Palshikar recommended that "as individual climb several rungs of social ladder with assistance and reservation and other facilities and became a part of educated upper middle class, their children should be deemed ineligible for such benefits as they no longer socially handicapped. It is true that centuries of exclusion and deprivation cannot be corrected in one generation alone. Therefore, other methods of dealing with the creamy layers have to be proposed. e.g., economic cut off above which there will be no

eligibility for reserved seats or allow a maximum of two generations for any particular benefit. **M. Nagraj V/S Union of India** where Supreme Court upheld the validity of 77th, 81st, 82nd, 85th constitutional amendments on reservation for SCs and STs in the matter of promotion of Government employment. The Judgment reiterates the principle that, in any scheme of group-based reservation, the creamy layer should be excluded from preferential treatment.

Observations on affirmation action in India

In Indian situation because of the reservation system based on caste, the state could not lift up those who are backwards or poor, as they may not belong to the castes or tribes qualified to receive such aid from the state. That is the main reason for the demands for reservation being claimed now for various castes like Marathas, Lingayats, Jains etc. The reservation system has turned caste against each other as they have to compete for the small social and economic benefit in this country. The reservation for scheduled caste and schedule tribes in schools, government jobs are still largely unfilled. People from the schedule caste and schedule tribes continued to be absent from white color positions, even though the government provides scholarships to SCs and STs to attend the education, it does not meet the ground realities of the cost of education hence still the beneficiaries are not up to the expectations.

Conclusion

It becomes necessary now to examine caste-based reservations in the context of Constitutional philosophy to understand their relevance. As in the Constitutional Assembly Debate it was stated by B.R. Ambedkar, " Our constitution as a piece of mechanism lays down what is called parliamentary democracy and have established political democracy, it is also our desire that we should lay down as our ideal economic democracy…our object in laying the constitution is two-fold firstly to lay down the form of political democracy and second is to lay down that our ideal is economic democracy, whatever party it is, shall strive to bring

about economic democracy."

If we evaluate the effect of compensatory policies and caste-based reservations in the name of affirmative actions in last 60 years, we come to the conclusion it did not give enough to the least disadvantaged. Caste based reservation- leading towards discrimination in Indian situation, irrespective of affirmative action policies have not geared up the expected social change process. The application of the preferential treatment as well the reservation quotas are not based hundred percent on salience of inscriptive qualities or the real need to uplift the under privileged & bring them to mainstream, but it is used by politicians in the democratic pattern to manipulate & divide people in to differed groups. With the present reservation policy, it is revealed that the target group of these facilities have not received a high rate of human development. The quota-based reservation policy has not proved fruitful to confer them the social status, expected level of education, the health related & other facilities in reality. It is also true that caste-based criteria are relatively crude and blunt instruments to address a very complex socio-economic reality.

To overcome this situation some fundamental changes in respect of present system of caste-based reservation- **the following policies are expected.**

- To ensure that no one is unduly disadvantaged on account of his or her position or identity in the community, the living conditions of the group need to be improved.
- To supplement the reservation of seats or jobs by other forms of affirmative actions that improve the life conditions of the group as a whole by providing basic requirements to all in general.
- To solve the problem of unequal opportunity India should have reservations based on poverty, physical disability rather than religion, caste etc.
- To make the policy of reservations equally applicable to the

public as we private sector jobs. Affirmative action is expected more than reservation and quotas in job in the form of providing incentive to the poor to stand on their own feet. Instead of money lenders and private banking, public banking networks should be the only option.

- To make proper manpower planning as a part of comprehensive economic planning of the nation.
- To make the reservation policy time limited. The policies must be of such a nature that they prepare a ground for the possibility of open competition in the near future.
- To make or to accept the policy which is based on the recognition of potential of people's efforts to overcome the hurdles and seek to facilitate the enabling environment for their own initiative and solution.
- To enact and effectively implement the laws at ending abuses of caste such as child labour, bonded labour, land reform, forced prostitution etc.
- To be aware and sensitize the masses and acquire strong political will irrespective of legal sanctions to eliminate the real social problem of discrimination.

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Caryl Phillips '*Crossing the River*' : Negotiating Diaspora

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Abstract:

The vexing question of belonging is literally at the heart of Caryl Phillips' writing. He has incessantly written about slavery, rootlessness, disinheritance, racism, and hybridity. It arouses marginalization that means the person or group of persons made to feel like they are different and not in a good way. This discrimination is based on skin color, class, or gender. Though, the experiences are different; the sufferings are the same. The suffering and predicament of the marginalized are universal. The present paper displays how germs of racism and class discrimination plagued the minds of people throughout the world. The power, in the hands of some so-called civilized people, ruled over the millions of unprivileged and exploited for centuries. It questions the existence of humanity.

Key Words: Exile, marginalization, slavery, Caryl Phillips, racism

Introduction:

The present paper attempts a study of Caryl Phillips' *Crossing the River* from the point of marginalization. Caryl Phillips is one of the most reflective international writers, who continuously deal with the problems of blacks. Caryl Phillips' *Crossing the River* presents evidence of the grim reality of the blacks, their shattered families, and their struggle for survival. Phillips not only voiced the problems of the marginalized but also made a personal crusade for equality through his writings. Thus, he persistently wrote about marginalization. He has achieved international status among post-colonial Black British writers

who belong to the second generation and have opened new subject for British writers.

Caryl Phillips was the product of racial discrimination in society. The racial experiences explored in his novels are the results of his first-hand experiences. Through, his fiction he has given voice to the marginalized that are fighting against inequality and struggling for acceptance in a white society. Hence, the vexing question of belonging persistently appears in hisnovels.

This paper attempts a reading of his novel '*Crossing the River'* by locating it in the context of black African Diaspora. It also tries to examine its concern with the vexing question of belonging and the curse of slavery. In turn, these are related to the Diaspora, which at its core consists of the image of a home. There is hope nostalgic home. There is hope of return. The home may not exist or it may be the center of nostalgia that may be recently left a generation ago; it is a place where we feel welcome; they contain both physical localities and metaphorical symbolizations of belonging. Moving between two settings may be liberating for some sometimes but for others, it is disturbing betweenness of belonging nowhere.

Slavery, hybridity, and the theme of racism are intertwined beautifully in the novel. The *Crossing the River* has an epic sweep covering the whole prospect of the traumatic experience of Black people. The author depicts this novel through both types of characters slaves and masters, blacks and whites, and victims and victors. The novel covers the long span of 250 years of the African Diaspora. It portrays the story of three black children Nash, Martha, and Travis sold to slavery by their father due to the failure of crops. They belong to different periods and different continents. The individual stories put forth their sufferings. But at the base of all, there is a question of belonging, centuries-old nostalgia for a homeland that does not exist. At the end of the novel, his characters are poised between two worlds suffering from loneliness.“A desperate foolishness. The crops failed. I sold my children. I remember. I led them (two boys and a girl) along weary paths / believe my trade for this voyage has reached its

conclusion”.

This unusual and touching opening of Caryl Phillips' novel *Crossing the River* not only reflects the sufferings of characters but also gives insight into the inhuman practice of the slave trade in Africa. In the prologue Phillips used 'a many-tongued chorus, to represent a desperate father. From that moment, the father has been haunted by a "many-tongued chorus".

Analysis:

In the first part 'Pagan Coast', there is the account of the miseries of Nash William, a is an emancipated slave in the 19th century who is sent to Liberia as a missionary by his White master Edward Williams to convert the African population. Through letters to his master, Nash depicts the harsh realities of Liberia and asks for help to his but he gets no reply. Nash feels very disappointed and frustrated. But keeps sending his master letters at last says, “I fail to see what hurt I ever inflicted upon you that could justify such a cruel abandonment of your past intimate, namely myself in his last letter.”

In the beginning, the innocent Nash passionately devoted himself to doing God's work.“Neither climate nor native confrontation, diseases nor hardship of any manner would deflect him from his purpose.”

But as time passes due to lack of necessities he fails to survive and to adjust the way of life in Africa. Further, there is a picture of the gradual deviation of the devoted missionary and of his continuous compromise with harsh realities that shows how an educated Christian changes into African heathen. Phillips portrays how Nash is tormented between American and African belonging and unbelonging. At a time he says. “Liberia the beautiful land of my forefathers is a place where a person of color may enjoy their freedom. It is the home for our race…”In the end, he mentions that“Perhaps you imagine that this Liberia corrupted my person transforming me from a good Christian, the colored gentleman who left your home into this heathen you barely recognize.

On one hand, he shows that he is happy in Liberia, and on the other hand

urging to meet his master in America. Thus in his homeland, he is treated like a white where he feels like a stranger and fails to assimilate into the heathen culture. Whereas in America where he was grown up he is a freed slave not accepted by society.

Hybrid is a cultural mixture where the diasporic meets the host in the scene of migration. Bhabha calls it the colonial cultural interface. Thus, Nash is a 'cultural hybrid' as he adopts aspects of American culture. He gets tormented between two worlds and feels lonely and this isolation takes away his life. Thus, the novel exposes practice of racism in western world.

Race, functions as the most powerful marker of human identity, Skin color Black or white has become the privileged marker of race. It is supposed that Blacks are violent, brutish, savage, and inferior. As colonialism advanced, European fears of contamination also increased. One of the reasons for sending American blacks to Africa was to remove a cause of increased social stress.In it, Nash mentions the belief of black people is:"God had asked them to choose between land and their livestock or books and they had chosen the former."On another occasion, he speaks about superstition prevailing in them. Thus we can see that some fixed notions that black means relaxed, savage, and governed by caprice. White means superior and blacks means inferior are instilled in their mind. Under transatlantic slavery, Africans were the legal property of others who largely controlled the disposition of their output this can be seen in the West.

The second narrative mainly deals with the theme of slavery and racism. In 'West', Martha Randolph is a victim of slavery who later becomes a frontierswoman in the American Wild West. On her way to California, (to meet her daughter) she is abandoned in Denver. She is helped by a kind White woman and is invited to stay at their house. Her story puts forth through her memories of her miserable life, including the scene of being sold like animals by her father, an auction where her family gets shattered and loses her daughter and husband. Her misery was so deep that she lost her faith in religion and became indifferent. Secondly, when her second

husband Chester was killed by white men in her middle age she feels isolated. Martha's story pictures the bitter, inhuman consequences' of slavery on individual life, her distorted family, and how each time she left was lonely to survive. It depicts how she runs away to avoid standing on an auction block, to avoid belonging to anybody, and to avoid being renamed again. This curse of slavery affected her life so badly that she dies without fulfilling her last wish to meet her daughter."I was free now, but it was difficult to tell what difference being free was making to life." When she was on the road at Denver and a tall man passed by her, she filled worried that he might split on her, but he didn't." From this, we come to know the harsh realities of slavery and racism.

In the third narrative, James Hamilton a white English captain depicts his account of selling and buying slaves in his logbook." Crossing the River" is a special one. He is the one who bought the three children in 1753. We are shown the detail of his trade of Africans, with his logbook and his to his wife. He is depicted as being inhuman to his crew and the slaves who are regarded as merchandise only. On the other hand, he is ironically depicted as a loving husband at the same time. In this part, he tells his wife about the rape of black women on the ship but there are no feelings. He represents a duality of nature, his struggle between his occupation as a slave trader and his Christian values.

In the fourth narrative, 'Somewhere in England' the narrator, Joyce is a 20th-century white English woman. She does not get along well with her mother and the only solution she finds is to get married, unfortunately, her husband is selfish and irritating to her. She is left alone during the Second World War when her husband is jailed for black marketing. Then she meets Travis, a black American GI stationed in England. She falls in love with Travis and this gives him some trouble as the army does not trade. Joyce gives birth to a black child, Greer. As Travisdies,shecannot be able to raise a black child and puts him in an orphanage. Thus, racism and hybridity are explored in this part.

In the novel author shows three white characters Edward William Hamilton and Joyce in different shades. They are not described as

thoroughly brutal. But to some extent, their hypocrisy is revealed.The novel ends with the voice of an ancestor. Phillips introduces the chorus at the end. The end is not clear but hopeful, voices say, "I have a dream that one day on the red hills of Georgia the sons of former slaves and the sons of former slaves' owners will be able to sit down together at of the brotherhood."

The voices are separated from each other,yet they have the common experience of pain and an almost instinctive urge to hope against all odds. Thus in this novel author explored the souls of individuals. In this way, characters suffer from isolation which is a result of uncontrollable situations. There are some gaps that Phillips dropped to be filled by readers. He inspires his readers to think about it. Thus, the novel *Crossing the River* is open-ended.

Showing the interconnection between the different social and racial groups *Crossing the River* casts light on various diasporic issues like exile, slavery, racism, displacement, and alienation. Caryl Phillips in his novel explored the past to present contemporary problems. Though he is dealing with pain and suffering he gives a real picture avoiding melodrama. He deals with the diaspora with a broad vision and presents a hopeful picture of the future.

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LIGHT POLLUTION AS AN EMERING ENVIRONMENTAL ISSUE : IN REALITY

Meythini & Deebika

ABSTRACT

Light pollution is one of the emerging environmental issue which is not been taken serious. And the conventions and laws relating to prevention of light pollution which is an emerging environment issue. This paper discussabout the light pollution which affects the migratory birds by disturbing their flyways. And also this paper includes the other impacts of light pollution on other organisms This paper also discuss how light pollution is related with air pollution.

INTRODUCTION:

Light pollution refers to the excessive emission of light into the atmosphere. These light pollution are the man made one for the comfortable living of human life in the earth. These pollution can be found in either outdoor or indoor. The other name for light pollution is photo pollution or luminous pollution. When light emissions were compared worldwide from 1992 to 2017, according to research from the University of Essex, they grew by 49%. That only applies to light that sensors have noticed. They assert that the actual percentage may reach 270%. The miserable fact is that large pollution of people are not aware about this light pollution. We all talk about various other pollution such as air, water, land, noise but when we come to light pollution the large sector of the pollution is not aware about this. This is the new emerging pollution which will have a negative effect if steps are not taken to prevent it. Light pollution not only affects the human life cycle but also the whole ecosystem by having negative impact on plants, animals,insects and other living creatures in the earth. It affects the whole

biological process. Birds that migrate have the ideal anatomy and physiology for flying quickly and far. They frequently have a difficult trip where they push themselves to the maximum. Migratory birds are the birds that travel every year to different parts of the world for the purpose of breeding, nesting etc. They find the suitable place for them for doing this. For this purpose they travel a long distance. Even there are birds that travel over hundreds and thousands of kilometer for the purpose of finding suitable condition for there breeding. When such birds are traveled light pollution plays a very important role in there flyways. Increasing the use of artificial lights at night has been detrimental to human health and biodiversity for decades. But the pathetic situation is that light pollution is not taken into consideration or more over the impact of light pollution is not know to most of the population.Migratory birds are flying a long distance to their comfortable zone. Recent research suggests that they modify their flight in response to the magnetic field of the Earth, with the help of their eyes' light receptors. There have been numerous studies where the relationship between the light that these migratory animals receive has been established. The laws related to migratory birds are not sufficient and lacking in many aspects as there is know legislation in India for preventing light pollution which causes large impact on migratory birds flyway and this is the reason for the study which is very important for the protection of migratory birds.

In this paper we will discuss about the light pollution and how it affects the migratory birds. In this we will also try find a solution to this problem. Light pollution is a pollution that was caused due to unnecessary use of artificial lights.

CONSTITUTIONAL AND INTERNATIONAL PERSPECTIVE OF PROTECTING MIGRATORY BIRDS:

CONSTITUTIONAL PERSPECTIVE:

Throughout independent India, the fight against pollution in

legislation persisted. There are now numerous pieces of legislation in India aimed at preventing pollution and preserving the natural balance. One significant law for environmental protection is the Environment (Protection) Act of 1986. Originally Indian constitution does not have any provision relating to environmental protection. But in later period lots of amendments where made by which provisions relating to environmental protections were included. Concept of protecting birds and animals are protected under our constitution after the 42nd constitutional amendment.

- **ARTICLE 21:**

"No person shall be deprived of his personal right and liberty"Subject to the laws of the land, which may include denying a species' life for reasons of human necessity, every species has a right to life and security.

- **ARTICLE 48 A:**

"The State shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country."

Under this article the wildlife protection act was enacted . in simply words wildlife protection act was enacted to implement article 48A. Under this act schedule-I migratory birds are also given protection. In order to better conserve and safeguard birds and their habitats, important bird habitats, especially those of migratory birds, have been declared Protected Areas under the Wild Life (Protection) Act, 1972.

- **ARTICLE 51 A:**

"It shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures."

l **ARTICLE 253:**

'Parliament has power to make any law for the whole or any part of the country for implementing any treaty, agreement or convention with any other country. Simply put, this article contends that in the years following the 1972 Stockholm Conference, Parliament has the authority to pass laws pertaining to any issues related to the protection of the natural environment. This is supported by the application of Article 253 by Parliament to pass the Air Act and the Environment Act. To put into effect the conclusions made during the Stockholm Conference, these Acts were passed.

INTERNATIONAL PERSPECTIVE:

CONVENTION ON MIGRATORY BIRDS:

It serves as an international platform for the protection and wise use of migratory wildlife and their habitats. The only international agreement and environmental treaty that focuses specifically on the preservation of migratory species, their habitats, and migration routes is the CMS.India has ratified the CMS. Till 2023, India will continue to serve as the CoP to Bonn convention's president. The National Action Plan for the Conservation of Migratory Species in the Central Asian Flyway has also been launched by India. A variety of migratory animals and birds temporarily reside in India.

There are numerous examples of how artificial light has a negative impact on migratory species, such as marine turtles avoiding breeding on artificially lighted beaches, migratory shorebirds choosing less desirable roost places to escape lights, and seabirds' foraging and fledging patterns being disrupted.

In “The Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals” parties are encouraged to come up with innovative ways to suit both human needs

and animal conservation in cases when artificial light is affecting migratory species, also to control artificial lighting to prevent disturbing migratory species, and also encourages Parties, non-Parties, and other interested parties to pay closer attention to the brightness of the night sky and its monitoring, as well as the energy expenditures associated with nocturnal illuminations. And also recommends the Parties to support and encourage scholarly investigation into how artificial light affects wildlife.

IMPACT OF LIGHT POLLUTION IN INDIA:

l **HOW DANGEROUS IS LIGHT POLLUTION:**

The "loss of night" caused by excessive artificial light at night for India is three times faster than the global average, according to 2017 findings of a global study. In order to function as a source of energy and knowledge, creatures require light. It is used by animals, including moonlight and stars, to learn about their surroundings, locate, and prey. Excessive manmade lighting alters a species' migratory and reproductive patterns as well as the natural rhythm of day and night. Researchers have been showing how artificial light affects animal and bird biochemistry and behaviour for decades. Some adjustments have been made as a result of their results.Many biological processes, including migration, breeding, nesting, and hatching, are affected by light pollution. The difficulty in viewing the night sky and observing celestial objects due to artificial lighting at night is referred to as "astronomical light pollution." And this leads to ecological imbalance. And there are three types of light pollution. Excessive light, or glare, can be uncomfortable for the eyes (for example, when driving). Bright, jumbled, and overly numerous collections of light sources are clutter (for example, Times Square in New York City, New York). When light enters a space where it is not desired or necessary, this is known as light trespassing (like a streetlight illuminating a nearby bedroom window). Most outdoor lighting is installed incorrectly, which wastes energy and raises it into the heavens.

they not only affect the human being but also have negative impact on other creatures of the earth. Especially with the migratory birds. They flyways are affected by this.

l **CONTRIBUTES TO AIR POLLUTION:**

Light pollution can be connected with air pollution because light pollution are caused due to electricity availability and these electricity are produced by the burning of coal which is a fossil fuel. This burning of fossil fuel leads to air pollution which has a very great negative effect on the environment. If the light pollution is controlled then the air pollution can be reduced to a certain extent.

l **IMPACT ON MIGRATORY BIRDS:**

Light pollution is a significant and growing threat to wildlife including many species of migratory birds. Around 1,800 of the 10,000 avian species that exist on the planet migrate over great distances. In 2020, researchers discovered the longest known migratory flight, which covered more than 7,500 miles in 11 days straight between Alaska and New Zealand across the Pacific Ocean. Researchers also found that black-tailed godwits (Limosalimosa) prefer to reproduce far from artificial city lights. Every year, light pollution contributes to the death of millions of birds. It alters the natural patterns of light and dark in ecosystems. It can change birds' migration patterns, foraging behaviors, and vocal communication. Attracted by artificial light at night, particularly when there is low cloud, fog, rain or when flying at lower altitudes, migrating birds become disorientated and may end up circling in illuminated areas. For instance, many migrating birds fly at night when they can navigate better thanks to the moonlight and stars. These birds soar over cities and suburbs, confused by the glare of artificial light. The American Bird Conservatory has calculated that collisions with highly lit towers and buildings result in the deaths of more than four million migratory birds in the United States each year. One of the contributing elements to the sharp reduction in some migrating songbird populations over the past few decades is thought to be light pollution.

l **TAMIL NADU LIGHT POLLUTION AFFECTING MIGRATORY BIRDS:**

In different areas of India over a 20-year span, the brightness from external lights has been steadily increasing, according to a research that was released in the Urban Climate journal in January 2019. According to the research, from 1993 to 2013, there was a rise in "very high light pollution density" in Telangana, Maharashtra, Karnataka, and Uttar Pradesh. According to the research, external brightness caused by artificial lights went from low to high in states like West Bengal, Gujarat, and Tamil Nadu in 20 years.

Light pollution can have a significant impact on migratory birds in Tamil Nadu, a region in southern India that is an important stopover for many migratory bird species. Here are some of the ways in which light pollution can affect these birds:

Disorientation during migration:

Many migratory birds use the stars to navigate during their long-distance flights. Artificial light can interfere with their ability to see the stars, leading to disorientation and loss of direction.

Collisions with buildings:

Migratory birds are often attracted to bright lights, such as those on tall buildings. This can cause them to collide with windows and other structures, leading to injury or death.

Disturbance of feeding and breeding patterns:

Many migratory bird species rely on darkness to find food and mates. Artificial light can disrupt their natural behaviors, making it more difficult for them to feed and breed successfully.

Reduction in habitat quality:

Light pollution can also have a broader impact on the quality of habitats for migratory birds. For example, artificial light can affect the growth and distribution of plants, which are an important food source for many bird species.

Given the importance of Tamil Nadu as a stopover for migratory birds, it is important to reduce light pollution in the region to minimize these negative impacts. This can be achieved through measures such as reducing outdoor lighting, using motion sensors to control lighting, and promoting awareness about the impacts of light pollution on migratory birds.

At the beginning of December, the most recent bird census revealed about 12,000 different avian types. According to a Vedanthangal employee, this is a small decrease from the 15,000 birds that are typically seen in December.

According to a recent study by the Coimbatore Nature Society (CNS) in 29 wetlands in the district as part of the Asian Waterbird Census, which was performed from January 9 to 15, migratory bird species have decreased in Coimbatore wetlands. The study identified a total of 27 migratory avian species, down from 31 species in 2021 and 39 species in 2020. The number of species in marshes this year was also the smallest since 2017.

This is been debated that the above two suitation may be due to the contribution of light pollution.

l **IMPACT ON OTHER ORGANISMS :**

Light pollution not only affects migratory birds, it also affects animals and human being. It disturbs the sleep pattern of the animals. Significant animal life events like growth, movement, development, reproduction, etc. rely greatly on how well day and night are balanced. Everything proceeds without incident, but when artificial light from outside intrudes, it seriously disrupts the normal rhythms of animal activity.Light pollution is affecting the mating and prey-roles of the water animals quite badly.

SEA TURTLES:

Light pollution can have a significant impact on turtles, particularly on their reproductive behaviors and survival rates. Turtles rely on natural light cues, such as the moon and stars, to navigate and

orient themselves while nesting and hatching. However, artificial light sources, such as streetlights and buildings, can disrupt these natural cues, causing confusion and disorientation in turtles. Hatchlings may become disoriented and head towards artificial light sources instead of the ocean, leading them away from their natural habitats and towards danger. This can increase their risk of predation, dehydration, and exhaustion. For example,- millions of sea turtle lead to innocent death in Florida every year due to light pollution.

Artificial lights can also affect the nesting habits of turtles. Female turtles may become deterred from nesting in areas with bright lights, or they may mistakenly nest in areas with artificial lights that are not suitable for their hatchlings. This can cause a decline in the number of successful nests and the overall population of turtles. Additionally, light pollution can also indirectly impact turtles by altering the ecosystems they inhabit. Artificial lights can attract insects and other prey species, leading to changes in the food chain and affecting the availability of resources for turtles. Overall, the impact of light pollution on turtles can be significant and detrimental to their survival. It is essential to take measures to reduce light pollution in areas where turtles inhabit to help preserve their populations.

NOCTURNALANIMALS:

Light pollution can have a significant impact on nocturnal animals, which are adapted to living and hunting in the dark. Here are some of the ways in which light pollution can affect these animals:

Disruption of natural behaviors:

Nocturnal animals rely on darkness to hunt, navigate, and communicate. Artificial light can interfere with these natural behaviors, making it more difficult for them to find food, avoid predators, and attract mates.

Disruption of sleep cycles:

Many nocturnal animals have evolved to be active at night and rest during the day. Exposure to artificial light at night can disrupt their natural sleep cycles, leading to reduced reproductive success and increased mortality rates.

Increased predation risk:

Nocturnal animals are adapted to hunting and avoiding predators in the dark. Artificial light can make them more visible to predators, increasing their risk of being caught and killed.

Alteration of migration patterns:

Some nocturnal animals, such as bats, use the stars to navigate during migration. Artificial light can interfere with their ability to use natural cues, leading to disorientation and loss of direction.

Impact on food webs:

Nocturnal animals are often an important part of food webs, and their decline can have a ripple effect on other species. Light pollution can disrupt the balance of these food webs by reducing the population of nocturnal predators or prey.

HUMAN BEING:

Light pollution can have several negative impacts on human health. Here are some of the ways in which it can affect us:

Disruption of circadian rhythm:

Exposure to artificial light at night can disrupt our circadian rhythm, the natural biological clock that regulates our sleep-wake cycle. This can lead to sleep disturbances, insomnia, and other sleep disorders.

Increased risk of depression:

Studies have shown that exposure to artificial light at night can increase the risk of depression and other mood disorders.

Increased risk of obesity:

Disruption of the circadian rhythm can also lead to changes in metabolism and increased risk of obesity.

Increased risk of cardiovascular disease:

Exposure to artificial light at night has been linked to an increased risk of cardiovascular disease, including hypertension, coronary artery disease, and stroke.

Increased risk of cancer:

Exposure to artificial light at night has been linked to an increased risk of breast cancer, prostate cancer, and other types of cancer.

Impaired cognitive function:

Disruption of the circadian rhythm can also impair cognitive function, including memory, attention, and decision-making.

Overall, these negative impacts on human health highlight the importance of reducing light pollution and promoting healthy sleep habits.

JUDICIARY ROLE

IN INDIA:

There aren't any specific rules regulating light pollution as of yet. However, as evidenced by the judges in the USA, the Indian legal system has left room for the same to be punished through a tortuous method. A light source may be controlled if it turns out to be an annoyance. As a result, it cannot be claimed that there is no defence against the problem.Senior education officer of World Wildlife Fund (WWF) A K Sivakumar said the state government should bring in some regulations on artificial illumination to protect the natural ecosystem. “Light pollution causes disorientation for migratory birds when they fly at night and interferes with their ability to undertake long-distance migration, which is integral to its night cycle. It's a very serious issue which our

society is unaware of. Migration of birds has been adversely hit and many migratory bird species have disappeared because of this," he said. Environmental educator Veena Maruthoor said animals, birds and even plants are stressed out because of artificial illumination. "Like human beings, birds and animals also have a sleep cycle and studies recommend total darkness for a good night for human beings. Likewise, animals also require their natural ecosystem which is undisturbed by artificial illuminations. This is an internationally accepted reality and zoos in foreign countries turn off lights after dusk so as not to disturb them. It's high time we made interventions and build awareness among the public. We should learn to live in harmony with our natural environment without disturbing the ecosystem of other species," said Veena.

l IN OTHER COUNTRIES:

UNITED STATES OF AMERICA:

The first dark-sky law in the nation was enacted in 1958 by Flagstaff, Arizona. There are now rules in place to limit light pollution in at least 18 states, the District of Columbia, and Puerto Rico. The majority of states that have passed "dark skies" laws have done so in order to advance astronomy study, public safety, artistic values, and energy saving. Municipalities in several states have taken action on this problem by enacting zoning rules that address light pollution. The placement of shielded light fixtures that only release light downward is required by the most widespread dark skies legislation. The use of a reduced wattage luminaire results in energy savings when unshielded lighting units are replaced with completely protected lighting units. Other rules specify the use of low-wattage or low-glare lighting, limit the amount of time that certain lighting can be used, and integrate IES recommendations into state regulations.

CROATIA:

Europe is one of the regions with the highest levels of light pollution. Around 60% of Europeans reside in regions where the night sky is already so brilliant that the Milky Way is made forever opaque, according to the New World Atlas of Artificial Night Sky Brightness from 2016. 90% of people in Europe reside in areas where light pollution is a quantifiable problem.

A permitting procedure obligates the towns in local governments to aggressively implement the law and necessitates the licensing of lighting contractors by the state. Ensures before implementation, make sure the illumination is designed properly. The new law prohibits the use of sky beams, uplifting, external window and door illumination, illuminated signs, and lamps with correlated colour temperatures greater than 2200K in ecologically sensitive areas. Requiring light requirement plans to be submitted (articles 12 and 13).

FRANCE:

By reducing waste and light pollution from all non-residential premises, including stores, the French light pollution legislation seeks to lower company energy costs. One hour after the last employee leaves, internal lights in commercial buildings and other non-residential structures, including store windows, must be turned off. When the building is empty, internal lights should be turned off to reduce pollution. The Law will also mandate that non-residential structures turn off their external illumination (as well as store window displays) between the hours of one am and seven am. As there are few, if any, consumers at this time of night, this will once more decrease waste. A few lights or lighting devices are, however, excluded from the French legislation.

CHINA:

They discovered that the centre area of Xujiahui is 25 times as light at night as Nanhuizui, which is located outside the city. Between

1994 and 2011, the background light levels at the observatory on Sheshan, the only peak in Shanghai, rose by 170 times.The rules of Shanghai are categorically against direct light entering residential structures when it comes to the avoidance and control of light pollution in metropolitan environmental lighting. To prevent stray light from penetrating a house, it was ordered by the government to take appropriate precautions all illumination facilities located next to domestic structures. Building adornment materials shouldn't use floodlighting materials to accomplish this. A plaza in Lanshan city was surrounded by tiny egrets in 2020. The birds were confused and circling aloft after being drawn to the light. When local authorities realised what was going on, they quickly turned off the lights in the plaza as well as some of the adjacent street lighting. Lanshan was prepared the following year with more specific designs. 2,496 lamps taller than 15 metres and 56 that are taller than 25 metres are switched off at 9 o'clock during the migratory season. Businesses with headlights or bright lights are requested to turn them off when necessary.

l **NEED FOR LEGISLATION IN INDIA:**

It was discovered that India is losing its natural night light three times faster than the rest of the world, which means that more than any other nation or area, the existence of artificial light has disrupted Indians' daily routines and those of their animals as well. The majority of people are not aware of light pollution because it does not sound as concerning as soil, air, or water pollution, which is why it is more important to create policies so that those who do not have the necessary knowledge are made aware of it and the proper authorities are included in the process to take corrective action to make the changes.

It is essential to keep in mind that all legislation must be flexible before it is written. Below are some recommendations for providing the law with a constructive structure, ensuring its execution, and obtaining the desired feedback.

- After a comprehensive investigation of the quantity of light that is truly needed and essential, a fixed unit of lighting consumption and supply should be created and distributed.
- The defaulter should be required to pay a premium (additional fee or punishment based on the rate of excessive light consumption) for any violations committed by the use of greater and more power-hungry lamps.
- In accordance with the measures taken to reduce noise pollution, there will be a curfew after which all decorative lights and outdoor advertisements in stores and eateries must either be shut off or reduced to just the essential ones. Huge penalties will be assessed if not.
- The pollution brought on by the combustion of coal and timber, which results in the emission of greenhouse gases, is paralleled by light pollution. Reducing the quantity of coal and wood burned will reduce carbon emissions when lighting energy usage is controlled.
- There should be a restriction on the size of billboards and signs for advertisements because, if the surface area is smaller, there will presumably be fewer lights installed, which will result in less harm.
- Local management officers must be designated to oversee the enforcement of the law in areas with mixed building configurations, such as those where shops are located on the first level and apartments are located on the second floor or higher.
- Strong laser light imports and domestic manufacturing ought to be controlled.

OTHER SIMPLE SOLLUTION :

- Reduce outdoor lighting
- Use shielded lighting
- Turn off unnecessary lights

- Raise awareness
- Plant native vegetation

CONCLUSION AND SUGGESTION:

In conclusion, light pollution has a significant impact on migratory birds. The disruption of natural patterns of light can lead to disorientation, altered behavior, and decreased survival rates of migratory birds. The artificial light sources can cause confusion, leading the birds to collide with buildings, windows, and other structures. Moreover, light pollution can also interfere with the internal compasses of migratory birds, disrupting their ability to navigate along their migration routes accurately. This can cause migratory birds to become lost, disoriented, and ultimately perish. To mitigate the impact of light pollution on migratory birds, it is essential to reduce artificial light sources, especially during peak migratory seasons. This can be achieved by turning off unnecessary lights, using shielded lighting fixtures, and minimizing the amount of outdoor lighting used. In summary, the impact of light pollution on migratory birds is a significant ecological issue that requires immediate attention and action. By taking measures to reduce light pollution, we can help protect the survival and well being of migratory bird species, ensuring they continue to play their vital role in our ecosystems.

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NAVIGATING THE INTERSECTION OF CLIMATE CHANGE AND ARBITRATION : A LEGAL ANALYSIS

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Abstract

Today, the issue of climate change and sustainability disputes has become a matter of great concern. The study of how government and business action, or inaction, affects climate change and sustainability risk is getting more serious. The physical, economical, regulatory, legal, financial, and moral risks associated with climate change are numerous and complicated. Many climate-related claims have been filed to date, and the count is still growing. In fact, the risks associated with climate-related disputes are becoming a reality. In such situations, there is a significant role for arbitration as a platform for addressing various climate change and sustainability-related conflicts, even if the majority of legal challenges are mostly made before the national courts. The inability of the Paris Agreement to provide for an effective legal system causes additional issues. Thus, arbitration has the ability to play a very significant role in the implementation of environmental law and policy towards combatting the issue of climate change and sustainability. The research paper will thus highlight how arbitration as a different approach, can provide consistency and clarity which may be used to encourage adherence to international climate change law.

Keywords: Climate change, Arbitration, Sustainability, Legal, Environment.

Introduction

"Earth provides enough to satisfy every man's need, but not every man's greed".

-Mahatma Gandhi

Today, the law concerning climate change and arbitration is intricate and complicated. In fact, the intertwining nexus between climate change and arbitration towards sustainability is an important and complex issue that requires an in-depth legal analysis.

Arbitration can play an essential part in resolving the dangers and problems that climate change poses to the sustainability of the global economy. The enforceability of climate change agreements is one of the main legal issues surrounding arbitration and climate change. Agreements on climate change, like the Paris Agreement, are frequently voluntary and not enforceable by law. Because of this, it is challenging to hold nations responsible for their commitments to reduce emissions of greenhouse gases and lessen the effects of climate change. To enforce these agreements and make sure that nations are held responsible for their responsibilities, arbitration can be hugely essential. The distribution of responsibility for damages caused by climate change is another legal issue connected to arbitration and climate change. It is important to establish who is accountable for the harm done because climate change makes natural catastrophes more frequent and severe. Arbitration can offer a forum for settling disagreements over who is responsible and who should be compensated for damage caused by the climate.

Also, there are legal difficulties associated with the application of sustainable development strategies. Although many nations have enacted policies to encourage sustainable development, these policies face difficulties when put into practice daily. Arbitration can be used to

resolve disagreements pertaining to the application of sustainable development policies, and to ensure that they are properly enforced.

The use of arbitration to advance sustainability is likewise subject to legal concerns. There are concerns that arbitration could weaken environmental regulations, even though it can be a useful tool for settling conflicts involving climate change and advancing sustainable development. Because of this, the use of arbitration in conflicts involving the environment and sustainability needs to be carefully considered and regulated. The law surrounding climate change and arbitration is intricate and complicated overall. But we may seek to lessen the effects of climate change and advance sustainable development by addressing these issues through arbitration and other legal systems.

Thus, the debates surrounding climate change and sustainability are becoming a major concern. More research is being done on how business and government actions, or their failure thereof, affect climate change and sustainability risk. The hazards connected with climate change are vast, intricate, and include those that are financial, legal, ethical, and regulatory. The number of claims relating to climate change has increased to a huge extent today and is continuously rising. In actuality, the dangers brought on by climatic conflicts are starting to manifest.

Even though most of the legal challenges are often brought before the national courts, arbitration can play a crucial role as a forum for resolving various problems linked to climate change and sustainability. There are further problems because the Paris Agreement is unable to establish a strong legal framework between matters related to arbitration and climate change. As a result, arbitration has the potential to have a big impact on how environmental legislation and policy are implemented to address the problems of sustainability and climate change.

Research Problem

In the present times, it is very often observed that a new instrument to solve climate change related dispute through the process of arbitration is bereft or completely lacking something of a binding and coercive

compliance system. Also, there are no proper enforcement mechanisms and sanctions to investigate this issue. At the end of the 1980s, the global community began to become aware of the climate change issue. The beginning of negotiations that led to the creation of an international convention because of group efforts to preserve and safeguard the environment for the benefit of humankind, marked the emergence of this phenomenon. The rise in global temperature over the past century has increased greenhouse gas emissions, which has had a dramatic impact on human life and the environment. Some of these effects include rising sea levels, ecosystem destruction, the problem of Invasive Alien Species, issue of adaptation, flooding, and many others. No State has been able to completely mitigate the effects of climate change till now. Therefore, there is a rise in awareness of the need for a universal environmental protection regime, including a holistic approach, which will cause the international community to take proper actions. The implementation of the Paris Agreement's provisions and adherence to its commitments by the States parties, however, will be a key factor in determining how effective the Agreement will be. Due to the absence of penalties and legally binding targets, the Paris Agreement is less likely to be implemented successfully. Hence, arbitration might encourage adherence to the most recent laws on various climate related disputes.

The success of the Paris Agreement, or the Paris Climate Accords signifies the end of a continuous procedure for governing the most recent administration of climate change. The Agreement could connect inter-governmental decision-making and the mobilization of non-State actors to support and enhance the ambition embodied in Nationally Determined Contributions (NDC), ushering in a new era of climate action at all levels, from global cooperation to local action on the ground, which also involves various citizens from different nations. No doubt, a plethora of other laws also exists related to climate change and arbitration, like the International Chamber of Commerce Arbitration Rules of 2021, the United Nations Framework Convention on Climate Change, 1992

(UNFCCC), etc., but these laws are not at all adequate to solve concerns related to climate change and arbitration.

Law Related to Climate Change and Its Development

Due to its multilevel, multiscale, and multipolar regulatory framework, climate change is a complicated regime. Undoubtedly, a multipolar regulatory framework comprises a large number of competitors who have a role in influencing climate change, ranging from international administrative agencies to private institutions and national courts to any tribunals to international economic institutions. Due to the involvement of several entities that govern regulation at the national, regional, and international level, climate change has a multilayered and multiscale regulatory framework. The regime has the most significant role in addressing climate change because of its complexity. As a result, scientists and researchers are currently researching this problem further.

Every region of the world is affected by the pressing issue of climate change, and numerous laws and policies have been created to address it. Several important laws pertaining to climate change and its development are listed below:

1) The United Nations Framework Convention on Climate Change (UNFCCC): This international treaty was adopted in 1992 and is the foundation of global climate change action. It aims to stabilize greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous human interference with the climate system.

2) The Kyoto Protocol: It was added to the UNFCCC in 1997, established binding carbon reduction goals for countries with substantial economies. It was the first international accord to acknowledge the necessity of industrialized nations taking the initiative in lowering greenhouse gas emissions.

3) The Paris Agreement: This accord was approved in 2015 and went into effect in 2016. It seeks to restrict the rise in global temperatures to 1.5 degrees Celsius and to keep them well below 2 degrees Celsius over

pre-industrial levels. The agreement is made to be flexible and enables each nation to choose how much to contribute to accomplishing these objectives.

4) The Clean Air Act, U.S.A., 1970: This law, known as the Clean Air Act (USA), was passed in 1970 and controls air emissions from industrial sources, including those of greenhouse gases. The EPA subsequently implemented regulations to limit these emissions when the Supreme Court determined that the Clean Air Act covered greenhouse gas emissions.

5) The European Union Emissions Trading System (EU ETS): The largest emissions trading system in the world, the European Union Emissions Trading System (EU ETS), was introduced in 2005. Companies that release greenhouse gases are given a restricted number of allowances, which they can then purchase and sell on the open market. By assigning a monetary value to carbon reductions, the scheme is intended to encourage businesses to decrease their emissions.

6) Carbon tax: As a means of reducing greenhouse gas emissions, several nations, including Sweden, Norway, and Canada, have introduced carbon tax. A carbon tax places a cost on each tonne of CO2 released, giving people and businesses an incentive to lower down on emissions.

Strengthening Adherence to International Climate Change Law through Arbitration

The two most important challenges, global warming, and climate change, demand the immediate attention of people. It is becoming more obvious that global warming is becoming worse every day. Along with meeting human requirements, maintaining environmental preservation is essential. There are numerous methods that have gone unnoticed but have the potential to play a big role in slowing global warming. Many of the people being chosen for arbitration are aware that it is being discussed for

a variety of reasons. Arbitration and other non-traditional conflict resolution procedures are used to resolve commercial disputes, investment treaties, and a wide range of other types of disputes. To resolve matters as quickly as possible, commercial arbitration and other types of arbitration are currently preferred due to their streamlined processes, prompt decisions, and other advantages.

Even if we associate climate change with international arbitration, it is not surprising to see that climate change issues share precedence with business-related issues. Numerous actions done by the arbitral institutions clearly demonstrate how international arbitration is expanding its scope to address the problem of global warming. The execution of numerous accords and campaigns, in addition to the judgements rendered by the tribunals, is crucial for reducing the most pressing environmental problems. Climate change issues are significant to the general public and hence resonate to arbitrators as well. Will the actions being done in response to climate change also prove to be wise choices, even though it is clear that arbitration has grown in importance over the past few years? The actions that

For assuring effectiveness, concerns will be raised. However, a thorough grasp of the same may be had by looking at the advancements the arbitration industry has made. Although there is no obvious connection between the 2016 Paris Agreement and arbitration, both will be used to regulate climatic changes. To gain better results from the aspects, they must be related.

International Commercial Arbitration and The Paris Agreement Correlation

The Paris Agreement and international commercial arbitration are two distinct areas of law, but they may have some interconnection in certain circumstances. The Paris Agreement is a treaty signed in 2015 by 196 countries with the aim of addressing climate change by reducing greenhouse gas emissions and increasing the use of renewable energy

sources. The Agreement provides a framework for cooperation between countries and sets goals to limit global warming to well below 2 degrees Celsius above pre-industrial levels,

ion under the treaty is defined as "all disputes relating to an investment", disputes involving environmental, or climate change commitments may fall under this category. Alternately, State actions that harm the environment could be considered as a breach of the State's "protection and security" obligation, which is to safeguard the investor's assets, including their physical integrity from actual damage, which is caused by the actions of others in circumstances where the State is required to exercise due diligence. International commercial arbitration, on the other hand, is a dispute resolution mechanism in which parties to a commercial contract agree to submit their disputes to a private arbitrator or tribunal, rather than to a court. International commercial arbitration is governed by international treaties, such as the New York Convention, as well as national laws and rules of arbitration institutions. While the Paris Agreement and international commercial arbitration may not have an obvious connection, there are situations where they may intersect. For example, a commercial dispute arising from a contract relating to renewable energy projects could potentially implicate the provisions of the Paris Agreement. The parties to the dispute may need to consider the environmental impact of their actions and ensure compliance with the Agreement's requirements, such as reducing gontext of international commercial contracts that involvarbitral award is consistent with international environmental obligations and public interest considerations.

Campaign For Greener Arbitrations, 2019: A Means for Greener Arbitration

The Campaign for Greener Arbitrations (CGA) was launched in 2019 by Lucy Greenwood with a group of arbitration practitioners and institutions, with the goal of minimising the carbon impact of

international arbitrations.It promotes sustainable practices in international arbitration. The campaign recognizes the impact that international arbitration can have on the environment, particularly through the travel and paper-intensive nature of the arbitration process. The campaign seeks to promote sustainability in international arbitration through a number of means, which includes:

a) Virtual Hearings: The campaign encourages the use of virtual hearings, which can reduce the need for travel and associated carbon emissions. Virtual hearings can also reduce costs and increase efficiency in the arbitration process.

b)Electronic Document Management: The campaign encourages the use of electronic document management systems, which can reduce the need for paper and associated printing and transportation costs.

c)Sustainable Venue Selection: The campaign encourages the selection of sustainable venues for in-person hearings, such as venues with eco-certifications or green building standards.

d) Sustainable Catering: The campaign encourages the use of sustainable catering options, such as vegetarian or vegan options, locally sourced food, and reusable plates and utensils.

e)Carbon Offsets: The campaign encourages parties and institutions to offset the carbon emissions associated with the arbitration process, such as through the purchase of carbon offsets or investments in renewable energy projects.

By promoting sustainable practices in international arbitration, the Campaign for Greener Arbitrations thus, aims to reduce the environmental impact of the arbitration process while also promoting efficiency and cost savings. The campaign has been supported by several arbitration institutions, including the International Chamber of Commerce, the London Court of International Arbitration, and the Singapore International Arbitration Centre.

Conclusion and Suggestions

It can thus, be concluded by highlighting that when supported by the appropriate legislation, arbitration's flexibility makes it the ideal platform for obtaining prompt resolutions in conflicts relating to climate change. The steps undertaken by the arbitral institutions are quite important because the subject of climate change is so significant. It is well known that arbitration settles disputes relating to climate change, but the idea of arbitration actively working to reduce its environmental impact is unique. It would take time for this system to fully adapt in the field, but it would make significant contributions to nature. Additionally, this will improve arbitration's standing throughout the world. These actions will soon become more important as arbitration is perceived as a method for resolving additional issues, and this will also pave the way for new initiatives in international arbitration.

In reality, the dangers brought on by climatic conflicts are starting to manifest. Arbitration can play a crucial role as a forum for resolving various climate change and sustainability-related problems. Additional problems arise from the Paris Agreement's inability to establish a strong legal framework. As a result, arbitration has the potential to have a huge impact on how environmental legislation and policy are implemented to address the problem of climate change and sustainability. To encourage conformity to international climate change law, arbitration, as a distinct approach, can offer more clarity and uniformity. Thus, a sui-generis law which regulates the various climate change disputes through the process of arbitration, is the need of the hour.

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