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RAGGING A 'RITE OF PASSAGE', AN 'INITIATION RITUAL'? HAS GONE TOO FAR: STAGE TO MARK A FULL STOP

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Brutalities of Ragging

Some case studies on 9th August 2023, 18 years old Swapnadip Kundu, a Bengali first year honours student in Jadavpur university, Kolkata was found naked, bleeding, unconscious, dying in front of university hostel building. The postmortem report stated multiple fractures on pelvis, skull, ribs and having grave internal bleeding. He had suffered a 'fall from the height'. The police stated that he had been the target of ragging. The poor chap had moved to the hostel just 4 days ago. The newspaper reports that Kundu was summoned in room by seniors and he was made to undress. While trying to escape he was running from room to room and he also tried to lock himself up but the seniors ran after him, abusing him with homophobic slurs. Kundu got panicked and fell from the 3rd floor of the hostel building. Raashid Andrabi and Rishab Gaur in their webpage 'Article 14: The Truth Needs Telling' state that Kundu's father Ram Parsad Kundu said, "It was a murder. A piece of my heart is gone. We have lost everything. He used to say Papa my name will shine in world one day". In November 2024, Anil Mithaniya, an 18 years old MBBS student of GMERS Medical College, Dharpur, in north Gujarat died allegedly of heart failure after being made to stand for 3 hours continuously while he was being ragged, humiliated with insulted. Anil was the youngest of the 3 siblings. He was expected to return soon for his elder sister Nidhi's wedding in February 2025. Five months later forensic post-mortem confirmed that trauma and shock led to his fatal cardiac arrest. College anti ragging committee collected testimony of 26 witnesses and FIR was filed against 15 students. Anil's cousin voiced, "Anil told me, I want to be a doctor. No one from our family or village had ever become one." But the dream of becoming a doctor and helping his own village was shattered. The

menace of ragging doesn't end with these two stories. We are witness to multiple brilliant lives in India that have been untimely ended. On 18th February, 2024, JS Sidharthan a 2nd year veterinary student at Kerala Veterinary and Animal Science University in Wayanad District of Kerala died by suicide. Police report stated that he had been repeatedly ragged, forced to strip and subjected to physical and mental abuse over several weeks. Though brutalities of Ragging did not evolve in 2020's onwards as the above said cases mention but it was gravely highlighted with the atrocities committed on Aman kachroo, aged 19 in the year 2009. Aman was beaten to death by seniors at Dr. Rajendra Prasad Medical College in Tanda Himachal Pradesh. He sustained multiple injuries on his chest, ears and face due to severe beating that led to his death.

Anti-Ragging in India

Disturbing Rise According to 'State of Ragging in India 2022-24' Report, Kundu was one among 51 college student deaths in anti-ragging incidents. In 2024 the UGC Anti-Ragging Helpline received 1086 complaints, a 12.7% increase over previous years. Between 2015-2024, 8,184 cases were registered at UGC Anti-Ragging Helpline Number and many were not reported even. In 2017, Psychosocial Study Commissioned by UGC conducted a study among 10,632 students across 37 colleges and universities and it was revealed that 84% students reported, not complaining about ragging often due to fear of retaliation or concerns about its impact on their careers.

Anti-Ragging: Legislation and Regulations

Though the Bhartiya Nyaya Sanhita, 2023 (BNS, 2023) erstwhile Indian Penal Code, 1860, has plethora of punishments for large number of acts that could be attributed to ragging like abetment; Criminal conspiracy; Unlawful assembly and roiting; Public nuisance; Violation of decency and morals; Injury to

body, causing hurt or grievous hurt; Wrongful restraint; Wrongful Confinement; Use of criminal force; Assault as well as sexual offences or unnatural offences; Extortion, Criminal trespass; Offences against property; Criminal intimidation; Attempts to commit any or all of the above mentioned offences against the victim(s), physical or psychological humiliation, but no provision under erstwhile IPC, 1860 and as a matter of fact under present day BNS, 2023 was specifically legislated for Ragging. Though it all started with the death of Pon Navarasu, a student of Annamalai University Medical College in Tamil Nadu in November, 1996, that led to the passing of the first anti-ragging laws in India. Tamil Nadu became the first state to pass the Tamil Nadu Prohibition of Ragging Act, 1997. This Act was significantly strengthened by the Supreme Court's stringent guidelines in its verdict in 2001 on a Public Interest Litigation filed by Vishva Jagriti Mission in 1998. The Raghavan Committee formulated under the orders of the Supreme Court, by the HRD Ministry highlighted the requirement of awareness of this crime, defined the role of educational institutions and inclusion of chapters in books and the like, to curb the menace of ragging. But it was only in the wake of murder of Aman Kachroo in 2009, that University Grants Commission passed the UGC 2 Regulations on Curbing the Menace of Ragging in Higher Educational Institutions, 2009. This led to incorporation of the policy against Ragging by other regulatory bodies like All Indian Council of Technical Education (AICTE), National Medical Commission (NMC), Veterinary Council of India (VCI), Bar Council of India (BCI) and the like. Now many Indian States too have their own legislations on ragging for example the State of Tamil Nadu, Maharashtra, Karnataka, Uttar Pradesh, Tripura, Andhra Pradesh, Assam, Kerala, West Bengal and the Union Territories of Chandigarh, Goa and J&K.

The UGC Regulation of 2009: Important Highlights

Ragging means:

- words spoken or written having the effect of teasing treating the students with rudeness

- indulging in undisciplined activities which cause annoyance, fear or psychological harm in a fresher
- asking junior or fresher to do some act which will cost shame or embarrassment

Ragging could be in any of the following forms:

- Physical Harm
- Psychological Harm
- Sexual Harm

Ragging is a cognizable and banned Act:

- Ragging is a cognizable offence at par with rape or other atrocities against women and ill treatment of persons belonging to the schedule caste, schedule tribes under the SC/ST Act.
- Ragging is completely banned in the academic, residential, sports, canteen, in all means of public or private transport of students whether located outside or inside the campus.

Punishments that could be inflicted by the Educational Institutions:

- Suspension from attending classes and academic privileges.
- Withholding/ withdrawing scholarships/ fellowship and other benefits.
- Debarring from appearing in any test/ examination or other evaluation process.
- Withholding results.
- Debarring from representing the institution in any regional, national or international meet, tournament, youth festival and the like.
- Suspension/expulsion from the hostel.
- Cancellation of admission.
- Rustication from the institution ranging from one to four semesters.
- Expulsion from the institution and consequent debarring from admission to any other institution for a specified time.
- Fine ranging between ₹25,000 and ₹1,00,000.
- Collective punishment where the persons committing or abetting the crime of ragging are not identified, the institution shall result to collective punishment.

UGC Regulations: Tasks for Educational Institutions

Before Admission:

- Incorporation regarding anti-ragging laws and punishments in the advertisement, brochure and prospectus for admission.
- Application forms to incorporate undertakings by the students as well as the parents about the awareness of the anti-ragging laws and punishments.
- Application form to be accompanied by the 'Character Certificate' having report of the behavioral pattern of the applicant.
- Anti-Ragging Posters to be displayed at prominent places of the Institute.

On admission:

- Student to be given printed leaflet having addresses and phone numbers of authorities for guidance.
- Organise joint sensitisation programs of freshers and seniors.
- Freshers to be encouraged to report about incidents of ragging as a victim or as a witness.

End of Academic Year:

- Creation of Mentoring Cells.
- Letters to parents appealing them to impress upon their wards to desist from indulging in ragging when they come back at the beginning of next academic session.

Administrative Functions of the Institutions:

- Creation of Anti-Ragging Committee
 - 1) Members:
 - (1) Head; faculty; parents; students belonging to both fresher and senior category; non-teaching staff.
 - 2) Functions:
 - (1) Decisions and punishments.
- Creation of Anti-Ragging Squad
 - 1) Members:
 - (1) Representatives of various sections of the campus nominated by head.
 - 2) Functions:
 - (1) Vigil, oversight and patrolling function.
 - (2) Surprise raids.
 - (3) Investigate incidents of ragging and then making recommendations to Anti-Ragging Committee.
- Creation of Monitoring Cell on Ragging
 - 1) Functions:

- (1) Coordinate with affiliated institutions.
- (2) Conducting orientation sessions and publishing anti ragging measures.
- (3) Installing CCTV cameras at Vital Points
- (4) Identification of Trouble Triggers
- (5) Legal Counsel to be provided to the Anti-Ragging Committees.
- (6) Displaying of TV commercials and documentaries prepared by UGC, to the students at least twice a year.
- (7) Displaying UGC designed posters.
- (8) Every student and parent to submit online undertaking every academic year at www.antiragging.in
- (9) The institutions to fill complete details of Anti-Ragging Committee and Anti-Ragging Squad on website www.antiragging.in

The UGC on its website also provided guidelines as to registration of Ragging Complaints on Helpline 1800- 180-5522 (24x7 Toll Free) or on email to helpline@antiragging.in or antiragging@c4yindia.org or call on these numbers 011-41619005 or 98180 44577 (only in case of emergency).

Anti-Ragging Framework: Potential Inadequacies

The above referred case studies of Swapandip Kundu, Anil Methaniya, JS Sidharthan as well as the strong rebuke by the bench of Chief Justice DK Upadhyaya and Justice Tushar Rao Gedela on July 11, 2025, observing that "UGC's current anti-ragging framework has utterly failed", highlight

- The gaps in enforcement and institutional response such as
 1. Inconsistent Enforcement.
 2. Challenges in Identifying Perpetrators.
 3. Collective Punishment Issues.
- Flaws in reporting and awareness such as
 1. Fear of retaliation.
 2. Lack of awareness among the students especially belonging to rural backgrounds.
 3. Difficulty in proving the offence.
 4. Lack of Mental Health support.

- Procedural and accountability deficits such as
 1. Low compliance with affidavits.
 2. Inadequate handling of complaints.
 3. Focus more on punishment than on rehabilitation and integration of both the victim.
 4. Lack of provision to penalise a false and mischievous complainant student.
- Systematic and Cultural Shortcomings such as
 1. Cultural mindset that ragging is an 'initiation ritual' amongst the students.
 2. Insufficient punishment.

Ignoring new forms of ragging like social media abuse and psychological intimidation. Hence, the UGC needs to plug in these gaps and loopholes to make the anti-ragging framework effective so that the intellectual youth of India is saved from the harrowing encounters and India no more loses its brilliant minds.

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BEING BEYOND A GAY MORALIST: GLANCING HOMOSEXUALITY FROM THE PHILOSOPHICAL PERSPECTIVES OF JOHN CORVINO

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Introduction

History has often whispered conflicting tales about love, desire, and morality, tales shaped as much by prejudice as by truth. For centuries, the discourse on sexuality has been imprisoned within rigid boundaries of tradition, religion, and custom, where anything that strayed beyond the heterosexual framework was hastily branded as unnatural, immoral, or even dangerous. Within such a worldview, intimacy was reduced to mere procreation, and love was measured against conformity to convention rather than authenticity of experience. Yet, philosophy has always possessed the courage to interrogate what society too quickly condemns. It asks us to look beyond instinctive disgust and inherited dogma, to examine whether moral judgments rest on reason or on habit. The history of sexuality is not merely a chronicle of private desire but a mirror reflecting society's anxieties about order, family, and power. And in that mirror, homosexuality has long been cast as a distortion rather than a variation of human love.

Why John Corvino?

Among the thinkers who dared to disrupt this narrative stands John Corvino, famously called *The Gay Moralist*, whose intellectual project confronts the inherited assumptions surrounding homosexuality. His inquiry is not limited to defending same-sex love as a private choice; rather, it dismantles the very scaffolding of prejudice by revealing how moral instincts are often shaped by uncritical repetition rather than by rational reflection. Through his lens, homosexuality emerges not as a deviation from nature but as a vibrant and legitimate expression of intimacy, dignity, and freedom. In doing so, he forces us to reconsider the foundations of morality itself, whether it is truly grounded in universal

principles, or merely in the comfort of long-standing convention; hence making John Corvino think beyond the moral and harmful perspectives of homosexuality

A person's views on sex, body and pleasure will define his ambits of morality and immorality. Our beliefs and evaluations on sex affect our philosophy on sex and decide our ambits of morality and immorality of sex. The pessimists feel that sex has a limited role to play in one's life and hence needs to be controlled by the moral principles. For them sexual activities must be always heterosexual, with an objective of procreation of children within the wedlock. This school of thought promote the concept of marriage, believes in immorality of sex if done outside marriage, reject homosexuality merely because they believe in heterosexual activities. However, optimists will not question the moral or immoral bases of sex, sexuality and sexual orientation of people in society. For them certain sorts of behavior and body organs are and can be used for either pleasure or reproduction or both. For this school of thought the natural bonding mechanism among persons are because of sexuality and such bonds in turn enhance the sexual and non-sexual relationships amongst them. They believe that when two persons are into sexual relationships, it pleases both the persons equally, this not only generates pleasures for both but also love and affection. The entire process results in deepening of relationships and making persons more satisfied both emotionally and psychologically. Russell Vannoy in his work *Sex without Love: A Philosophical Exploration*, states that 'sexual pleasure should be cherished and promoted because it has intrinsic and not merely an instrumental value. Hence, the pursuit of sexual pleasure does not require much intricate justification; sexual activity surely

need not be confined to marriage or directed at procreation.’ Irving Singer another contemporary philosopher of sexuality expresses his views on the area very optimistically, where he states that ‘for though sexual interest resembles an appetite in some respects, it differs from hunger or thirst in being an interpersonal sensitivity, one that enables is to delight in the mind and character of other persons as well as their flesh.’ Hence, his claims that when persons are into sexual relationships there is nothing which turns them into objects of pleasure on the contrary sex between the persons is an agency where persons respond to one another through their bodies but resulting in emotional well-being and psychological satisfaction. John Corvino, an American philosopher commonly known as ‘The Gay Moralist’, and a member of optimistic school of thought, has notable work on homosexuality at his credit. He has given a philosophical justification to homosexuality and has contributed much in this quarter by writing remarkable literature. He is known for his vocal and loud voice for gay rights. The present work will highlight his observations where he justifies that homosexuality is not harmful and absolutely not unnatural.

Is Homosexuality Unnatural?

While addressing the issue of unnaturalness of homosexuality he argues on five basic commonly known contentions. **Firstly, what is unusual is unnatural?** He states that unusual is which deviates from norm, but does that mean what is unusual is unnatural. He justifies it by saying 2 that relatively few people read Sanskrit or breed goats, and as they are unusual does not mean they are immoral and unnatural like homosexuality; hence, this argument against homosexuality does not have any weight or substance. **Secondly, what is not practiced by other animals is unnatural?** While refusing to accept this contention John Corvino explains that animals do not cook food or brush teeth like humans, yet all these things are accepted without moral censure. Moreover, numerous studies like that of Anne Perkin’s study of ‘gay’ sheep and George & Hunt’s study of lesbian sea-gulls proof that animals are homosexuals too.

Thirdly, what does not proceed from innate desires is unnatural. On this he supports various biological studies which proof that it’s natural to have same sex relationship. While justifying his point John Corvino further questions that- Do people choose to be homosexual? He explains that people don’t choose their sexual feelings; rather they get attracted towards certain people. So even if homosexuality involves lifestyle choices it is still natural. Moreover, the cause or origin of the feeling is not a determining factor to judge whether it is moral; or immoral. Hence, even if it is natural or lifestyle choice it is morally and naturally correct. **Fourthly, what violates an organ’s principal purpose is unnatural?** One of the major contentions against homosexuality is that it does not result in procreation of children. It is believed by the pessimists that human organs have various natural purposes, so genitals are for procreation, hence; it is immoral and unnatural to use an organ which violates its natural functions. Contradicting this, John Corvino states that apart from procreation of children, sexual organs are also suited for expressing love and for giving and receiving pleasure. Procreation is not the only objective of sex. Furthermore, philosophers like Emmanuel Kant who believed that procreation is an important objective of sex, fails to explain that whether it’s the only and the obligatory objective of having sex. **Fifthly, what is disguising or offensive is unnatural?** Homosexuality is often considered as disgusting, to which John Corvino states that handling snakes, eating snails, performing autopsies also disgust people. Moreover, while further elaborating it he states ‘that for centuries most people found inter-racial relationships disgusting yet that feeling, which has by no means disappeared, hardly proves that such relationships are wrong? Hence, John Corvino concludes by justifying that homosexuality is not unnatural and unquestionably not immoral.

Is Homosexuality Harmful?

John Corvino addresses homosexuality from another angle as well, that is, is it harmful to indulge in such relationships for a person and his body in particular and in society at large.

To this he provides various defenses. **Firstly**, he states that various studies and statistics show that homosexuality has led to depression, suicide, sexual promiscuity within the homosexual subcultures. However, John Corvino rejects these studies and statistics stating it incorrect and wrong. He claims that no amount of intelligence would be successful to have accurate knowledge of situation amongst homosexuals because of the widespread anti-homosexual sentiment; they will not acknowledge their actual feelings in front of the researcher. Such problems lead to finding a proper sample for the statistical studies. Hence, the researches about them are in itself questionable. **Secondly**, it is commonly believed that homosexuality led to rise in HIV + AIDS in society, to which he states that it is not homosexuality rather the virus which is harmful and it is amongst heterosexuals as well. **Thirdly**, the critics of homosexuality claim that it disorganizes the family structure hence, harmful for the society. The opponents of homosexual couples often claim that marriage and the family are fragile institutions and it needs careful and continuing support. They also state that apart from homosexuality, pre-marital sex and divorce amongst the heterosexual couples is also harming the institutions of marriage and family. They believe that recognizing homosexuality will be another blow to these institutions. However, John Corvino counters this allegation that if legal acceptance and social approval of heterosexual marriage is not able to save marriage and family institutions, society should not be surprised that those homosexual relationships, which not only lack such support but face overt attack, are an attack on these institutions. **Fourthly**, homosexuality is harmful for children in two ways; one it is usually stated that homosexuals are child molesters. This notion cannot be accepted because there are no studies which prove that homosexuals are more child molesters than heterosexuals. Secondly, homosexuality does not lead to procreation of children. To this John Corvino states that if procreation is good, it does not mean that childlessness is bad, and if that is

bad then the celibate priest also sails in the same boat. This contention is smartly justified by F. Elliston in his book *The Philosophy of Sex* by stating that, 'if then merely out of regard to population it were right that (homosexuality) should be burnt alive, monks ought to be roasted alive by a slow fire.'

John Corvino, is hence, able to give some very valid defenses to prove that homosexuality is not harmful and definitely not unnatural and immoral. He also claims that accepting homosexuality require people to reject the all-time favorite argument that, homosexuality is wrong because we have been taught that it is wrong? The people need to reject this notion and accept the fact that we and our moral notions on homosexuality are imperfect and wrong; however, the question is, are we ready to do that? For this he states,

'Condemning people out of habit is easy. Overcoming deep-seated prejudice takes courage.'

In the final analysis, John Corvino's defence of homosexuality does more than confrontation of outdated arguments; it redefines the very language of morality. By unmasking the frailty of claims that label homosexuality as "unnatural" or "harmful," he redirects the debate from dogma to reason, from prejudice to compassion. What his philosophy truly demands is not a radical rewriting of human ethics, but a return to their essence: respect for individual autonomy, acknowledgment of love in its diverse forms, and recognition that what is "natural" is not confined to procreation alone. If anything is harmful, it is not homosexuality but the persistence of blind condemnation. As Corvino aptly reminds us, courage lies not in repeating inherited judgments, but in transcending them. To embrace homosexuality as natural and harmless is, therefore, not merely a philosophical stance, it is a moral imperative for any society that claims to honor justice, equality, and human dignity.

Endnotes

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NEW AND BHARTIYA BUT GHOST OF SECTION 498A OF INDIAN PENAL CODE 1860

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Introduction

The Supreme Court of India requested the legislature in a recent case to consider making necessary changes in Sections 85 and 86 of the new *Bharatiya Nyaya Sanhita*, 2023, before both the new provisions come into force and these provisions are just a reproduction of Section 498A of the Indian Penal Code, 1860. Here division bench asked to look into the issue, taking into consideration the pragmatic realities before both the new provisions come into force. The offense still remained cognizable and non-bailable under the new *Bharatiya Nagarik Suraksha Sanhita* 2023, just as it had been under the Criminal Procedure Code, 1973, also. The Government of India has already notified those three major new criminal laws, the *Bharatiya Nyaya Sanhita* 2023, the *Bharatiya Nagarik Suraksha Sanhita* 2023, along with the *Bharatiya Sakshya Adhiniyam*, 2023 (replacing the Evidence Act, 1872) has already come into force on 1st July 2024.

Misuse of Section 498A IPC 1860

This is not the first time, but in 2003, the Delhi High Court recommended to the authorities and lawmakers to have a review of the situation and legal provision of Section 498A because there was a growing tendency to come out with inflated and exaggerated allegations roping in each and every relation of the husband, and if one of them happens to be of higher status or of vulnerable standing, he or she used to become an easy prey for better bargaining and blackmailing. In 2005, a writ petition was filed before the apex court to declare Section 498A of the Indian Penal Code, 1860, to be unconstitutional as well as *ultra vires* and to formulate guidelines to protect innocent persons who were victimized by unscrupulous persons making false accusations. The court also realized that merely because the provision was constitutional and *intra vires* did not give a

license to unscrupulous persons to wreck personal vendettas or unleash harassment. Also held that it became necessary for the legislature to find out ways how the makers of frivolous complaints or allegations can be appropriately dealt with. The Ministry of Home Affairs in 2009 issued the instructions to all Chief Secretaries of States and Union Territories to comply with the procedures for arrest as laid down by the Supreme Court in the landmark *D.K.Basu v. State of West Bengal* case to prevent the misuse of Section 498A of the Indian Penal Code, 1860. This executive order was mainly issued on the basis of judgments of *Savitri Devi v. Ramesh Chand* case, of the Delhi High Court and *Sushil Kumar Sharma v. Union of India* case of the Supreme Court of India. During 2010, in *Preeti Gupta v. State of Jharkhand*, the Supreme Court observed that a serious re-look of the entire provision of section 498A was required. The apex court already warned that it is high time for legislature to take into consideration the pragmatic realities and make suitable changes in the existing law. At the same time, a message was also given about the duty of the bar as they had enormous social responsibility and obligation to the best of their abilities to ensure that social fiber, peace, and tranquility of society remain intact. The members of the bar should also ensure that one complaint should not lead to multiple cases. The Law Commission of India in its 237th report on 'compounding of IPC offences' (2011) which was based on the backdrop of the *Preeti Gupta* case, highly recommended that section 498A of Indian Penal Code, 1860, should be made compoundable with the permission of the court. In the same line, a recommendation was also made in its earlier 154th report in 1996 and 177th report in 2001 respectively. Apart from the law commission, the Justice Malimath Committee's report on 'Reforms of

Criminal Justice System' also suggested to bring section 498A under the purview of compoundable offence. The Committee realized once a complaint or FIR was lodged under section 498A or 406 of the IPC, it becomes an easy tool for the police to arrest or threaten to arrest the husband and other relatives without preliminary investigation.

Restrictions on Section 498A

The increased tendency, according to the Jharkhand High Court, is to incriminate the relatives of the husband in matrimonial disputes without analyzing the long-term complication of the trial on the complaints as well as the accused. Even in some of the cases, a person who has nothing to do with that family is implicated in the case filed under Section 498A of the Indian Penal Code. Here, the Court is required to ensue against the relatives and in-laws of the husband with all care. In the *Arnesh Kumar* case during 2013, the Supreme Court directed all the state governments to instruct their police officers not to automatically arrest when a case under Section 498A of the IPC was registered but to satisfy themselves about the necessity for arrest under the parameters laid down above flowing from Section 41 of the Criminal Procedure Code. Here, the Court analyzed 'Crime in India 2012' statistics published by the National Crime Records Bureau, which revealed the arrest of 1,97,762 persons during 2012 all over India under Section 498A of the IPC, which was 9.4% more than the previous year and nearly a quarter of those arrested under this provision i.e., 47,951 were women i.e., mothers and sisters of the husbands. Rapid use and heavy misuse of this section have also frustrated to fulfill the object of social welfare and gender justice. The random arrest of mother-in-law and sister-in-law in the name of cruelty under this section has proved that to protect one woman, it has put two women in danger. The Supreme Court also accepted that most of the complaints were filed in the heat of the moment over trivial issues without proper deliberations, which were not even bona fide and with oblique motive. Here, the husband and his family may be immediately arrested for non-bailable offence and innocent persons

languish in custody with suspension or loss of job. Even if a husband and a wife may come forward for reconciliation but, it may not be possible due to legal obstacles. The Delhi High Court already realized these provisions of anti-dowry and anti-cruelty laws had become a tendency to destroy the whole social fabric, as the power to arrest anybody by extending or determining the definition of harassment or cruelty vests with the lower police functionaries and not with officers of higher rank who had the intellectual capacity to deal with the subject. Even various High Courts also decided that false charges of cruelty under criminal law has become a ground of cruelty for matrimonial relief, like false cases of bigamy against husband or false cases under Dowry Prohibition Act, 1961, as well as Indian Penal Code. The Supreme Court during 2005 held that the role of the investigating agencies and the courts was that of watchdog and not of a bloodhound. It should be their effort to see that an innocent person has not been made to suffer on account of unfounded, baseless, and malicious allegations.

Criminality of Matrimonial Cruelty

In this latest case, the Court articulates that the foundation of a sound marriage is tolerance, adjustment, and respecting one another, and petty quibbles and trifling differences are mundane matters and should not be exaggerated and blown out of proportion to destroy what is said to have been made in the heaven. The Delhi High Court during 2003 already realized these anti-cruelty and anti-dowry laws had resulted in a large number of divorce cases, as when one member of the family was arrested and sent to jail without any immediate reprieve of bail, the chances of salvaging or surviving the marriage receded into the background and the marriage for all practical purposes used to become dead, and the result was that a major bulk of the marriages died in their infancy, several others in a few years. The marriage ends as soon as a complaint was lodged and the cognizance is taken by the police. It was also believed in *Arnesh Kumar* case that Section 498A was used as a weapon rather than a shield by disgruntled wives, and the

simplest way to harass was to get the husband and his relatives arrested under this provision, though it was introduced with the avowed object to combat the menace of harassment to a woman at the hands of her husband and his relatives. Though Cruelty was a ground of divorce in almost every statutory personal law, like the Hindu Marriage Act, 1955, or the Dissolution of Muslim Marriage Act, 1939, including the Special Marriage Act, 1954. Again, it was inserted in the Parsi Marriage and Divorce Act, 1936, through the Amendment of, and in the Divorce Act, 1869, by its more recent amendment of 2001. Perhaps the Dissolution of Muslim Marriage Act, 1939, has given an elaborated description about cruelty out of other family laws in India. It has classified husband's cruelty in six topics. The wider legal connotation of the term 'cruelty', from civil wrongs (as a ground of matrimonial relief) to criminal offence (Section 498A IPC 1860,) along with tight procedural law has made the whole chaos within the family setup of the society. If procedural laws are made too strict, ultimately the object of the substantive will be frustrated. Same thing has happened here. Very Earlier, Lord Denning gave the warning that if the doors of cruelty were open too wide, we should soon find ourselves granting divorce for incompatibility of temperament, and according to him, the temptation must be resisted lest we slip into a state of affairs where the institution of marriage itself is imperiled. It also reminds us of a very famous case on the backdrop of the constitutional validity of restitution of conjugal rights, where the Delhi High Court observed during 1984 that in the privacy of the home and the married life, neither Article 21 nor Article 14 had any place. So, in a sensitive sphere which was at once most intimate and delicate, the introduction of the cold principles of constitutional law would have the effect of weakening the marriage bond. Introduction of constitutional law in the home was most inappropriate, like introducing a bull in a china shop. It would prove to be a ruthless destroyer of the marriage institution, and in reality, it has been proved now.

Conclusion

Since nearly the last three decades, the Supreme Court of India and several High Courts have continuously requested the legislature to make the provision of Section 498A of Indian Penal Code, 1860, more lenient to protect the marriages and for families and for society. But nothing has come about still now. In the line of Justice Arijit Pasayat, the object of section 498A was to strike at the roots of dowry menace. But by misuse of the provision a new legal terrorism could be unleashed. The provision was intended to be used as a shield and not an assassins' weapon. If the cry of "wolf" is made too often as a prank, assistance or protection may not be available when the actual "wolf" appears. The main shield of women's protection from domestic violence has become a common sword for simple matrimonial disputes, and after repeated use, the *Brahmastra* may also lose its power.

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SOCIO-LEGAL ANALYSIS OF THE THREATS OF DEEPFAKES IN THE 21ST CENTURY

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In December 2023, videos of Lee Hsien Loong, prime minister of Singapore, and Lawrence Wong, the deputy prime minister, were circulated online to promote crypto and investment products. These images turned out to be deepfakes – AI-generated videos designed to impersonate their identities. In early 2022, Thai criminals were found to be using deepfakes to impersonate police officers in extortion video calls. And in February 2024, the Hong Kong office of a multinational company lost US\$25.6 million to a deepfake video conference call impersonating its chief financial officer. These are just a few of the many cases in the Asia-Pacific region where AI-generated images and audio have been used for malicious purposes, including fake kidnappings, sexual abuse material and fraudulent schemes.

Deepfakes use neural networks that analyze extensive data sets to replicate a person's facial expressions, behaviour, voice and speech patterns. By manipulating real footage and authentic-sounding audio, deepfakes are usually difficult to detect. Much of the software used to generate them is available on the open web. Deepfake technology has raised concerns about its potential for creating deceptive or misleading content, including the spread of false information, the fabrication of videos featuring public figures, and invasions of personal privacy.

Deepfakes came to the fore in 2017, when videos of public figures, including Barack Obama and Mark Zuckerberg, appeared online. While some of these were created for entertainment purposes, many, such as the fake footage of an explosion near the Pentagon, have triggered chaos and fear among the public, and even caused the stock market to dip. As AI tools have become more publicly accessible, the technology has become exploited for criminal purposes, including identity theft, fraud, violations of

data privacy and intellectual property rights, and threats to national security.

The emergence of new techniques, allowing individuals with limited skills to generate deepfakes from a small number of photos, raises the concern that fabricated videos could extend beyond the realm of celebrities.

- Recently, actress Rashmika Mandanna became a victim of a deepfake. A fake video of her went viral on the internet.
- On October 1st, 2024, actor Tom Hanks took to Instagram to alert his followers about a concerning case of deepfake usage. He discovered that an advertisement for dental plans featured a deceptive deepfake version of himself, prompting him to issue a warning: "Beware, I have nothing to do with it."
- Highly successful YouTuber Jimmy Donaldson, known as Mr. Beast, recently fell victim to misleading AI-driven advertisements. A TikTok ad featured a deepfake of Donaldson, falsely claiming to offer \$2 iPhones to viewers.

There have been cases of tech-savvy criminals exploiting AI technology to impersonate public figures, spread disinformation, and defraud and extort people. By taking advantage of public trust they convince their victims that they need to urgently acquiesce to their demands on their way to defrauding them of money or damaging their reputation. AI and deepfakes are also being used in cyber-scam operations across the region, where thousands of people are reported to have been lured to work for organized criminal networks and forced to defraud other people through online scams. As these criminal networks grow, deepfake technology is becoming undoubtedly lucrative.

Problems for Governments

Governments are grappling with how to mitigate the harms of AI. Deepfake technology itself is not considered illegal –

and deepfakes are by no means all malicious – but depending on the kind of content generated, some violate laws such as data protection and specific offences of non-consensual content. Several governments have embarked on more concrete regulation, with the EU leading the way in standardizing how companies can use AI to ensure the safeguarding of health, safety, human rights, democracy and the rule of law.

Deepfake Deceptions

Deepfake audio and video involve using AI algorithms to manipulate or synthesize speech or audio to create realistic yet false content. The risks associated with deepfake deceptions include:

1. **Misinformation and disinformation:** Deepfake can be used to spread false information and manipulate public opinion by making it appear as if someone said something they didn't.
2. **Reputational damage:** Deepfake can be used to defame or damage the reputation of individuals by making them appear to say something controversial or damaging.
3. **Privacy invasion:** Deepfake can be used to invade the privacy of individuals by synthesizing audio content that appears to be of them, but is not.
4. **Psychological harm:** Deepfake can cause psychological harm to individuals who are portrayed in false or misleading content.

Deepfake has the potential to cause harm and undermine trust in information and media, so it's important to approach all content with a healthy dose of skepticism.

How can someone detect deepfakes?

Detecting deepfakes is getting more difficult as the technology that creates deepfakes is getting more sophisticated. In 2018, researchers in the United States demonstrated that deepfake faces didn't blink like humans do, which was considered a great way to detect if images and videos were fake or not.

However, as soon as the study was published, deepfake creators started fixing this, making it even more difficult to detect deepfakes. Oftentimes, the research that is designed to help detect deepfakes just ends up helping make deepfake technology better.

But not all deepfakes are products of sophisticated technology. Poor-quality material is usually easier to detect, as the lip syncs may not match well or the skin tone may seem odd. Additionally, details like hair strands are often harder for deepfake technicians to create. Studies have also shown that jewelry, teeth and skin that create erratic reflections can also reveal deepfakes. Generally, algorithms today are very capable of rendering frontal face profiles better than side profiles because side profiles are harder to emulate.

As deepfake technology becomes more complex and harder to detect, more resources are becoming available specifically to help individuals detect deepfakes on their own while scrolling through social media and/or other online forums. For example, the Massachusetts Institute of Technology (MIT) created a Detect Fakes website to help people identify deepfakes by focusing on small details. MIT highlights several "artifacts" that can prove something is a deepfake. This includes paying close attention to specific attributes like facial transformations, glares, blinking, lip movements, natural sounds like coughs or sneezes and other characteristics like beauty marks and facial hair.

Case Studies regarding Deepfakes

The first known application of deepfake technology is said to have occurred in 2017 when a Reddit user utilised a publicly accessible AI-driven programme to produce pornographic content by superimposing the faces of celebrities on the bodies of regular people. Editing tools, such as Photoshop, have been around for decades. Deepfakes may now be created by inexperienced or semi-skilled people, making it possible to manipulate pictures and audiovisual recordings. In 2020, the Deeptrust Alliance—a confederation of business and civil society stakeholders—released a warning statement pointing out that disinformation-creation and spreading technologies are now more readily available, affordable, quicker, and simpler than before. Bollywood actor Anil Kapoor took legal action against the use of AI-generated deepfakes featuring his likeness and voice. The deepfake content included GIFs, emojis, ringtones, and

explicit material. The Delhi High Court granted protection to his attributes, issuing a court order to stop sixteen entities from using his name, image, or likeness through AI for financial gain. Actor Amitabh Bachchan also faced a situation where his personality rights, including voice, name, image, and likeness, were being used for commercial purposes without authorization.

Legal Framework in India

Presently, there are no laws or regulations in India which target deepfaked content. The closest are Sections 66D and 66E of the Information Technology Act, 2000 (“IT Act”) which penalises a person with imprisonment and a fine, who cheats by impersonating an individual and/or publishes or transmits images of a private area absent content in an electronic form. Apart from this, Sections 67, 67A and 67B of the IT Act prohibit and punish those who publish or transmit obscene or sexually explicit material. These provisions, however, are not enough to address the larger problem – how to identify and prevent the circulation of abusive deepfaked content. The Union Government (“Union”) appears enthusiastic to find a solution.

On 7 November 2023, the Union issued an advisory to social media intermediaries (“SMIs”) to identify and action, inter alia, deepfaked content (“Advisory”). The Union advised SMIs to ensure that:

1. due diligence is exercised and reasonable efforts are made to identify misinformation and deepfakes, and in particular, information that violates the provisions of rules and regulations and/or user agreements;
2. such cases are expeditiously actioned against and access is disabled well within applicable timelines under the IT Rules, 2021;
3. SMI users are caused to not host such content (including deepfaked content); and
4. any such content, when reported, is removed within 36 hours of the report – SMIs’ failure to act in this regard would attract Rule 7 of the Information Technology Rules (Intermediary Guidelines and Digital Media Ethics) Code,

2021 by way of which they could be charged with offences under the Indian Penal Code.

The Advisory cautioned that if SMIs failed to comply with their obligations under the IT Act, 2000 and the IT Rules, 2021, they run the risk of losing the coveted immunity from liability for illegal user-generated content under Section 79 of the IT Act, 2000. Subsequently, on 27 November 2023, the Union announced its plans to draft new regulations and amend existing laws to combat the creation and spread of deepfaked content. The Union has made it clear that the basis of these regulations will be to identify, prevent, report, and create awareness of deepfake technologies. We will update this space based on the new regulations.

Challenges ahead

The challenge ahead lies in how to regulate the technology that is used to produce deepfakes, balancing commercial and technological interests, and right to privacy with freedom of expression. Collaboration between the public and private sectors will be crucial in formulating effective responses, as the cybercriminal community keeps one step ahead when it comes to technology. To begin with, increased public awareness of these forms of fraud and social engineering is fundamental to the protection of society from criminal exploitation and technological harm in the long term.

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DEMOCRATIC STATUS OF BANGLADESH AND NECESSITY TO FRAME A NEW CONSTITUTION

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Introduction

Democracy, despite its inherent challenges, remains indispensable for ensuring political stability, individual freedoms, and institutional accountability. Its two fundamental roles – acting as a check on governmental authority and providing a mechanism for the peaceful transition of power – are central to the sustenance of a just and equitable society.

However, democracy cannot function in a vacuum; it necessitates a robust constitutional framework that safeguards its core tenets. A nation's constitution must embody the fundamental principles of democratic governance, ensuring that power is neither absolute nor unchecked, while also adapting to the evolving socio-political landscape. In the absence of such a framework, democracy risks devolving into authoritarianism, rendering its institutions vulnerable to manipulation and its citizens bereft of fundamental rights.

Bangladesh, since its inception in 1971, has oscillated between democratic aspirations and autocratic rule, with its constitutional framework often serving as an instrument of political consolidation rather than a guarantor of public welfare. The country has endured a tumultuous political trajectory, marked by military coups, presidential authoritarianism, and repeated failures of constitutional machinery. The persistent struggle between democracy and despotism has severely undermined public trust in governance, as successive administrations have wielded constitutional provisions to entrench power rather than uphold democratic integrity. The 2024 crisis – precipitated by mass student-led protests against Sheikh Hasina's government

– exposed the deep-seated fissures in Bangladesh's democratic structure. The resignation and subsequent exile of the long-serving Prime Minister not only signaled the collapse of her administration but also the failure of the existing constitutional order to provide a viable democratic framework.

One of the most glaring consequences of constitutional inadequacy is the systematic erosion of public rights. The right to free expression, political participation, and judicial recourse – cornerstones of any democratic polity – have been routinely curtailed in Bangladesh through legal ambiguities and executive overreach. A constitution that fails to enshrine and protect these rights ultimately weakens democratic institutions and alienates the citizenry from the political process. In this context, the interim government's decision to embark on a constitutional overhaul is not merely an administrative necessity but a democratic imperative. The evolving socio-political fabric of Bangladesh demands a constitution that is not only reflective of contemporary realities but also resilient enough to prevent future democratic backsliding.

As Bangladesh stands at a pivotal juncture, the drafting of a new constitution offers an unprecedented opportunity to rectify historical injustices, fortify democratic principles, and institutionalize public rights as non-negotiable tenets of governance. The extent to which this process succeeds will determine whether Bangladesh finally emerges as a stable democracy or continues its cycle of political volatility and constitutional dysfunction.

Successive governments of Bangladesh have

rather tried to dismantle the institutions such as higher judiciary, the election commission, the cabinet and the parliamentary committees for self-serving reasons. For example, they have strengthened their grip on higher judiciary by exploiting the lack of legal provisions on adequate qualification for appointment in the higher judiciary, criterion on elevation of High Court judges to the Appellate Division, or appointment requirements of the Chief Justice.

Historical Overview of Bangladesh's 1972 Constitution

The Constitution of Bangladesh was framed by the Constituent Assembly in 1972. This Assembly was established under the Constituent Assembly Order of 1972, which was promulgated by the President of Bangladesh. According to Article 4 of this Order, the Assembly was composed of members of the National and Provincial Assemblies elected in 1970 and 1971. The task of this Constituent Assembly was to draft a constitution for the newly formed Republic of Bangladesh. However, these assembly members had been elected under Pakistan's Legal Framework Order of 1970 with the mandate to bring about constitutional reforms and to frame a constitution for Pakistan, not for a sovereign Bangladesh. Furthermore, the election campaigns of these members revolved around the six-point movement, focused on the distribution of powers in a federal Pakistan. Thus, it is reasonable to question whether the 1972 Constituent Assembly was truly representative of the people's will in post-independence Bangladesh and whether it legitimately exercised constituent power.

The 1972 or original constitution had progressive provisions such as inclusion of secularism among the fundamental principles of state policy at a time when no other South Asian country had such provisions. It also had provisions that were ambitious (i.e. Article 77 on the office of Ombudsman), efficient (Article 44 on the right to enforcement of fundamental rights) and promising (Article 8 requiring interpretation of the constitution and other laws in light of the fundamental principles including socio-economic rights)—

such provisions were absent in the majority of contemporary constitutions.

These do not mean that the 1972 constitution was perfect. In particular, it contained a few provisions inconsistent with the spirit of good governance such as concentration of too much power in the Prime Minister (Article 48, 55) and denial of free exercise of voting in the parliament (Article 70). It, however, made provisions for its amendment (Article 142) which offered windows of opportunity for addressing its deficiencies or modifying it to reflect later developments.

In terms of a constitutional journey, Bangladesh, unfortunately, falls into the wrong category of countries. Despite its promising beginning, it has regressed on many accounts in the last 50 years. As outlined below, it has also largely failed to reflect contemporary advances and to realize institutional development as inspired or instructed in the 1972 constitution.

Out of the 17 amendments done so far, only a few—like the 1st amendments (made to ensure justice for victims of international crimes) and the 12th amendment (which reinstituted parliamentary democracy)—aimed at achieving pro-people reforms, while others were mostly self-serving efforts undermining the fundamental constitutional principles. For example, the 4th amendment was made to establish a one-party autocratic regime, and the 5th and 7th amendments were orchestrated to legalise Martial Law rules. Other amendments included insertion of Islam as a state religion resulting in its awkward co-existence with secularism (8th amendment), denying safeguards to arrest in cases of preventive detention (2nd amendment), repealing of the provisions for non-party caretaker government for conducting free and fair election (15th amendment).

Need for a New Constitution: Contemporary Challenges

Throughout Bangladesh's history and into the present, student- and youth-led movements have spearheaded efforts to influence political change. Examples like the 1969 revolt against Pakistani president Ayub Khan before independence or the 1980s protests that lead

to the fall of military dictator Hussain Mohammad Ershad in 1990 demonstrate the Bangladeshi people's evident commitment to democracy. Unfortunately, these campaigns failed to create lasting democratic stability.

In examining the quality of life for many educated young people in Bangladesh throughout Hasina's rule, it makes sense that they would lead efforts to challenge the system. While Hasina oversaw a period of rapid economic growth for Bangladesh, the progress only manifested in exports and foreign investments; it did not extend to the middle- and working-class. Particularly affected were college-educated citizens under 30 who struggled to find secure jobs. Almost 40% of those aged 15-29 were labeled as NEET ("not in employment, education or training") in 2023, and college graduates suffered higher unemployment rates than their counterparts without a degree. Much of their struggle to obtain employment can be attributed to the patronage system that rewarded those loyal to Hasina's ruling party, the Awami League (AL). Originally established as a way to reward liberation fighters in the war for independence, the quota system became an avenue for Hasina and the AL to consolidate power by placing loyalists in positions of influence. Due to their anger over their lack of economic opportunity and over the manner in which they had witnessed the government consistently and fervently repressing political dissent, it is no surprise that students in Bangladesh would want to call for change.

According to Bangladeshi attorney and professor of law Chaumtoli Huq, "People were united by economic discontent and a larger fight against a fascist government, especially after seeing the escalating egregious and violent state repression against the protestors." Thus, when protestors stormed Hasina's residence on August 5, 2024 and caused her to resign, it was an effort championed by vast numbers of people. Again, the Bangladeshi people displayed a desire for democracy.

On a national level, the choice for leader of the interim government (Nobel Peace Laureate Mohammad Yunis) was accepted

without resistance. Crucially, two student leaders from Dhaka University were appointed to the cabinet of the interim government. In a country where only 0.29% of parliamentarians were under 30 in 2022, this development represented a sharp distinction from outcomes of historical movements for democracy. These student leaders will have a say in the restructuring of Bangladesh's democratic institutions. They will have the power to reinforce their demands.

Public's Basic Rights: Constitutional Provisions vs Reality

Human right is a wide spectrum that includes various opportunities that human being deserves to sustain and thrive in life. It is state's responsibility to assure access of all to fundamental rights. But often the state faces challenges from internal as well as external sources in that pursuit. Bangladesh is quite a new country with the credit of creating a congenial environment for its citizens. Nonetheless, over the years, the country has gone through various natures of regimes and had its own share of human rights violence. However, the people of Bangladesh still continue to fight for their economic and political rights despite the fact that nearly 50 years have passed after the liberation war. The country has thus far gone through several segments of political, societal, and economic changes to reach the situation of the present. Beginning with the biggest loss of losing the "Father of the Nation" in 1975 at the hands of a few degraded military officers and political personnel, the journey toward development has been wrought with strife. Years of nondemocratic military rule that followed have crippled the nation; misuse of constitutional provisions has deteriorated law and order; economic turmoil has challenged progress, and political instability caused widespread violence. But the people, inspired in the spirit of the liberation war and under the protection of the constitution, always raise their voices for their rights. The coalition among people has allowed the toppling down of oppressive governments in order to establish a democratic state system. Governance has often become infringed with

immorality, but the courage to stand for one's rights never died off. However, even till today, the country sees various forms of human rights violations inflicted on its people just to sustain the interest of a handful. With the fast-moving world of the modern era, these challenges are becoming more and more vicious and difficult to tackle.

With two steps forward in Democracy Index and one step backward in the Corruption Perception Index, it is quite difficult to ascertain the state of human rights protection or violation in Bangladesh.

In 1996, the AL party led by Sheikh Hasina, daughter of Bangabandhu Sheikh Mujibur Rahman, came to power after the general election. The new regime saw sporadic incidents of violence, mainly caused by the police, but also saw insurgency among tribal groups in CHT brought under control through the deployment of security forces, the retransmission of some international news networks, and more allowances provided for academic research. The two most important incidents that occurred during this period were the signing of the CHT Peace accord between the government and the main political groups fighting for the rights of indigenous people, and the provision of more assurance to minority groups who were victims of violence in the previous regime. Despite this, there were increasing cases of extrajudicial killings, police brutality, death in custody, political violence leading to deaths, and corruption within the legal process. In 2001, the BNP came to power again through a coalition with the fundamentalist party Jamat-i-Islami, and some non-secular parties aimed to establish Bangladesh as a pro-Islamic state. This period was marked by a series of bomb blasts, including an attack in Ramna in 2001 while celebrating Bengali New Year, a bomb blast in Udichi, an attack on Sheikh Hasina at a rally in August 2004, and on SMAS Kibria on January 27, 2005. These incidents demonstrated that violence was growing in Bangladesh, and the country's deteriorating law and order was failing to protect basic human safety. According to an analysis by Awami League in 2005, titled "Growing Fanaticism and Extremism in Bangladesh,"

there were 34 bomb blasts between 1999 and February 2005.

Both regimes in Bangladesh violated human rights by using the Special Powers Act of 1974 to detain citizens without charges and by controlling media through censorship. In 2007, a military-backed caretaker government was installed, leading to concerns about democracy and increasing cases of arbitrary arrests, torture, and custodial killings. AL came to power in 2009, and consecutively won elections in 2014 and 2019.

Bangladesh's laws and policies are derived from the constitution, which is intended to protect human rights.

The Constitution of Bangladesh, like many other countries uses the technical term "fundamental rights" to define a set of "human rights" as guaranteed in our Constitution. For Bangladesh, these comprise a set of civil and political rights guaranteed in Part III of the Constitution. Articles 26-47A are those set of human rights in Bangladesh which are protected by the Constitution by ensuring judicial enforceability; they are placed in the supreme law of the land as having sanctity over all other laws of the country. The rights enumerated in Part III ensures that they cannot be taken away by the ordinary process of law making and that these rights are placed beyond the reach of executive and legislative authorities to act in violation of them (Art 26).

Although most of the policies are formulated accordingly, their practical implementation often falls short of actual human rights protection. As a signatory to the United Nations Convention against Torture (UNCAT), Bangladesh enacted the Torture and Custodial Death (Prevention) Act in 2013. From 2013 to 2019, only 18 cases were filed under this act in the High Court due to victim harassment and threats from perpetrators. Additionally, victims and their families were forced to withdraw cases out of fear. Inactivity in filing cases may be due to the lack of an adequate legislative framework, low-level focus on marginal perpetrators, laws that serve as barriers to domestic proceedings, or general issues of political will and judicial capacity.

The persistent gap between constitutional

provisions and their practical enforcement in Bangladesh has led to significant human rights violations and democratic deficits. Despite the formal adoption of laws such as the Torture and Custodial Death (Prevention) Act of 2013, the lack of effective implementation mechanisms has resulted in continued impunity for perpetrators and a climate of fear among victims. The expansive powers granted by the Special Powers Act of 1974 have facilitated arbitrary detentions and suppression of dissent, undermining the fundamental freedoms enshrined in the constitution. The 2007 installation of a military-backed caretaker government further exemplified the fragility of democratic institutions, leading to widespread abuses and the erosion of civil liberties. These systemic issues underscore the critical need for comprehensive constitutional reforms that not only articulate fundamental rights but also establish robust frameworks for their protection and enforcement. Ensuring that constitutional guarantees translate into tangible realities for all citizens is imperative for the establishment of a truly democratic and just society.

Conclusion

As Bangladesh stands at a constitutional crossroads, the ongoing efforts to frame a new constitution must reflect the democratic aspirations of its people and address long-standing structural deficiencies. The historical erosion of public rights, political repression, and constitutional manipulation has weakened democratic institutions and diminished public trust. To ensure a durable democratic future, the drafting committee must prioritize transparency, inclusivity, and accountability throughout the reform process. The new constitution must enshrine fundamental rights as inviolable, strengthen the separation of powers, and establish robust mechanisms for judicial independence and institutional checks. Special attention must be given to safeguarding the rights of minorities, marginalized communities, and dissenting voices – groups historically neglected by constitutional protections. Public participation should not be symbolic but substantive, involving consultations across

diverse segments of society.

Furthermore, the drafting process must be shielded from political opportunism, ensuring that the constitution serves the nation rather than any ruling entity. A forward-looking constitutional framework, anchored in democratic values and responsive to contemporary realities, is essential for restoring faith in governance and laying the foundation for a resilient, rights-based democracy in Bangladesh.

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6

FROM ASSEMBLY LINE TO ALGORITHM: LABOUR LAW'S NEW FRONTIER IN THE GIG ECONOMY ERA

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Introduction: The Evolving Landscape of Work and Law

The history of labour relations is inherently allied with periods of profound economic and technological transformation. In fact, the development of modern labour law was an essential response to the Industrial Revolution in the 18th and 19th centuries that created immense issues related to workers' rights and their protection. The historical trajectory of labour law jurisprudence that primarily rests upon the theories of Marxist ideas encompasses various laws that shape the legal landscape of labour relations. These laws are fundamentally social welfare legislation that comprises aspects like work conditions, union formation, dispute resolution mechanisms, etc.

In recent times, a significant shift in the labour scenario is the rapid growth of gig and platform workers who are increasingly utilising technology to create algorithm systems for work assignments, payment, performance evaluation, etc. It is important to point here, that the progression of labour scenario from the assembly line to the algorithm-based framework, is not merely a chronological advancement. It demarcates a striking technological and economic shift that is intrinsically dictating the rules in industrialization, mass production, and digitalization. The major challenge posed here is that the technology shift is rapidly outpacing the existing legal framework. The evolving work dynamics that incorporate labour relations beyond the traditional employer-employee relationship need to be handled with greater caution and increased deliberation. With this changing scenario, the renewed call for worker protection, work environment, and trade union activities demonstrates the fundamental tension between economic efficiency and worker

welfare, which ardently demands continuous adaptation of the legislative framework.

In this context, the present research article argues that the paradigm shift of the labour force towards gig and platform labour is not a simple outcome of the dynamic technological advancement. It is rather a shift of the economic system that is profoundly reshaping the emergence of work systems that are characterised by short-term contractual arrangements, piece-meal approach towards wage disbursement and online platform intermediation. This new model reflects heavy reliance on algorithmic management and creates a vital challenge to the traditional labour law frameworks that, in turn, owe their evolution to the changing economic system during the assembly line era. The foundational assumptions about work that underscore the origin of the protective labour law framework in the form of social-welfare legislation are currently being fundamentally disrupted.

This research argues that the gig and platform economy call for a "new frontier" in legal and policy responses, which is capable of transcending incremental adjustments to the existing statutes. Further, this study analyses the legal challenges that arise with the expansion of gig work in the country and examines the existing legal framework in India that covers gig and platform work, thereby analysing the scope for further development of the law in this regard.

The Assembly Line as a Precursor to Algorithmic Control

While the assembly line, epitomised by Ford's innovations in 1913, represented a peak of industrial efficiency through standardised, repetitive tasks, its underlying principles of "moving work to the men, who remained in fixed locations along a line where each performed a single function" can be seen as

an early form of highly controlled, rationalised labour. This rationalisation of work fundamentally concretised the groundwork for optimising labour, which is currently the goal that is trailed with unprecedented granularity by algorithms. The assembly line, which was essentially mechanically determined, was an early manifestation of systematic control over the labour force for enhancing efficiency. It prefigured the recently pursued algorithmic management by breaking down work into discrete, monitored tasks, which again, primarily aim to augment efficiency and productivity. In this perspective, when the algorithmic work management is viewed from the lens of efficiency improvements alone, it casts profound implications for worker autonomy and rights, just as early industrial rationalisation did. Hence, the shift of the socio-economic system that brought in a plethora of challenges during the early industrial revolution period may again crop up with the evolving system of the gig and platform economy.

The use of digital apps for various services places these platforms at the core of the relationship between the individuals delivering these services and the consumers who avail themselves of them. This process enables the platforms to access a huge amount of data that they can use as a means to fuel their expansion, as well as control labour. While it could effectively mitigate efficiency issues, it can also create work environment tensions that negatively impact workplace well-being and relations. It could result in tensions that originate from the fact that algorithms often exhibit limited transparency and thus, are perceived as highly opaque, thereby impeding workers' understanding of their inner workings.

The introduction of assembly line systems focused on efficiency, standardisation, and the division of labour into simple, repetitive functions. Precisely, similar functions are being done by algorithms in the gig economy - they optimise task allocation, monitor performance, and calculate pay based on completed tasks. This historical link reveals that the desire for control and efficiency is not

new, but the means of achieving it have evolved from physical supervision and time-and-motion studies to invisible, data-driven algorithms. This human and algorithmic interaction is suffused with problematic factors like the absence of mutually co-constructed dialogue, a lack of transparency regarding how algorithmic outputs are generated, difficulty of overriding algorithmic directives, and conditions that create a lack of clarity for the workers. It thus infuses false theories among workers regarding the algorithms' mechanisms due to their opacity, which impacts their actions.

This intrinsic connection critically forms a base to view the algorithmic management not as simply a novel phenomenon towards digitalisation of the labour force, but it is indeed an advanced iteration of industrial control that calls for a more sophisticated legal response.

The Gig Economy – A New Paradigm of Work

The gig economy, which is the evolving system of the labour workforce in the modern era, is characterised, inter alia, by short-term contract work and freelance services, mostly facilitated through various online platforms, that are paid based on the number of completed tasks. The growth of internet usage and the proliferation of mobile technology are the main factors that have affected the changing dynamics of consumer behaviour, and, in turn, the evolution of this new system of work and labour force. The operational model of gig and platform work typically comprises of digital platforms (e.g., Amazon, Flipkart, Uber, Ola) matching service providers to consumers on a job-by-job basis. Gig work highlights perceived flexibility and autonomy at work that permit workers to choose their schedules and tasks. Additionally, it also enables workers to set their own hours and rates. From the perspective of companies, which are significant stakeholders in the gig economy, it offers reduced costs and increased efficiency, as hiring independent contractors instead of maintaining a large, full-time staff is easier, cost-effective, and rather an economic option. However, this flexibility, which is mostly cited as a primary feature and benefit

of the gig economy, often coexists with an irregular income structure and no minimum or limited benefits. This leads to a situation where workers are left vulnerable in matters of financial insecurity and various uncertainties. The issue of labour protection in gig work is a very significant challenge before the law.

An essential deduction that can be drawn here is that this flexibility factor that is being over-hyped in the context of gig work may not always be a genuine choice but rather a trade-off for stability or unavailability of jobs. This, in turn, creates a precarious work environment where the burden of risk as well as of choice is shifted from the employer to the workers. This argument forwards a dual narrative - flexibility of work vis-à-vis cost reduction for companies. This juxtaposition unveils a core tension between the perceived benefits for workers, which are often outweighed by the realities of precarity. For companies, the benefits could be cited as reduced labour costs and flexibility, which also mark the absence of a traditional employer-employee relationship and obligations. This points to a systemic issue where the gig economy model inherently relies on the exploitation of regulatory gaps. The influence of this new economic system extends beyond individual employment arrangements and might be instrumental in shaping a more comprehensive economic resilience.

The Gig Economy: A Challenge to Worker Classification

One of the most visible impacts of technology, which characterises the rise of the "gig economy", is essentially the creation of digital platforms for various services, which, inter alia, include food delivery, grocery needs, cab services, home parlour services, etc. The quintessential nature of gig work is primarily to facilitate on-demand work, which offers flexibility to the workers in respect of the time and number of assignments that one is willing to accept, depending on their needs and availability. While this aspect is strongly considered to be a pivotal feature that is attracting a huge labour force towards this system of work, it simultaneously ignited a

fierce debate over worker classification.

The main legal question that is pertinent to note here is, are gig workers independent contractors, enjoying autonomy, or are they, in essence, employees deserving of traditional labour protections? This classification further governs the legal matters of whether the individual receives access to pay, qualifies for benefits, and gains protection from discrimination. Thus, in case traditional labour protections are to be extended to them, like minimum wage, overtime pay, social security, and health benefits, what are the modalities to that effect, and how will they be implemented? The existing labour law framework in India is organically built on a binary distinction between "employees" and "independent contractors". The legal struggle here is in categorising gig workers, as they exhibit characteristics of both. Addressing this question of classification is not merely a matter of employment law but is also essential for intricate regulatory policies like the principles of taxation, tort, and contractual liabilities.

This matter inherently underscores the need for nuanced policy responses which could provide an apparatus for balancing the benefits of flexibility to workers along with well-being and economic stability. Thus, the evolving nature of gig and platform work and its ramifications for workers, corporates, and society at large need to be analysed through the lens of the policy framework contextualising the digitised and globalised world order.

A crucial characteristic of the gig economy is the prevalent classification of gig workers as "independent contractors" rather than "employees". This description is legally extremely critical, as independent contractors are mostly outside the purview of the Indian labour law framework. The basic protections that are extended to employees, like minimum wage, overtime pay, safe work conditions, trade union rights, dispute resolution mechanisms, social security, etc., are not extended to independent contractors. Hence, the legal concerns that arise at this point are multiple and multi-faceted.

From the perspective of workers, the question

of their protection and other welfare issues is very pertinent. For example, instances where sometimes customers have been found to misbehave with delivery persons are often seen as an issue. Recently, in Chennai, a delivery boy of 19 years allegedly committed suicide after he was rebuked by a customer for being late in grocery delivery.

On the other hand, from the perspective of consumers as well, the issue of adequate service, dispute resolution, accountability, and liability, in case of any mishap, is indeed imperative. For example, the country has witnessed multiple instances where cab drivers misbehave or threaten riders, or even sexually harass women passengers. In all such cases, the general plea of the platform providers remains that they cannot be held liable since the drivers work as independent contractors and are not employees. Thus, the legal question of vicarious liability does not arise, leaving the service users vulnerable.

Although the courts are playing important roles in protecting the social demands of justice in situations of extreme needs, the legal framework still displays significant gaps here. In ***Shiv Kumar Yadav vs The State of NCT of Delhi***, the Delhi High Court convicted a former Uber driver for the rape of a 25-year-old passenger. Again, in the landmark judgment of ***Ms. X v. Internal Complaints Committee, ANI Technologies Private Limited and Ors.***, the Karnataka High Court has ruled that the relationship between ANI Technologies Private Limited (“OLA”) and its driver subscribers can be considered to fall within the purview of an employer-employee relationship for purposes of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, and hence such driver subscribers could not be considered as independent contractors.

There are also multiple instances of general misbehaviour by delivery persons; like in a recent reported instance, the accused entered the customer’s house by requesting her to let him use the washroom and then misbehaved with her.

While these issues are being dealt with under the criminal law, in the absence of an

employer-employee relation, the accountability of the service provider remains absolutely nil or, at most, the minimum. Dealing with these issues individually in the absence of legal frameworks is indeed problematic given the rise in the number of such instances. In case the concept of vicarious liability of employers could be implicated in such situations, the corporates would be under a legal obligation to be more cautious and ensure standardised service of the workers.

Therefore, this misclassification, which is probably a byproduct of outdated legal frameworks, results in a loss of access to benefits and protections for workers and vulnerability for customers. The classification of gig workers as independent contractors exhibits a mechanism through which gig platforms externalise labour costs and risks, thus avoiding employer responsibilities like social security contributions, paid leave, and taxes, and conveniently shifting them onto individual workers. While this creates a momentous competitive advantage for the concerned platform providers, it primarily undermines the entire edifice of worker protection and applicability of labour laws as social welfare legislation developed over the past century.

Therefore, it will not be an overexaggeration to argue that the binary nature of existing labour laws that classify employers on the basis of “contract of service” and “contract for service” is indeed musty and inapt in the context of gig workers, which is leading to fragmented and uncertain legal outcomes. Thus, the central legal battlefield is intrinsically intertwined with labour rights, workers’ issues and dispute resolution mechanisms. In the current legal framework, all of these are absent. Thus, this fundamental mismatch between the legal system and the evolving reality of work is a major concern that underpins the importance of legal intervention in this regard.

The Indian Legal Framework and the Gig Economy

A. Code on Social Security

While the existing central labour law legislations do not deal with the concepts of

gig work or platform work, the newly enacted labour codes, which are yet to be notified and implemented, have taken the first step in the country to recognise gig work within the legal framework.

The Code on Social Security, 2020 defines 'gig work' and 'platform work' separately.

Section 2(35) defines 'gig workers' as:

"gig worker means a person who performs work or participates in a work arrangement and earns from such activities outside of traditional employer-employee relationship"

In Section 2(60), the Code defines 'platform work' as:

"platform work means a work arrangement outside of a traditional employer employee relationship in which organisations or individuals use an online platform to access other organisations or individuals to solve specific problems or to provide specific services or any such other activities which may be notified by the Central Government, in exchange for payment."

And Section 2 (61) defines 'platform worker' as :

"platform worker means a person engaged in or undertaking platform work"

While the Code defines gig work and platform work separately, the ambiguity and overlapping aspects in the definitions are clear. As both the definitions encompass *"a work arrangement outside the traditional employer-employee relationship"*, the distinction between the two definitions is not very clear. For example, in cases where a person is working as a delivery agent and is being allotted work through an application (app) or a platform, typically the delivery agents working for Zomato, Swiggy, Amazon, Blinkit, etc., will fall within both the definitions of 'gig workers' and 'platform workers'. As such, in case of specific legal hassles or other technical issues, this could create an ambiguity in the implementation of law.

However, the significance of the code in bringing gig and platform workers within the

legal framework is undeniable. The Code has introduced multiple provisions that talk about social security of the gig and platform workers, like monitoring of social welfare schemes administered by the Central Government under the National Social Security Board; and framing of specific schemes under the Employees' State Insurance Corporation.

Another significant definition in the code in respect of the gig and platform workers is the definition of 'social security' which expressly includes protective measures for gig and platform workers.

The Code also dedicates a separate chapter – Chapter IX – that deals with social security for unorganised workers, gig workers and platform workers. There are welfare provisions introduced in this chapter relating to providing helpline numbers and facilitation centres for gig and platform workers for disseminating information and other matters regarding available social security schemes; registration of such workers under the Code; special social security schemes designed for such workers by the Central Government pertaining to life and disability cover, accident insurance, old age protection, health and maternity benefits, etc.

The 2020 Code also talks about a Social Security Fund that is to be established for such workers by the Central Government.

B. State Legislation

Since labour is a subject that is listed in List III of the Seventh Schedule of the Indian Constitution, both the Centre and State governments can enact laws pertaining to it. The subject of labour is enlisted in three entries under the Concurrent List, viz., Entry 22, Entry 23 and Entry 24

Rajasthan is the only state in India that has enacted a specific law on gig work. The Rajasthan Platform Based Gig Workers (Registration and Welfare) Act, 2023, is the concerned Act. This law aims to provide social security and welfare measures for gig workers in the state of Rajasthan. It establishes a welfare board, a social security fund, and a grievance redressal mechanism for gig workers working in the state. The Act also mandates registration of gig workers,

aggregators, and primary employers. Apart from Rajasthan, Karnataka is another state in India which has taken a lead in providing a legal framework to gig workers in the state. The state government had tabled the Karnataka Platform-based Gig Workers (Social Security and Welfare) Bill, 2024, in 2024, but it is still pending to be passed by the legislature. In the meanwhile, the state government has introduced the Karnataka Platform-Based Gig Workers (Social Security and Welfare) Ordinance, 2025, to provide social security and welfare benefits to gig workers. This ordinance aims to protect gig workers by creating a welfare fund and establishing a welfare board to oversee its implementation. It also places legal obligations on platforms and aggregators for providing a safe working environment and grievance redressal mechanisms. Both these laws could play a significant role in extending legal protection to gig and platform workers in the country.

C. Judicial interventions

The legal landscape pertaining to gig workers in India is still evolving, and the classification of such workers continues to be the pivotal point of legal contention. While there is no particular Supreme Court judgement that comprehensively addresses the status or rights of gig workers specifically, perusing the key legal developments and ongoing legal battles is highly significant.

The most important case that is currently pending before the Supreme Court is ***The Indian Federation of App Based Transport Workers (IFAT) v Union of India***. It is a public interest litigation (PIL) that directly challenges the legal classification of gig workers.

The petitioners in this case are the Indian Federation of App-based Transport Workers (IFAT) and other gig workers' unions who primarily argue that the current arrangements with aggregator companies (such as Ola, Uber, Swiggy, and Zomato) violate the fundamental rights of gig workers. The main contention is that the companies exert a high degree of control over them, and as such, they must not be considered "independent contractors" but rather as "workmen" or "employees" under existing labour laws.

In case this legal argument is found to be based on sound legal principles by the court, the gig and platform workers will be entitled to all the benefits under the labour law that includes a plethora of rights like collective bargaining, minimum wage, social security, protection of service conditions, dispute resolution mechanisms, etc. The outcome of this case is extremely significant, as it could prove to be a game-changer for the entire gig economy in India. A wider interpretation of the definition of 'employee' to incorporate gig and platform workers could compel the government and companies to extend a wide range of benefits and protection to such workers.

In this regard, it is pertinent to another landmark judgement of the Supreme Court which, although it does not deal with gig workers, has widely interpreted the definition of 'workman' under Section 2(s) of the Industrial Disputes Act, 1947. This is the very important verdict of ***Dharangadhara Chemical Works Ltd. v. State of Saurashtra***. In this case, in order to determine the status of 'agarias' whose work profile displayed significant characteristics of independent contractors, the court delved beyond the traditional idea of "control and supervision". The court held that the work in question in this case, being of a seasonal nature, for determining whether an employer-employee relationship exists or not, the matter needs to be viewed from the facts of the case. The court ruled that although the company employed these agarias on a temporary basis and did not maintain any muster roll, or have no leave-related rules in specific, the work that was done of producing salt for the chemical factory was intrinsically monitored and controlled at every stage. Hence, on this ground alone, the court established an employer-employee relationship and extended labour law protections to the workers.

Another landmark judgement in this regard is that of ***Birdhichand Sharma v. The First Civil Judge, Nagpur***. This case dealt with the definition of a "worker" under the Factories Act, 1948. The crucial reference point that came up for interpretation before the court

was for distinguishing between an employee and an independent contractor, especially in industries where work is done on a piece-rate basis. In a *bidi* factory in Nagpur, the workers applied for 15 days' leave, for which they were not paid wages. When the workers approached the court to establish their rights under the Payment of Wages Act, 1936, claiming that they were entitled to leave under the provisions of the Factories Act, 1948, the factory manager argued that they were not "workers" under Section 2(l) of the Factories Act but were independent contractors. The Court reasoned that the nature and extent of control exercised by the employer were the key factors in establishing the relationship of master and servant (employer-employee) and held these workers to be covered under the 1948 Act.

Both these judgements are very important, as they create a base for bringing gig and platform workers within the definition of 'workers' under the existing law. Although the background of these cases is different from that of the gig workers, the legal points discussed by the court are very important to pursue.

The Way Ahead: Dealing with New Worker Categories, Portable Benefits, and Regulatory Adaptation

Beyond the strict reclassification, which seems to be the call of the hour, a viable solution could be developed by legally defining a new category of worker, such as the 'independent workers' or 'gig workers'. This could implement a tailored set of rights and protections for such workers.

Additionally, through the introduction of various "Portable benefit Systems", the law can ensure that these workers are able to access basic and essential benefits like health insurance, contributions, social security, etc. This is the aspect that the newly enacted Code on Social Security, 2020, has attempted to address. However, pending its implementation, the results are still unknown. One advantage of applying this approach is that, even if gig and platform workers change jobs or work for multiple platforms, access to these benefits could be ensured without requiring a change to the 'employee' status

of such workers.

Along with this, increasing the transparency and disclosure around worker classification and employment status is also vital, as is improving enforcement through increased resources, new technologies (data analytics), and stronger partnerships between agencies and stakeholders.

Another key aspect that the law needs to intervene in is the process of recognising and defining "new forms of exploitation and inequalities", which might demand a shift from the rigid binary employee/contractor model.

While the concepts of a "new category of worker" and "portable benefits" represent an attempt to create a more flexible yet protective framework that acknowledges the unique characteristics of gig work without forcing it to fit within the existing legal boundaries. This implies a transcendence towards a nuanced and adaptive regulatory framework that could effectively bridge the gap between innovation and technological advancement and worker protection. The major challenges identified – misclassification and lack of benefits/protections – crop up directly from the limited legal framework that concerns itself with 'employees/workers' only. Thus, the solutions naturally demand the shift towards modifying or expanding the definition of 'employee/worker' within the 'employer-employee relationship' framework. Creating new worker categories and portable benefits can be viable responses to overcome the limitations in the existing legal framework. This is the attempt that has been undertaken by the legislature through the Code on Social Security, 2020. While its success is still dependent on its efficacious implementation of these measures as iterated under the Code, the Indian labour law framework undoubtedly exhibits a ray of hope and progression in this regard, which, inter alia, aims to extend the social security net without necessarily imposing traditional employee status on workers. This reflects an evolved approach towards handling the complexities of the gig economy and the need for creative policy solutions that go beyond the existing definitions.

Conclusion

The journey "From Assembly Line to Algorithm" signifies a profound progression in the work scenario and labour relations of the country. The dependence of the gig economy on algorithmic management highlights the increasing shift of the system towards automated decision-making and control in the workplace, which impacts various aspects of work life like worker autonomy, fairness in dealing, and, more significantly, the potential risk for exploitation. With the gradual shift of the labour economic system towards AI-based platforms and apps, there is also a significant shift in the conditions and systems of labour. The critical gaps in the existing labour law framework to extend the protective policies on these new labour systems underscore the enduring challenge of safeguarding worker rights amidst the fast-paced technological change. The legal gaps focus primarily on issues like worker classification, the ambiguity in the digital control, and, most importantly, on extending the basic protections under the labour law to these workers. The historical course of labour law development reinforces the idea that the law needs to be dynamic and flexible enough to mould and change itself according to the changing phases of industrial relations. In the case of this recent digital transformation as well, the law must follow suit.

The "new frontier" of labour law in the pretext of the evolving gig and platform work calls for innovative and adaptive legal policies that can be applicable beyond the binary employee/contractor model. This suggests that the law needs to explore new worker categories, extend portable benefits beyond the established definition of 'employee' under the law, and execute robust mechanisms for algorithmic accountability. The risks involved with the algorithm-based systems may be instrumental in ensuring efficiency but at the same time pose multiple threats to the worker, which may be detrimental to her or his economic, social, mental and emotional health. Another aspect that surfaces as an ardent need in this regard is the need for developing avenues for collective worker voice and representation that can effectively

operate to unify the digitally mediated and decentralised work environment. The global legislative landscape, which reflects diverse approaches and ongoing experimentation, reflects the complexity of this challenge.

In this context, it is important to strike a delicate balance where the law permits the harnessing of flexibility and innovation offered by the gig labour economy on one hand and protects the fundamental human right to decent work and fair treatment on the other. The future of labour law lies in its capacity to adapt to these new realities, ensuring that technological advancement serves human well-being and societal equity, rather than creating new forms of precarity and exploitation.

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THE PRE-NUP PARADIGM: A LEGAL GUIDE TO EMOTIONAL PREPAREDNESS

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In contemporary times, the institution of marriage is witnessing an increasing rate of dissolution. Marriages are falling apart with remarkable speed, mirroring the rapid pace and the complexities at which modern life progresses. However, the core issue lies not merely in the fact that separations are occurring, but it lies in the procedural complexities and the valuable time involved in obtaining a divorce. If it is a case of mutual divorce at the first instance itself, then it is a matter of 6 months to one year to obtain the decree of divorce, but if it is a contested case, then, depending on several factors such as the complexity of the case, the cooperation of the parties, the appearance on every date, etc. Therefore, the considerable delay that frequently transpires in the decision of these cases and the substance of that decision constitute the matter that warrants serious contemplation and a critical examination within the legal framework.

The majority of judgments pertaining to divorce contain provisions for the grant of alimony, settlement of properties, shared household, an arrangement determining the rights and responsibilities with respect to raising children, mutual release of insurance claims and other benefits, etc., endeavouring to strike an equitable balance between the financial needs and emotional well-being of separating partners. To illustrate, in a landmark case of *Rajnesh v. Neha*, the Supreme Court established important guidelines for the maintenance cases aiming to prevent multiple maintenance claims under different laws. It prescribed the criteria to ascertain the quantum of maintenance and the date of the maintenance award, further addressing the need for mandatory disclosure of income and assets held by both parties.

In a precedent-setting judgment, *Pravin Kumar Jain v. Anju Jain*, the Apex Court upheld financial security in a marriage

breakdown, emphasizing the equitable treatment of both parties in a matrimonial dispute. This case exemplifies the court's judicious and balanced approach in ensuring a fair standard of living for both spouses by outlining eight factors (status of the parties, reasonable needs of the wife, qualifications and employment status, independent income or assets, standard of living, sacrifices for family by the dependent spouse, litigation costs, and financial capacity of the husband) that need to be considered while ascertaining permanent alimony.

Whereas, recently, in a pivotal ruling of *Rakhi Sadhukhan v. Raja Sadhukhan*, the Apex Court laid down new alimony rules where it has significantly increased the permanent alimony of a divorced wife who remained unmarried from ₹20,000/- to ₹50,000/- per month, along with a 5% enhancement every two years commensurating with the standard of living as enjoyed by the wife during marriage and considering the inflationary cost of living. In addition, the court further upheld the transfer of her ex-husband's house to her name.

In another leading case, *K.M. Vinaya v. B.R. Srinivas* (2015), the Supreme Court, in the absence of a legal framework and emphasizing the principle of 'welfare of child' in custody cases, evolved the concept of '*shared parenting*,' which would promote the best interests of the child rather than solely focusing on the rights of either parent. Similarly, in the case of *Satish Chander Ahuja v. Sneha Ahuja*, the Supreme Court, expanding the scope of the term 'shared household' in a matrimonial litigation, clarified that a woman was entitled to reside in a shared household even if it is owned by her in-laws or other relatives, as long as the woman had lived in a domestic relationship.

A detailed analysis of the above-mentioned judgments and other divorce-related judgments reveals a consistent pattern, i.e.,

after several years of litigation, when a divorce is finally granted, the court delineates the rights and responsibilities of both parties in its final order. Although the couple may no longer share a household, the obligations they held toward one another during the marriage often persist even after its legal dissolution. These duties, as defined in the law, must still be honoured despite the end of the marital relationship. Issues mentioned in the above judgments are the matters that call for thoughtful reflection and a deeper understanding of the evolving dynamics of modern relationships.

Now, the time has arrived that necessitates a shift towards a preventive approach to address such issues proactively in the form of prenuptial agreements, which may help in reducing the cases of marital discords. It is the subject that is worthy of careful consideration that if such rights and responsibilities of both the individuals are clearly outlined and agreed upon prior to marriage, it can contribute significantly to establishing a stable and harmonious marriage. By establishing mutual expectations in advance, couples can foster a greater sense of understanding and stability in their relationship. This preventive approach not only has the potential to reduce the frequency and intensity of conflicts but also provides a structured framework for resolving disputes. In cases where a dispute arises, a prenuptial agreement can serve as a reference point like other ordinary agreements, enabling the court to facilitate informed counselling and deliver timely decisions, eventually reducing emotional distress and avoiding prolonged legal proceedings.

Now, the question that arises is, "If such agreements are well drafted and entered into, can it be said to hold any legal recognition or intrinsic validity within the existing legal framework?" And the answer to this question is—*fundamentally*, no personal law deals with prenuptial agreements in specific, but there are certain religious communities that recognize the existence of such agreements. For example, among Muslims, marriages are based on a contractual foundation where the groom agrees to pay *Mahr-i-Mu'ajjal* to the

bride either at the time of marriage or on demand, ensuring financial security to the wife and signifying the husband's commitment to her well-being. Similarly, among the Jews, the *Ketubah* form of marriage is performed, in which written commitments are given by the groom before tying the knot, providing economic safeguards to the wife in case of his death or divorce, which constitutes a prenuptial agreement. However, under the customary and matrimonial laws of the Hindus and the Christians, prenuptial agreements have not been given any recognition. Despite the absence of any specific provision in the personal laws but being contractual in nature, it has been observed that the courts in India have pondered over such agreements under the general principles of the law of contract.

Nevertheless, the tendency of the courts has been observed *against* the enforceability of such agreements as void on certain grounds. For instance, in *Tekait Mon Mohini Jemadai v. Basanta Kumar Singh* (1901), a pre-nup agreement was entered into by the husband during his minority, giving consent that after marriage, he would reside in the house of his mother-in-law and would abide by her instructions. Yet, following approximately fifteen years as such, the husband left his mother-in-law's residence and asked that his wife reside with him in his residential house. In response to this, the wife pleaded *the pre-nup agreement*, which the Calcutta High Court declared to be invalid on the ground of 'public policy,' stating that the agreement was meant to permanently control those rights of the husband that have already been granted under Hindu law.

However, in *Bai Appibai v. Khimji Cooverji*, the Bombay High Court strived for a balanced view on prenuptial agreements, holding that the dictum laid down in *Mon Mohini's case* cannot be imposed upon a wife who has been abandoned by her husband. Although the court observed that the contract entered into by the parties at the time of marriage is unenforceable, not because it is against public policy, but for want of certainty.

Deliberating the validity of prenuptial agreements in Muslim marriages, the Bombay

High Court in the case of *Bai Fatma v. Ali Mahomed Aiyab* (1912) held that an agreement between a Muslim husband and his wife, providing for payment of specified maintenance in the event of future separation, was void on account of being against public policy, as such agreements tend to encourage future separation between spouses. However, in *Buffatan Bibi v. Sheikh Abdul Salim*, the husband filed a suit for restitution of conjugal rights. The wife alleged that since the husband had failed to fulfil the terms of the *kabinnama* (*prenuptial agreement*) duly entered into by the husband, she had divorced herself and was not his wife anymore. Upholding the validity of the agreement, the Calcutta High Court observed that Mohammedan law allows a person to confer his power of repudiation of marriage to his wife. Thus, as part of the *kabinnama*, the husband had authorized the wife to stay in her father's house in case of animosity and conferred on her the power to get divorced if he failed to maintain her for six consecutive months, which is a valid agreement.

Analysis of the above-mentioned rulings indicates that 'public policy' is one of the leading grounds to ascertain the validity of prenuptial agreements. But, as remarked by Justice Burrough in the famous case of *Richardson v. Mellish* (1824), "*Public policy is an unruly horse; once you stride on it, you do not know where it's going to take you,*" meaning thereby that interpretation of the term evolves alongside shifts in societal values and cultural norms. Therefore, in the present context—where India is giving a limited recognition to the cohabitation of same-sex couples and live-in relationships—it is pertinent to ask why there should be hesitation or resistance in accepting the existence of prenuptial agreements. The primary objective of such agreements is neither to impose any form of immoral or unethical conditions on either partner nor to curtail either's marital right as guaranteed under the laws but rather to provide a clear and mutually agreed-upon framework outlining the rights and responsibilities with respect to finances, assets, child custody, etc. of both the parties within a marriage. If

marriages are entered into with informed consent based on these terms, then it seems difficult to justify the argument that such arrangements would cause any harm and shall be against public policy. On the contrary, such arrangements shall contribute to greater transparency, fairness, and stability in marital relationships.

Another commonly cited concern against the recognition of prenuptial agreements is that such agreements are perceived to undermine the sacramental nature of marriage. The true meaning of the term 'sacrament' lies in the internalization of values, where a marriage must be solemnized as per the rites and rituals of either party, and it should be preserved through cultural values and principles. As a matter of fact, in the era of Artificial Intelligence, many young individuals lack a comprehensive understanding of the cultural and moral values (*sanskars*) that traditionally form the foundation of marital relations. Moreover, their lifestyles have become increasingly mechanical and routine-driven, often leaving little room for introspection or emotional depth. In such a backdrop, structured agreements can serve as a valuable guide, helping them navigate the responsibilities and expectations that come with a committed relationship of marriage, meaning thereby that predefined roles and obligations of parties through prenuptial agreements can neither substitute nor destroy the essence of the sacramental nature of marriage. In no way is it suggested that such agreements are intended to reduce the sacramental nature of marriage to a mere contractual obligation, but it is emphasized that these agreements are meant to support and reinforce the commitment, trust, and mutual respect that are essential to sustaining a meaningful and enduring marital bond.

In conclusion, it is underlined that in today's fast-paced digital world, where the youth are increasingly drifting away from the significance of family, it becomes essential to reflect upon the points discussed above, and it can be inferred that the roles and responsibilities that are generally outlined and imposed on the couple at the time of divorce by the court might, in fact, be more

effective if thoughtfully agreed upon by the prospective couple before marriage itself. Such a proactive approach could potentially help in preventing the breakdown of marriages and reducing the divorce rates, thereby providing greater emotional stability and promoting individual and shared well-being.

Endnotes

1. *Rajnesh v. Neha*, (2021) 2 SCC 324.
2. *Pravin Kumar Jain v. Anju Jain*, (2021) 15 SCC 178.
3. *Rakhi Sadhukhan v. Raja Sadhukhan*, (2024) SCC OnLine SC 240.
4. *K.M. Vinaya v. B.R. Srinivas*, (2015) 7 SCALE 73
5. *Satish Chander Ahuja v. Sneha Ahuja*, (2021) 1 SCC 414.
6. *Tekait Mon Mohini Jemadai v. Basanta Kumar Singh*, (1901) ILR 28 Cal 751.
7. *Bai Appibai v. Khimji Cooverji*, (1937) 39 BOMLR 279.
8. *Bai Fatma v. Ali Mahomed Aiyab*, (1912) ILR 36 Bom 603
9. *Richardson v. Mellish*, (1824) 2 Bing 229, 252.

SARANAGA ANILKUMAR AGGARWAL V. BHAVESH DHIRAJLAL SHETH & ORS. CIVIL APPEAL NO. 4048 OF 2024

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Introduction

The Supreme Court of India, in *Saranaga Anilkumar Aggarwal v. Bhavesh Dhirajlal Sheth & Ors.* Civil Appeal No. 4048 of 2024, delivered a significant judgment on the interplay between the Insolvency and Bankruptcy Code, 2016 (IBC), and the Consumer Protection Act, 1986 (CP Act). The case revolved around whether the interim moratorium under Section 96 of the IBC could stay the execution of penalties imposed by the National Consumer Disputes Redressal Commission (NCDRC) for non-compliance with orders under the Consumer Protection Act.

The decision therefore addresses a pressing and unsettled legal question: **whether the interim moratorium under Section 96 of the Insolvency and Bankruptcy Code, 2016 (IBC), triggered upon the filing of an application for individual insolvency under Section 95, can be invoked to stall proceedings for penalties under the Consumer Protection Act (CPA), 1986?** The case has significant implications for the balance between debtor protection in insolvency regimes and enforcement of consumer rights under welfare legislation.

In a country grappling with a surge in real estate defaults and delayed possession of housing units, consumer forums have become vital instruments for aggrieved homebuyers seeking timely redress. On the other hand, with the enactment of the IBC, a powerful tool has emerged for the resolution of insolvency intended not only to maximize asset value but also to provide honest debtors a mechanism to restructure or exit insolvency. However, the overlap between these two regimes has produced friction, particularly when insolvent real estate developers or promoters face proceedings under the CPA for breach of contractual obligations or consumer harassment.

The Court emphatically ruled that penalties imposed under Section 27 CPA are regulatory

in nature, aimed at ensuring compliance with public welfare legislation rather than enforcing a contractual or financial liability. As such, they fall outside the definition of “debt” under the IBC, which encompasses only financial and operational liabilities owed to specific creditors. The judgment clarified that consumer forums operate not merely as dispute resolution bodies but also as quasi-judicial regulators tasked with preserving consumer rights and penalizing non-compliant behavior, independent of the debtor’s financial condition.

Factual Background

East & West Builders (RNA Corp. Group Co.) failed to deliver possession of residential units to homebuyers as per the agreed timeline. The homebuyers (Bhavesh Dhirajlal Sheth & Ors.) who had booked residential units faced delays in getting possession of the said units, and therefore multiple complaints were filed before the NCDRC alleging deficiency in service, delay in possession, and breach of contract. The NCDRC, in its 2018 judgment, directed the appellant to complete construction, obtain an occupancy certificate, and hand over possession. It also imposed 27 penalties for non-compliance. The appellant failed to comply with the said order, in lieu of which the respondents initiated execution proceedings under Section 27 of the CP Act, which allows imprisonment for non-compliance. Meanwhile, the State Bank of India (SBI) initiated insolvency proceedings under Section 95 of the IBC against the appellant as a personal guarantor for loans taken by A.A. Estates Pvt. Ltd. The appellant sought a stay on execution proceedings, arguing that the interim moratorium under Section 96 of the IBC applied. NCDRC rejected the argument, holding that penalties under the CP Act are not “debts” covered by the IBC moratorium. Therefore an appeal was filed in the Hon’ble Supreme Court.

Legal Issues

1. Whether the interim moratorium under Section 96 of the IBC applies to execution proceedings under Section 27 of the CP Act?
2. Whether penalties imposed by the NCDRC qualify as "debt" under the IBC?
3. What is the distinction between civil recovery proceedings and regulatory penalties under consumer law?
4. Does the doctrine of "excluded debts" under Section 79(15) of the IBC apply to penalties under the CP Act?

Arguments of the Parties

• Submissions of the Appellant

The appellant contended that the moratorium applies to all debts. Section 96(1)(b)(i) of the IBC states that "any legal action or proceedings pending in respect of any debt shall be deemed stayed." The penalties imposed by the NCDRC arise from financial obligations, hence covered under the term debt.

The Appellant relied on precedents like *P. Mohanraj v. Shah Brothers Ispat Pvt. Ltd.* (2021), where the Supreme Court held that proceedings under Section 138 of the Negotiable Instruments Act (NI Act) (quasi-criminal) were stayed under the IBC moratorium.

It was further contended that execution proceedings are recovery actions: The execution petition sought monetary recovery; hence, it should be stayed to prevent double jeopardy.

• Submissions of the Respondents

The respondents contended that penalties are not debt and that Section 27 of the CP Act is punitive and regulatory, not a debt recovery mechanism. The IBC defines "debt" as a financial liability arising from a contract or loan, not penalties for statutory violations. It was further contended that Section 79(15) of the IBC excludes fines, penalties, and damages imposed by courts/tribunals from the moratorium. The NCDRC's penalties fall under this exclusion. It was also contended by the respondent that the CP Act is enacted for larger public interest and that allowing a stay would frustrate consumer rights and encourage developers to misuse insolvency to

evade penalties.

Judgement

The Hon'ble court held that penalties under the CP act cannot be equated to "debt" under the IBC. The Court held that penalties under Section 27 of the CP Act are regulatory, aimed at ensuring compliance with consumer rights, not recovering a financial debt. It was laid down that these penalties arise from statutory violations and serve a deterrent function and are therefore different in nature from a debt.

The court further laid down that the interim moratorium under Section 96 applies only to "debt" as defined under the IBC. It does not cover "excluded debts" under Section 79(15), which include court-imposed fines and penalties. It is pertinent to mention here that the court clearly distinguished between civil recovery & criminal actions. It was held that Section 138 proceedings are debt-related, whereas Section 27 CP Act proceedings are penal. Lastly, the Court emphasized on the fact that homebuyers are vulnerable, and allowing a stay would undermine consumer protection and defeat the very purpose for which it is made.

Critical Analysis

The judgment provides clarity that not all legal proceedings are stayed under the IBC moratorium. Only debt-related actions are covered, while regulatory penalties continue unaffected. The ruling further strengthens consumer protection by ensuring that developers cannot evade penalties using insolvency. It has clarified that stringent compliance should be the norm with consumer forum orders. The Hon'ble Court in the instant judgment rightly upheld the legislative intent behind both IBC, which is resolution-focused, and the CP Act, which is made for the protection of the rights of the weaker party or is rights-focused. It further strongly reinforces that insolvency is not an escape route from statutory liabilities. This decision ensures that consumer protection laws remain effective even when developers face insolvency, balancing the interests of creditors, debtors, and consumers. It also sets a precedent for future cases involving the interplay between insolvency law and regulatory enforcement.

Endnotes

1. The Insolvency and Bankruptcy Code, 2016 (Act 31 of 2016), s. 96.
2. The Insolvency and Bankruptcy Code, 2016 (Act 31 of 2016), s. 95.
3. The Consumer Protection Act, 1986 (Act 68 of 1986), s. 27.
4. P. Mohanraj v. Shah Brothers Ispat Pvt. Ltd., AIR 2021 SC 1308.
5. "Section 94 – Application by Debtor to Initiate Insolvency Resolution Process," available at <https://ibclaw.in/section-94-application-by-debtor-to-initiate-insolvency-resolution-process/>
6. "Section 95 – Application by Creditor to Initiate Insolvency Resolution Process," available at <https://ibclaw.in/section-95-application-by-creditor-to-initiate-insolvency-resolution-process/>

ACTIVITIES & ACHIEVEMENTS

ACTIVITIES

ACADEMIC ACTIVITIES

Training Session by Manupatra

A legal research training session was held on 22nd January 2025, in collaboration with Manupatra as Knowledge Partner for the 5th National Moot Court Competition. The session introduced advanced research tools, citation analysis, and AI-driven features to aid memorial drafting and argument preparation.

Placement Drive 2025

The Placement Cell organised a placement drive on 17th April 2025, featuring reputed law firms and advocates, including PGA Law Firm, VGCA, Emerge Legal, NRI Law Solutions, and Punjab & Haryana High Court practitioners. Students actively participated in interviews and interactive sessions, gaining valuable insights into career opportunities in law.

COLLEGIATE ACTIVITIES

Declamation Competition & Pledge Ceremony

On 24th January 2025, the Election Literacy Cell celebrated National Voters' Day with a pledge-taking ceremony and a declamation competition on themes such as *One Nation, One Election* and *Youth Participation in Elections*. Gurleen Kaur and Niranjan secured first and second positions.

Tapping Feet 2025

A dance competition was organised on 18th February 2025, showcasing solo, duet, and group performances was held. Winners included Harkirat Singh (solo), Sanya & Tanya (duet), and a second-semester group (group prize).

TED x PURC Ludhiana

The second edition of TEDxPURCLudhiana was hosted on 4th April 2025 at Guru Nanak Dev Bhavan, themed *सहस्तिवः Coexist, Collaborate, Create*, featured eight distinguished speakers, attracting over 150 participants. The event fostered dialogue on collaboration, coexistence, and innovation.

LAW COMPETITION

5th National Moot Court Competition (6th – 8th March 2025)

The Moot Court Society organised the 5th National Moot Court Competition from 6th –

8th March 2025, with 32 teams participating nationwide. UILS Chandigarh won the competition, DBRANLU Sonipat emerged runner-up, and awards were given for Best Speaker, Best Memorial, and Best Researcher.

EDUCATIONAL VISIT

Educational Trip to Kashmir

An educational trip to Kashmir included visits to Pahalgam, Sonamarg, Gulmarg, Dal Lake, and heritage sites. Students engaged in cultural learning, ecological awareness, and team-building activities.

NSS ACTIVITIES

Plant Distribution & Oath Ceremony

The NSS Unit on 16th January 2025, under *Green Up Your Lives* initiative, plants were distributed, and an oath on sustainability was taken. The initiative promoted environmental preservation through practical awareness.

Sensitization Programme on Intergenerational Bonding

A one-day sensitisation programme was held on 7th February 2025, in collaboration with the Central University of Punjab. It promoted dialogue between generations, highlighting respect, shared experience, and innovation.

Workshop on Single-Use Plastic

On 24th April 2025, the NSS unit organised *Say No to Plastic*, encouraging eco-friendly living through the distribution of jute bags and bamboo toothbrushes, promoting awareness on reducing plastic use.

ACHIEVEMENTS

Moot Court Competitions

15th GIL Moot Court Competition, 2025

From 1st – 2nd March 2025, Chahat Jain, Nandini Garg, and Rajan Mahajan (B.A. LL.B. 2nd Year) secured the Best Memorial Trophy along with a cash prize of ₹3,100 at the 15th GIL Moot Court Competition, organised by the Faculty of Law, Geeta Institute, Panipat. Competing against 32 teams nationwide, the students' research and advocacy were highly commended by the judges.

4th Jagannath Gupta Memorial Moot Court Competition, 2025

From 1st – 3rd March 2025, Niranjan Kaur, Survi, and Sneha Gupta (B.A. LL.B. 2nd Year) won the Winners' Trophy with a cash prize of

₹21,000 at the 4th Jagannath Gupta Memorial Moot Court Competition, organised by Jagannath University, Jaipur. The team excelled among 50 participating teams with outstanding advocacy and analytical skills.

4th Dr. B.R. Ambedkar Moot Court Competition

From 3rd – 5th April 2025, Jesus Goyal and Sakshi (B.A. LL.B. 4th Year) along with Sunidhi (LL.B. 1st Year) won the Best Memorial Award out of 50 teams at the 4th Dr. B.R. Ambedkar Moot Court Competition, organised by CT University, Punjab. Their research and presentation received special commendation from the judges.

Padma Shri Bibi Harparkash Kaur Memorial Moot Court Competition, 2025

On 29th – 30th March 2025, Jesus Goyal and Sakshi (B.A. LL.B. 4th Year) with Sunidhi (LL.B. 1st Year) secured First Position at the Padma Shri Bibi Harparkash Kaur Memorial Moot Court Competition, organised by G.H.G Institute of Law, Sidhwan Khurd. The team received a ₹11,000 cash prize, and Jesus Goyal was also awarded Best Mooter with an additional ₹3,100 prize.

3rd HSL National Level Moot Court Competition

From 18th-19th April, Arushi Dhiman, Arshnoor Kaur, Arunima Nehra (B.A. LL.B 3rd year) won a cash prize of ₹10,000 at the 3rd HSL National Level Moot Court Competition, Greater Noida.

Sports Achievements

Punjab State Cycling Championship

At the Punjab State Cycling Championship held at Punjab Agricultural University and South City Bypass, Ludhiana, Danishveer Singh Heher (LL.B. 1st Year) won a **Silver Medal** in the 30 km Individual Time Trial (road) and a **Bronze Medal** in the 200m Sprint (track), showcasing both endurance and speed.

Panjab University Inter-College Cycling (Track) Championship

On 19th January 2025, at the PU Inter-College Cycling Championship, Danishveer Singh Heher (LL.B. 1st Year) won **Gold Medals** in both Sprint and Scratch races. He also secured the First Runner-Up Trophy for the department in the men's category.

FACULTY INFORMATION

Prof. (Dr.) Aman Amrit Cheema

Guest Lectures

Invited Expert Lecture: "Anti Ragging Laws" Anti Ragging Week, organized by Directorate of Students' Welfare, Guru Angad Dev Veterinary & Animal Sciences University, Ludhiana, August 20, 2025.

Special Guest Lecture: "Role of Educators Towards formation of Viksit Bharat" Series Lectures organized by Panjab University Regional Centre and Bharatiya Shikshan Mandal (Punjab State), Ludhiana, April 27, 2025.

Resource Person: "One Nation One Elections: An Exploration" National Workshop on One nation One Election, organized by Institute of Law and Legal Cell, Kurukshetra University, Kurukshetra, March 5, 2025.

Keynote Address: "UN's Goal of Sustainable Development in the age of Consumerism", International Conference on Multi-Disciplinary Approaches for Sustainable Development (ICMASD-2025) organized by CT University, Ludhiana, February 21, 2025.

Paper Presentations

"The Role of Regulatory Mechanisms in shaping the future of Artificial Intelligence", *National Seminar on Law, Artificial Intelligence and Socio-economic Transformation*, organized by the Department of Laws, Panjab University, Chandigarh, March 29, 2025.

"The Impact of Technological Innovations on Access to Justice: A Study of ADR and ODR Platforms", *National Seminar on Transforming Legal Landscape and Recent Reforms*, organized by All India Law Teacher's Congress, New Delhi, January 18-19, 2025.

Sessions Chaired

International Conference: *Beyond Gender: Navigating the Intersectionality of Justice*, Organised by Centre for Family Law Studies and Research, School of Law, Bennett University in collaboration with University of Reading and University of Birmingham, New Delhi, May 1, 2025.

Prof. (Dr.) Ashish Virk

Publications

"The Vanishing Voices of Anglo-Indians:

Climate Justice, Cultural Identity and Urban Resilience", *Lawyers Update*, Vol XXXI, Part 7, July 2025.

Guest Lectures

Address by Chairing Session in International Conference on "Beyond Gender: Navigating the Intersectionality of Justice" organized by Centre of Family Law Studies and Research, School of Law, Bennett University in collaboration with University of Reading and University of Birmingham, on May 1, 2025.

Address by Chairing Session in International Conference on "Navigating Intellectual Property Landscape in the Age of Artificial Intelligence" organized by Faculty of Law, University of Delhi, New Delhi, on April 26, 2025.

TEDx Talk on "Orphan Crushing Machine for Skyboxed Beings: A Critique to New Humanitarianism" organized by PURC Ludhiana (II Edition) on April 4, 2025.

Dr. Pooja Sikka

Publications

Scopus Indexed Publication: Ganaie, I. A., & Sikka, P. (2025). Assessing the Sustainability of Economic Growth in South Asia: A Growth Accounting Perspective. *Millennial Asia*, online first. <https://doi.org/10.1177/09763996251327943> April 2025

Scopus Indexed Publication: Sarmah, B., & Sikka, P. (2025). Three Decades of Change in North-east India: Growth, Sectoral Shifts and Inequality. *The Society of Economics and Development*, 21(1):31-40, <https://doi.org/10.35716/IJED-23422>, March 2025

Scopus Indexed Publication: Singh, J., & Sikka, P. (2025). How India Entertains Itself: Disparities in Entertainment Spending Across States and UTs. *Millennial Asia*, online first. <https://doi.org/10.1177/09763996251330151> 2025, April 2025

Dr. Rajni Bagga

Publications

"Winding Up of Corporate Entity Under company Act, 2013 and IBC 2016" published in *IJRAR* Volume 12, Issue 2, June 2025.

Resource Person

One Day training program on "Environment

and Forest” sponsored by Department of Personnel & Training (DoPT), Government of India, at Bachat Bhavan, Fatehgarh Sahib, on March 4 2025.

Ms. Tamanna Kohli

Paper Presentations

“Right To Privacy and Freedom of Speech and Expression in the Age of AI” *One Day National Seminar on AI and The Law: Shaping the Future of Legal System*, organised by Panjab University Regional Centre, Muktsar, March 6, 2025.

“The Role of AI in Combating Corporate Fraud in the Financial Sector: Legal Framework and Regulatory Challenges” *National Seminar on Artificial Intelligence for Global Good*, organised by Panjab University Regional Centre, Ludhiana, March 21, 2025.

“The Capabilities, Benefits and Challenges of AI in Context of Detecting and Preventing Financial Crimes” *National Conference on Law, Artificial Intelligence and Socio-Economic Transformation*, organised by Department of Laws, Panjab University, Chandigarh, March 29, 2025.

Publications

“Interface Between Extradition and Human Rights of Fugitive Economic Offenders with Special Reference to the Fugitive Economic Offenders Act, 2018” published in Journal of Neonatal Surgery: Multidisciplinary Journal, ISSN 226-0439, Scopus Indexed Journal.

“Tackling Corruption and Economic Crimes Globally: Examining G-20’s Strategy on Fugitive Economic Offenders.” Vol-X Issue IV July 2025 ISSN 2456-4397, Open Access/Peer Reviewed Journal.

Ms. Isha Tiwari

Paper Presentation

"Role of the Judiciary in Defining the Governance Structure of Delhi" at the National Conference on "Seventy-Five Years of the Constitution of India." At Rajiv Gandhi National University of Law, Punjab, April 19 & 20, 2025.



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