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QUESTIONING THE WOMANLINESS OF WOMEN ATHLETES: DESECRATION OF THEIR HUMAN RIGHTS

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In the recent Olympics at Paris, within 46 seconds, a boxing match ended when Angela Carini of Italy quit against Algerian Imane Khalif stating that, "She has never been hit with such a powerful punch." This event spread a shock wave in not only sports arena but on social media also as well leading to tumultuous reactions from the world nations and individuals alike. 'X' a social media company targeted her saying that she is a transgender or a male. Elon Musk, Donald Trump and even Harry Potter author J K Rowling and other politicians gave sexist remarks. Lin Yu-ting a Chinese Women's 57 kg weight boxer also faced almost the same allegations. The International Olympic Committee (IOC) allowed both the boxers to compete in 2024 Olympics stating that both the athletes were registered as females on birth certificate and even in passports. They stated that since November 2021, the International Olympic Committee does not go in for any kind of sex-verification test to check the womanliness of the female athletes, as it's the duty of the individual sports governing bodies to decide the specific criteria for both male and female category. There are some sports governing bodies of events in Olympics like tennis, archery, swimming and the like that do not allow the gender verification tests but the World Athletics previously known as International Amateur Athletics Federation (1912-2001) and International Association of Athletics Federations (2001-2019) (IAAF), still conduct sex verification tests.

Though women were in the very beginning discriminated and not allowed to compete in the very first modern Olympics in the year 1896 and then till 1928 Olympics, not allowed to participate in Track and Field events as Ruth Padawar in New York Times writes that medical experts claimed that "vigorous exercise would damage women's reproductive capacity and their fragile

emotional state and would make them mannish and unattractive to men...."as a ground. But later the sports governing bodies in order to provide a levelled field to the female athletes forced mandatory sex verification test rather, in turn violating their human rights.

Gender Verification Test: Chronological Sequence

It all started in 1936 at Berlin Olympics following Stella Walsh, a polish runner's loss in the 100m race to Helen Stephens at the Berlin Olympics. A rumour was circulated by a polish newspaper that Stephens was a man and that the United States Olympic Committee had knowingly permitted her to run in the Women's race. But German Olympic officials disclosed that they had examined Stephens to determine her sex prior to allowing her to compete in the Olympics. Labelling was majorly based on her extra ordinary performance and muscular body and angular faces. Again in 1938, Dora Ratjen, a German High Jumper won gold medal in European Athletics Championship and was accused of cheating as she was stated to be a man, competing in women category and Germany had to quietly return the medal.

In July 1950, to check for imposters, IAAF made gender verification test compulsory for all the female athletes. All the participating countries had to conduct this test on their athletes before entering the organizing country and all the females had to carry their 'Femininity Certificate' to verify their sex. The Olympics became another front of the cold war when from 1952 till 1966, two Soviet Union medal winners, Tamara and Irina Press went on to set 26 world records between them. In the Olympics, Soviet Union tally of 71 medals saw 23 gained by females whereas USA females gained just 8 out of total 76 medals. This became an eyesore and it's rumoured that eastern bloc female athletes

were men who bound their genitals to rake to win games. But these claims were never substantiated.

High stakes led the sports administrators to mistrust the individual nations to certify femininity. Therefore, the 1960's timeline saw 'Naked Parades'. Mandatory genital check was conducted on every competing female athlete. Female players had to parade 'Naked' in front of gynecologists who were on the panel of sports authority. This caused humiliation to the female players. These tests faced harsh opposition from the world community. It was in the year 1966, first time the 'Sex Chromatin Test' was introduced during European Athletics Championship, where these two soviet women Tamara and Irina Press did not participate and left international sports abruptly, leading to the suspicion that they were men and left due to gender testing. Cells were scrapped from the inner lining of the cheek and sometimes from the vaginal walls of the female athletes and were tested. 'XX' was female and 'XY' was considered to be male. In 1967, Ewa Klobukowska career ended when she became the first female athlete to be banned for failing the sex verification test stating that she is not a female on the basis of 'sex chromatin Test'. IAAF stated that she had 'one chromosome too many'. Year later in 1968, she became pregnant and gave birth to a son and soon that test was declared to be inadequate. 1968 saw the introduction of 'Sex Chromatin Test' in Mexico City Olympic games. Though this test was introduced to prevent unfair competition rather it was great harm to women who were born with sex differentiations that do not pose undue advantage. Scientific studies went on to prove that human race is not just based on binary classification of 'XX'- females and 'XY'-males. In 1980's chairperson of IAAF Medical Commission initiated discussions on discrimination being faced by female athletes with genetic disorder of sexual development (DSD). In some cases, male hormone does not get developed fully and vice versa. Sometimes externally one is a female but has internal testes. There are males who have internal ovaries. Hence, there are different type of

abnormalities of sex development. Further scientific studies went on to prove that these sex differentiations are purely biological variations, they don't lead to any physical superiority. But the IAAF and IOC went on to ban the players from competing in female category. Due to massive criticism by the world community the sex verification tests were being questioned and lost their shine and support. IAAF was under grave pressure and players were not only being debarred from creating a career but also faced great humiliation and human rights violation.

In 1991, IAAF council ceased performing the test on the ground that females with congenita sex chromosomal defects do not have unfair advantage on other females. But IAAF advocated the requirement of pre-participation exam for female athletes. Although gender verification test was recommended to be discontinued but it did not end. In 1996 Olympic games in Atlanta, last time, mandatory test was conducted. Out of 3000 tests, eight females failed the test. Seven due to androgen insensitivity syndrome (AIS) and one due to enzyme deficiency. Androgen insensitivity syndrome (AIS) is a condition where a person is genetically male XY but resistant to male chromosomes. Physical traits are of a woman but genetic makeup is of a man. All the athletes were allowed to participate.

Year 2011 saw a new set of rules. Females having more levels of androgen named testosterone would be included in the category of males. In 2012 IOC released 'IOC Regulation on Female hyperandrogenism'. Report stated that these rules would not make determination of sex rather would make the athlete ineligible to compete in female category. She may compete in male category. According to this regulation, the female athlete whose testosterone level is in male range would not be allowed to compete in female category and in case, she wishes to compete she can do so in male category only. In the begininig they decided that a female athelete has to have testosterone level less than 10 nanomoles per litre to compete in female category.

In the year 2018 IAF released new eligibility

regulations for female classification. They stated that a female having high testosterone level has unfair advantage over other females. Basing their policy on study by Stephane Bermon and Peirre-Yues Garnier which was published in the year 2017. They stated that such females have advantage over some restricted events only that is 400 meters, 400 metres hurdle, 800 metres, 1500 metres, one mile event. Now they reduced the testosterone level from 10 nanomoles per litre to 5 nanomoles per litre. They directed that the female should have testosterone level less than 5 nanomoles per litre or she could use hormone suppressing drugs to maintain the level continuously for six months or she could have a surgery or she could participate in the male category.

These rules of the IAAF and the IOC were criticised and refuted. Leonid Eidelman, chairman World Medical Association, criticised these regulations stating that “We have strong reservation about the ethical validity of these regulations. They are based on weak evidence from a single study, which is currently being widely debated by the scientific community”. Alun Williams, a sports geneticist, agreed that women with Disorder of Sex differentiations should not be treated differently from those with any other genetic trait that increases athletic ability. It is not expected from a big institution like IAAF to rely on a study that has been conducted just once and having high implications. Study should be based on concrete evidence and solid foundation. Dr. Ross Tucker and Malcolm Collins in their paper in South African journal of sports medicine also stated “I cannot accept the fact that the data is so poor and IAAF’s policies built on such a deeply compromised research study”.

The IOC changed its rules in November 2021 and stated that they would not conduct the sex verification test but allowed the individual sports governing bodies to decide.

Does Sports Administrators Protect The Human Rights Of The Female Athletes?

Abiding by Article 2 of Universal Declaration of Human Rights, it is not only the fundamental duty of the sports governing bodies to uphold the rights of all human beings

but also their responsibility to respect the human rights of all the athletes. The governing bodies are engaged in commercial activities therefore they are expected to follow the UN guiding principles on business and human rights. Although the gender verification test was introduced to catch male imposters instead it has inaccurately violated the human rights of the female athletes.

1. Gender Verification Test Only For Females

David Epstein leading researcher on sportspersons genes and author of best-selling book ‘The Sports Gene’ identified that Mantyrantha, the legend, is a finish skier who has won many medals in skiing. He has extraordinary level of hemoglobin which is required to play at the high altitude level. Now if he can have high level of hormones, naturally occurring to him then why can't a female player have naturally high level of testosterone? Michael Pheleps and acclaimed USA swimmer has extraordinary and abnormal characteristics like huge wingspan, shorter legs, big feet, he produces less lactic acid (it causes faster recovery time). All these anatomical characteristics that are caused due to hormones play a big role in his extraordinary talent. But no such tests are conducted for male athletes.

2. Sex Verification Test Only For ‘Look Like Males’ Females

Players like Caster Semenya and Dutee Chand have faced grave humiliation just on the basis of their physical appearance. Doubts were raised over there being females. Semenya had to face the suspicion because of having unshaved armpit hair, preferring shorts instead of bikini and having a muscular body. Court of Arbitration in Sports (CAS) decision in Dutee Chand case that those athletes only, who are ‘suspicious’ obviously according to their body type, must be verified, added fuel to the fire. Suspicion simply based on physical appearance is violation of human rights.

3. Disrespect Of Right To Privacy

World Athletics regulations mention confidentiality protections yet the officials and affiliated parties disclose private information. Cases of Caster Semenya and Dutee Chand burnt like fire in the media due to leakage of private information. The Regulation

stated that anyone can raise a doubt about an athlete. This sort of practice exposes all women athletes to sustained and arbitrary surveillance. Leaks of private information has led the athletes to commit suicides. We have instances of Pratima Gaonkar who committed suicide in 2001 and even Shanti Soundarajan who attempted to commit suicide, on disclosure of and public commentary surrounding a failed sex verification test.

4. Contravention Of The Principle Of Informed Consent

Though informed consent is a fundamental aspect of medical ethics protected by international human rights law and enshrined in international medical ethics but in reality, it is hardly followed. The cases of Dutee Chand and Caster Semenya clearly point to it. Ruth Padawer in New York Times reported that Dutee Chand told her that an Athletics Federation of India (AFI) called her to New Delhi and the Director asked her to meet a doctor for regular tests. Ultrasound was conducted but she was told that they were routine checkups. She was never informed of the test rather, came to know from the media in the days to follow. She felt humiliated. Caster Semenya too wasn't informed about the tests. She was indeed forced to give consent. The informed consent to a medical intervention, surgery and the like is a basic human right and must be available to all the athletes at all the times.

5. Encroachment Of Right To Health

IAAF regulation affects the right to health of players. The UN committee on economic social and cultural rights ensures that there should be no compromise with the help of athletes. The medical practice of lowering down testosterone has very severe effect on the body of female athletes. It shocks the body into menopause. Then one has to undergo lifelong hormone replacement therapy (HRT). HRT causes excessive thirst, urination, electrolyte imbalance, headaches, fatigue, nausea, hot flushes and the like. Tests are invasive and not medically necessary. Tests are implemented in coercive environment where women are forced to choose between their career and their basic human rights. Women are forced to have

drugs and surgeries and scientifically it has been proven that sometimes it destroys the sensation in their genitalia.

6. Violation Of Right To Dignified Living

Dutee Chand herself stated that she faced a lot of humiliation which brought stigma not only on her game but on her inner self too. It had a deep impact on her mental health. Public disclosure of the test leave women with intensive self-questioning. The gender test policy is a slap on the Olympic movements commitment to dignity and equality for all. Athletes told Human Rights Watch that before the rumours of them having higher testosterone were mentioned in the media, people in their community and at athletics meets started asking questions about their bodies. This is rather humiliating especially where culturally the society demarcates and categorises humans into males or females only.

Conclusion

Tests that had begun as a means to deter deliberate cheating landed up violating the human rights of the female athletes without any fault on their part. There are no credible scientific evidence to prove that high testosterone level enhances performance. Imane Khalif, today's gold medallist in Paris Olympics 2024, lost in 2021 Olympics quarterfinals and in 2022 World Championship finals. Great performance does not only depend upon natural abilities but also on diet, hard work, coaching and the like. The sex verification test ignores the fact that the individuals who are raised as females and are psychologically and socially females from childhood, should be made eligible to compete irrespective of their hormonal sex. Olympic athletes are gifted persons as they are very rare species. Athletes may have other high performing hormones naturally occurring to them. This is the reason they are at the international stage as they are far superior in athleticism than general population.

Suggestion

The World Athletics should put on hold the eligibility regulation 2018 and refrain from banning the female athletes on ground of hyperandrogenism and DSD till concrete evidence that it magnanimously enhances the

performance, is not established. There should be precise policy to protect athletes from human rights violations so that their affiliating federations also follow the same. Any rules and regulations requiring unnecessary medical intervention should be deleted. World anti-doping agency must be limited to use the anti-doping test only for anti-doping and not for sex verification. Sports governing bodies must educate every athlete about their rights and make them aware of all the procedures and bodies to approach in case of human rights violation. Appeals need to be heard by neutral panel that give credence to human rights, transparency, privacy and confidentiality. Questioning the womanliness has put into question the very meaning of man and women. This binary classification should be done away with as scientifically it has been proven that there is more to just male and female. The sports bodies need to be pressurised to include third gender or intersex in sports events. Till then say bye bye to femininity test in sports.

Endnotes

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IS STEALTH THEOCRACY A FEATURE OF STATE GASLIGHTING?

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To accommodate a theocratic narrative in an otherwise secular constitution there are two ways: direct and indirect. In the direct course such changes can be seen through the methods employed to bring constitutional amendment, formation and increasing jurisdiction of the religious courts and otherwise abundance of radicalization. Such methods, because they seem brutal at force and too direct, are capable of instigating reaction from secular and humanitarian advocates and thus be at risk of facing resistance. However, a more subtle way, without garnering much attention is to take the indirect course. Wherein, instead of shaking the ground too much, changes are employed through more or less silent ways. Without the too obvious shifts like constitutional amendment, the changes are brought by bringing non-secular and ethnic-centred laws or through regressive reading of the constitution within a democratic institution. Thus, like the latter example, when theocracy is propagated through indirect and covert means then, as named by Yvonne Tew, it is called stealth theocracy. The important features of this concept of stealth theocracy are:

- A fundamental constitutional shift towards a more theocratic constitutional order, which accords state endorsement to a particular religion and enshrines religion as a main source of law.
- Constitutional modification occurs secretly under the pretext of institutional deference or interpretation by political and judicial actors, rather than explicit textual amendment to the constitution.
- The shift towards theocratic constitutionalism occurs through the politicization or judicialization of religion in an incremental but transformative manner.
- Increased reliance on religious norms as a basis for imposing legal obligations.
- The establishment of a network of religious tribunals with jurisdictional autonomy.
- Manifestations of the state's shift in the direction of theocratic constitutionalism include expanded roles for religious authorities within the state.
- Religion becomes a powerful force for political and social mobilization in circumstances of growing polarization along religious and ethnic lines.

Stealth theocracy in order to manifest itself uses the mode of gaslighting through: law-making (Isomorphic Mimicry) and judicial decisions (Judicial Deference or Abusive Judicial Review). In other words, the phenomenon which the state employs to spread stealth theocracy is called state gaslighting. Interestingly, state gaslighting other than controlling people among communal lines, is also used to manipulate and align opinions of people along different fascist or dictatorial motives not necessarily connected to the religion.

Stealth Theocracy & State Gaslighting via Legislation:

- ***Giving preferential treatment to a particular religion:*** In Israel, the Law of Return gives preferential treatment to Jews, allowing them to obtain citizenship and immigration rights that are not available to non-Jews.
- ***Enforcing religious Morality:*** In Iran, the legal system is based on Islamic law, which is used to enforce religious morality on the population. This includes criminalizing acts such as drinking alcohol and engaging in homosexual activity.
- ***Suppressing Dissent:*** In China, the government uses a variety of laws to suppress dissent and limit freedom of expression, including the National Security Law, which criminalizes "secession, subversion, terrorism and collusion with foreign forces."

- **Using Vague or Ambiguous Language:** In Russia, the law against "extremism" has been used to suppress dissent and limit freedom of expression. The law is written in vague and ambiguous language that can be interpreted in a way that whimsically criminalizes political speech and activism.
- **Controlling the Narrative:** In Turkey, the government has used the law to control the media and suppress dissent. For example, the Anti-Terrorism Law has been used to prosecute journalists and media outlets that are critical of the government. Additionally, the Turkish government has passed laws that allow it to block access to websites and social media platforms that are deemed to be critical of the government.

Stealth Theocracy & State Gaslighting via Judiciary:

- **Interpreting laws in a religiously biased manner:** Judges can interpret laws in a way that is consistent with their religious beliefs, even if it goes against the principles of secularism or equality. For example, in the United States, some judges have used their interpretation of the First Amendment's "Free Exercise Clause" to allow for religious exemptions from anti-discrimination laws.
- **Giving jurisdictional priority to the Religious Courts:** In Malaysia, Sharia Courts have been given immense power of jurisdiction over civil courts even in the secular matters. Art. 121(1A) of the Malaysian Constitution states that the 'Civil Courts shall have no jurisdiction in respect of any matter within the jurisdiction of the Syaraih courts.'
- **Allowing religious institutions to operate outside of the law:** Judges can give preferential treatment to religious institutions by allowing them to operate outside of the law, or by overlooking their violations of the law. For example, in Pakistan, blasphemy laws have been used to persecute religious minorities, and judges have often upheld these laws in the name of protecting religious sentiment.

- **Striking down laws that are deemed incompatible with religious doctrine:** Judges can strike down laws that are deemed incompatible with religious doctrine, even if they are otherwise constitutional. For example, in Egypt, the Supreme Court has struck down laws that were seen as being contrary to Islamic law.
- **Overturning court decisions that go against religious doctrine:** Judges can overturn court decisions that go against religious doctrine, even if they are otherwise legally sound. For example, in Indonesia, the Constitutional Court overturned a decision that would have allowed people of different religions to run together on a presidential ticket.

Philosophical lexicon has accommodated the term gaslighting through literature with diversity of its dimensions. Precisely, the phenomenon of state gaslighting have distinct classic features, where not only the gaslighter (State Actors) in a therapeutic manner aims the gaslightee (General Public) to see their age-old perceptions and beliefs as groundless but it also transforms the overall opinions of gaslightee as per the self-centered necessities of gaslighter. The route taken by state gaslighters is Stealth Theocracy, with the aim of fundamentally altering the constitutional system's religious or secular character through less visible means of constitutional change. Ran Hirschl, in his work Constitutional Theocracy states that this transformation towards a more religious constitutional order occurs informally through judicial and political state actors. He positions that law makers and interpreters like judges play an important role in this phenomenon. The state gaslighting takes place through laws, legal interpretations and judicial discourse/judgments are theocratic in content so as to change the moral perceptions of general public on the issue. Philosophers like Kenworthy Bilz and Janice Nadler lay stress on the fact that the bias judicial interpretation of legal provisions can accomplish its goals indirectly, by changing attitudes about the regulated behaviours of public. Ironically, this indirect path can be the most efficient one,

particularly if the regulation changes attitudes about the underlying morality of the behaviours, thereby changing the conduct. All of this happens in a stealth mode while manipulating people's behaviour. Michel Foucault, a French philosopher, while writing about power and its relationship to knowledge argued that power is not just a matter of domination or coercion, but is also manifested in the ways that knowledge is produced and disseminated. In this sense, state machinery, especially, judiciary gaslight through stealth theocracy and this can be seen as attempts to control the production and dissemination of knowledge in order to alter public opinions so as to maintain power and thus the 'free self', as envisioned by Kant, becomes longer a possibility.

Once upon a time in ***Che Omar bin Che Soh v Public Prosecutor, 1988***, the Supreme Court of Malaysia while interpreting Art. 3(1) which states, 'Islam is the religion of the Federation, but other religions maybe practiced in peace and harmony', declared that country's constitutional foundations are based on secular law. The Lord President of the Supreme Court, Mohammad Salleh Abas, stated that Islamic position in the context of Art. 3 'means only such acts as relate to rituals and ceremonies...' In this case the appellants, faced mandatory death penalty for drug trafficking. They took two defenses, firstly, crimes like drug trafficking do not require the death penalty under Islamic Law and secondly, as Islam is a declared religion of federation, hence the punishment imposed is not in line with Islamic law. Rejecting both the contentions, the SC held that 'the law in this country is still what it is today, secular law, where morality not accepted by the law is not enjoying the status of law.' Still further the President Abdul Hamid Omar, in ***Susie Teoh Case*** also emphasized that the 'Malaysian Constitution was not the product of an overnight thought, rather, it represented a settlement reached by negotiations, discussions and consensus between the British Government, the Malay Rulers and the Alliance party representing various racial and religious groups.' Unfortunately, in coming years Malaysia witnessed stealth elevation of

Islam's position through adjudicating religion. Interestingly, if one revise the political and judicial events post 1990 in Malaysia, there was no amendment of Article 3, but the transformation of the place of religion occurred through less formal means, like judicial islamization. This phenomenon, especially in the civil courts, prioritized Islamic principles over constitutional mandate, hence shrinking the 'secular character' of Malaysian constitution as well as society.

Interpreting laws in a religiously biased manner, giving jurisdictional priority to the religious courts, allowing religious institutions to operate outside of the law, striking down the laws that are deemed incompatible with religious doctrine, overturning court decisions that go against religious doctrine, appointing judges with religious bias are some of the ways adopted not only in Malaysia but worldwide. These acts by the Constitutional actors like Judiciary leave a deep impact in controlling and distorting information, manipulating public psychology and eventually public opinion, hence normalizing separatism. The Lina Joy Case, Indira Gandhi Case and Allah Case not only altered the overall secular fabric of the Malaysian Constitution but also changed the people's psychology, hence making stealth theocracy, a route for Legal Gaslighting.

India has always been highly susceptible to both Stealth Theocracy and State Gaslighting but the situation to this day has never been as dire as in the case of Malaysia. One of the prime reasons is that we in India have rigid restrictions on amending the Constitution and the Indian Supreme Court, among other features, has preserved secularism as its basic structure, which can at no cost be amended unless done in a constitutional manner giving enough scope for check and balance. This is not to deny the volatile periods of gruesome communal riots and intolerance and insularity among separatist factions but, more than often, the judiciary has stood as the bulwark of the Constitution. However, the rigidity in the Constitution has also been seen to give the increasing scope for spreading Stealth Theocracy as non-amendment procedures are adopted to alter the constitutional rights and

thus gaslight into people believing that Constitution is preserved as long as the text is not changed. The Indian Supreme Court has established that the Constitution's basic structure includes principles and values related to constitutional supremacy, the separation of powers, federalism, and the secular character of the state. However, this perfect balance, less than often, tends to be disturbed through legislative actions. The examples of which are given-Muslim Women (Protection on Divorce Act), 1986, and the most controversial Anti-Conversion Laws.

Apart from this, the judicial decisions in India are based on a narrow, nationalistic view of the Indian identity which is unconstitutional and fuel xenophobic communal attitudes. Shah Bano, Sarla Mudgal, The Rahmat Ullah decisions are examples of judicial opinions that favoured a monolithic view of the Indian identity. The Court in Sarla, Mudgal Case implied that bigamy is un-Indian. This decision provoked communal animosity because a part of the Muslim community interpreted it as a statement about the perceived problems that Muslims pose to national unity and social reform. Moreover, the controversy surrounding the Rahmat Ullah Decision was not just about the triple talaq divorce but also about the judge's written opinion, which stated that wherever personal law conflicts with secular law, the latter takes precedence. This oversimplification of the complex relationship between Articles 25 and 26 and other constitutional provisions elicited a communal reaction. Many Muslims saw this statement as a patronizing and self-righteous lecture about the need for Muslims to 'emerge from medievalism to modernity.' This communal reaction was similar to the one that was followed in the Shah Bano case. The communal reactions after these judgments show how deeply divided Indian society is on issues related to religion, law, and personal rights. These issues are not unique to India but are part of a global debate about the role of religion in modern society. As India continues to grapple with these issues, it will need to find a way to balance the rights of individuals with the needs of the community and the state. This will require dialogue,

compromise, and respect for diverse opinions and beliefs. Thus, even if this calls for a uniform civil code it should be based on secular arguments and policy considerations independent of religious notions of a 'True Indian Identity' as when that happens the threat of state gaslighting is increased.

The politicization of court decisions in cases involving communal crimes is another serious problem in India. Such decisions often provoke communal attitudes and sectarian violence, and undermine the independence and credibility of the judiciary. The examples of the Babri Mosque demolition and the Bombay bombings illustrate the extent to which political considerations can influence the prosecution and punishment of communal crimes. The politicization of court decisions and the selective prosecution of communal crimes undermine the rule of law and fuel communal tensions in India, thus creating doubts of state gaslighting through stealth theocracy.

Atypical order of the Allahabad High Court asking Head of the Department of astrology of Lucknow University, to decide whether a woman, an alleged rape victim, is Manglik or not has been suo-motto cognized by the Apex Court passing stay orders. The Supreme Court observed that *'The only question is, Can a judicial forum while entertaining an application can give this consideration...The High Court should not have gone into this aspect.'* The orders of both the courts raised eyebrows of many but for different reasons, some supporting High Court whereas others applauding the stay orders of Apex Court. Without hesitation the stay orders are crucial, but the larger concern needs to be considered, however before that requires acknowledgment. The taking up of Manglik issue alarms us, as the citizens of secular country, the expanding place of religion in the legal order.

Religion has always played its role in political order, but transforming towards a religious legal order through theocratic laws and judgments are all together another phenomenon for a secular countries, which needs social as well as academic attention. Gaslighting by the state through stealth

theocracy is a subtle and long drawn, but effective method of convincing the populace to abandon the values they once upheld dearly. A generation that has been struck by trauma of war may hold on to peace dearly when it arrives, but public memory may erode and erase the reasons leading up to the tumultuous times and the cycle will repeat itself. It is not just sufficient to safeguard the systems we have built, men must constantly be reminded the consequences of not adhering to what they truly want, that is, peace to prosper, education to enlighten and abundance to thrive, none of which conflict of any sort brings.

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DATA PRIVACY IN THE WORLD OF ARTIFICIAL INTELLIGENCE

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Introduction

Artificial intelligence (AI) hereinafter referred as both a boon and a bane considering its unprecedented promises and untraversed challenges. Undoubtedly AI has revolutionized the world; transformed our lives and lifestyles; and revolutionized all sectors and industries. However, AI poses inherent and incessant threat to personal data with rapidly expanding intelligent software apps which collect our biometric data through fingerprints and face scans infer our likes, dislikes, habits, affiliations and orientations through personal and contact details, shopping patterns; health and financial details and so on and so forth. As per reports, there is 71% annual increase in cyberattacks which use stolen or compromised credentials; and 32% share of cybercrimes involve data theft and leak. This clearly indicates that cyber attackers more engage more in “stealing and selling data, rather than encrypting it for extortion.” Shifting tides and high sophistication of cyberthreat was unimaginably evident in the very recent digital arrest of a textile doyen in India involving digital surveillance, impersonation of CBI officials and Chief Justice of the Supreme Court purportedly in the most authentic style and by swindling ₹7 crore!

Data, Personal Data and Data Privacy

The Digital Personal Data Protection Act, 2023 (DPDPA) hereinafter referred as of India defines ‘data’ as a representation of information, facts, concepts, opinions or instructions in a manner suitable for communication, interpretation or processing by human beings or by automated means. ‘Personal data’ is defined in DPDPA as any data about an individual who is identifiable by or in relation to such data and “personal data breach” is defined as any unauthorised processing of personal data or accidental disclosure, acquisition, sharing, use,

alteration, destruction or loss of access to personal data, that compromises the confidentiality, integrity or availability of personal data.

According to the European Commission, “personal data is any information that relates to an identified or identifiable living individual; different pieces of information, which collected together can lead to the identification of a particular person, also constitute personal data.”

Data privacy or information privacy within the domain of data protection deals with the proper handling of sensitive data. It is based on the principle that persons should have control over their personal data. It requires confidential handling of data, its appropriate use and protection of data from improper access, theft or loss. Data protection refers to a set of principles, laws or measures designed to safeguard one’s information from unauthorized access, loss, and misuse. It ensures that individual’s information is retrieved, collected, stored and processed in a safe manner, keeping their privacy in the forefront, especially in the digital ecosystem.

AI and Data Privacy

With the use of AI and undetectable deepfakes, ‘hacking’ has given way to ‘logging in’ through valid accounts challenging the identity and access management. Large Language Models (LLMs), hereinafter referred as data science and machine learning (DSML), hereinafter referred as generative AI projects etc. access potentially sensitive data blurring the line between utility and intrusion, which trigger data privacy challenges. With the proliferation of AI in every walk of life, the concern over the collection, storage, processing and use of personal data by AI has come to the forefront. How AI technologies collect and process enormous amount of personal information from training to decision making stage may be simplified by few

illustrations: Unmeasurable personal data is continuously being collected from facial recognition apps of mobiles and voice recognition technology; and from one's web activities to location data.

'Search history' in itself is a vital tool for behaviour assessment. There are many AI tools which have access to or infer one's spending habits, shopping habits, and transaction patterns including details of bank accounts with account balance! This often happens when one relies on voice command AI. Bank Smart Assistant is an AI tool providing tips to help customers with their money.

Doctor's Virtual Assistant uses speech recognition to identify one's symptoms and advise whether you need a doctor. AI devices that listen to voice and perform a subsequent command goes beyond what we can imagine about data privacy. AI-powered surveillance and tracking technologies including location tracking tools, if unregulated would certainly lead to intrusion of civil liberties and privacy. The highly trained decision-making algorithms on social media platforms in fact not only steals user's identity by analysing social media behaviour, interests and preferences but it offers highly personalized/targeted content and advertisements.

Facial recognition technology which has become inevitable in wide range of devices and applications, in fact captures "images and videos, process them to extract facial features to create digital representations of faces that can be used to generate comparisons, identifications and verifications." A data breach of biometric data used for facial recognition is disastrous. The global facial recognition market size is estimated to reach US\$12.67 billion by 2028, from US\$5.01 billion in 2021.

Similarly, location tracking apps may be misused by stalkers to find a user's whereabouts. Moreover, through such apps personal information including behaviour and travel patterns may be shared without consent. It may lead to unregulated monitoring and surveillance. Surveys show that data broker market for location tracking is a more than \$12B a year industry.

Persistent Challenges

Inaccurate predictions of AI can lead to serious consequences in fields such as healthcare or finance. The advanced and automated machine learning technologies may lead to unauthorised access to personal data, unintentional biases, discriminatory outcomes, unfair decisions and unforeseen consequences.

While the contribution of AI in enriching every field of life is unquestionable, these benefits had come with an array of challenges for individual liberty, privacy, society and the law. There is a threat of breaches of data privacy of sensitive personal information collected through AI, such as biometric data, health records, financial transactions etc. as AI systems are susceptible to security vulnerabilities. As countries (even EU's AI Act though came into force on 1st August, 2024 across all 27 EU Member States, its majority of provisions will commence only from 2nd August, 2026) are not prepared with comprehensive regulatory framework concerning AI (from collection of data for Machine Learning to opaque decision-making) and AI poses significant risks to privacy and data protection, one has to be vigilant about modern devices powered through AI tools. The organisations involved in AI R&D have to prioritise privacy and ethics in AI development and deployment. In an era where data is a highly valuable commodity, navigating the balance between technological innovation and the preservation of personal privacy is of utmost importance and need of the hour.

Best Practices

There are many countries which have attempted to protect data privacy in the wake of AI proliferation, in one way or other providing stringent privacy protection obligations on organizations and granting increased rights on consumers. The California Consumer Privacy Act (CCPA); hereinafter referred as Brazil's *Lei Geral de Proteção de Dados* (LGPD); Virginia's Consumer Data Protection Act (VCDPA); Canadian Personal Information Protection and Electronic Documents Act (PIPEDA); Hong Kong Personal Data (Privacy) Ordinance (PDPO); New

Zealand's Privacy Act etc. are few initial steps to mention such attempts.

The EU's AI Act has many commendable provisions including (i) restrictions on the use of biometric identification (RBI) systems by law enforcement (except in exhaustively listed and narrowly defined situations such as a "targeted search of a missing person or preventing a terrorist attack,") (ii) ban on social scoring and AI used to manipulate or exploit user vulnerabilities, and (iii) AI that manipulates human behaviour or exploits people's vulnerabilities.

The Digital Personal Data Protection Act 2023 of India is another laudable attempt as it applies to fully or partly automated processing of personal data, covering AI-based personal data collection, disclosure and other forms of processing; although publicly available personal data is outside its ambit. Though the Act generates debates concerning many concepts such as data fiduciaries, consent managers etc. undoubtedly it is a welcome step in the AI era. DPDPA was enacted 'to provide for the processing of digital personal data in a manner that recognises both the right of individuals to protect their personal data and the need to process such personal data for lawful purposes'. The primary goal of the DPDPA is to protect personal data in the digital realm by establishing legal standards for data processing, collection, storage, and transfer. It seeks to ensure that individuals retain control over their personal information while also providing businesses with a clear regulatory framework for managing data responsibly.

Chile has amended its Constitution in 2018 to include data privacy as a human right. China's Personal Information Protection Law (PIPL); China's Data Security Law (DSL); China's Cybersecurity Law (CSL); Thailand's Personal Data Protection Act (PDPA); Swiss Revised Federal Act on Data Protection (FADP); Australian Privacy Act etc. are other instances of similar legislative measures.

Conclusion

The data privacy challenge due to AI which remains a global issue is a growing concern for regulators and policy makers across the

globe. AI has come to stay and currently AI industry is of the size of thousands of billions of dollars with considerable investment is being made in the development of AI technologies by every country. As per statistics, the market for AI grew beyond 184 billion U.S. dollars in 2024, a soaring hike of nearly 50 billion compared to previous year which is expected to reach 826 billion U.S. dollars by 2030.

Each advancement in AI will bring forth new issues of data challenge. Advancements in generative AI will raise many more novel data governance and privacy questions for all societies. However, one of the above referred regulatory framework present a comprehensive and effective regime for data protection. Moreover, its cross border nature raises jurisdictional and enforcement issues. The rapid development of AI itself is a challenge for the law as the technology makes the law lag behind. When AI is rapidly advancing, the law also has to maintain its corresponding pace. Data Accuracy and data control are as important as data protection.

In the light of the increasing data threats and leaks, and by considering its international character there has to be collaborative and coordinated efforts by designing robust regulatory framework through international cooperation including ethical and responsible AI usage guidelines, transparency, accountability, policy on data anonymisation, minimisation and data masking etc. by AI Developers, and avoidance of confidential data in ML. As AI technology continues to advance, it is essential to strike a balance between fostering innovation in AI and protecting the rights of people and their personal data through effective regulatory mechanism. With variations between jurisdictions and legal systems and with ever increasing interface between AI and data privacy, a dynamic policy landscape ensuring the long-term "interoperability of legal, technical, and operational frameworks" is the need of the hour. It also demands collaboration between nations to optimise the collective benefits of AI to the humanities without comprising their civil liberties and fundamental rights. International co-

operation and collaboration is much needed on AI and privacy issues “to leverage commonalities, complementarities, and elements of convergence in their respective policy frameworks, or, conversely, to identify the stumbling blocks that could hinder the development of common positions or co-operation.”

(Limitation: While this piece of writing intends to raise concerns about reckless use of AI and the infinite questions it leaves unanswered on data security; the exhaustive exploration of all legal, social and ethical issues regarding AI and data privacy is outside the scope of its discussion.)

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MOVIES AND RELIGIOUS SENTIMENTS: CREATIVITY AT RISK

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The Context

Very recently, the Union Ministry of Information & Broadcasting (I&B) hereinafter referred as summoned Netflix representatives after the series '*IC-814: The Kandahar Hijack*' sparked a controversy over 'Hindu names' used as aliases by the Pakistani terrorists involved in the 1999 hijacking. In the series, the five hijackers are called by their code names. Among the names, the more controversial ones are 'Bhola' and 'Shankar'. These are popular names of Lord Shiva and therein lies the trigger point. Netflix was advised to respect religious sensitivities. Many netizens and politicians, including BJP's Amit Malviya, accused the series of misrepresenting history and promoting hijackers' non-Muslim identities.

However, '*Flight into Fear: A Captain's Story*' by Captain Devi Sharan (actual captain of that ill-fated flight) and journalist Srinjoy Chowdhury – the book which inspired the series and official documents of then BJP-led Central Government show that the hijackers from the Harkat-ul-Mujahideen terror group indeed used those code names. Further, some of the survivors of that incident have confirmed that they only knew those code names and that they were actually used. Clearly, the series' makers didn't lie about the names. Netflix's disclaimer now clarifies of real and code names of the hijackers, which is a fair deal. Nevertheless, the complicated relationship between movies and religion has been plaguing creative production and free speech for quite some time now.

'Religious Sentiment' Juggernaut

A poster for Leena Manimekalai's documentary '*Kaali*', featuring the Goddess smoking and carrying the LGBTQ+ pride flag, caused controversy in 2022. She received many FIRs and online threats from Hindus who considered it insulting. The Supreme Court granted interim relief to her. The Supreme Court also rescued comedian

Munawar Faruqui accused of insulting Hindu deities, albeit absence of evidence against him.

Even after being cleared by the Central Board of Film Certification (CBFC), Ajay Devgn's '*Thank God*' and Shah Rukh Khan's '*Pathaan*' were criticized for supposedly offending religion. Some religious people were offended by Deepika's saffron bikini in the video for the song '*Besharam Rang*' from '*Pathaan*', which means 'shameless colour'! Some alarming appeals for violence against movie theatres were also made. Prime Minister Narendra Modi had to warn against "needless comments about films" as right-wing groups and BJP politicians joined the bandwagon.

Last year, the mega-budget multilingual film '*Adipurush*' based on 'Ramayana' elevated the relationship. The moviemakers used every chance to appeal to Hinduism, from team members singing 'Jai Shri Ram' during advertising to reservation of Lord Hanuman's seat at every theatre. Yet the movie was so contentious that Hindu political and religious leaders voiced for a ban! Amidst severe criticism from all quarters, the moviemakers have been forced to change certain controversial dialogues.

Sentiments have run so deep that early this year people were arrested from various places including educational institutions for screening an old award-winning documentary '*Ram Ke Naam*' (1992) directed by filmmaker Anand Patwardhan which concerns the Babri Masjid demolition in Ayodhya!

Whose Sentiment, Whose Rights?

Thus, what if someone develops films, plays, or satires featuring Gods and Goddesses that offend or may offend some religious people?

The same punitive provisions of the Indian Penal Code (IPC): Section 153A (promoting enmity between different groups), Section 295A (deliberate and malicious acts to outrage the religious feelings) and Section 295 (vandalism or defiling religious places or

sacred objects) were in action in all the above cases. The corresponding provisions of the new Bhartiya Nyaya Sanhita, 2023 are Sections 196, 299, and 298 respectively.

The author recalls legendary Bengali comedian Bhanu Banerjee's timeless performances, especially 1958 film 'Jamalaye Jibanta Manush' (A living man in Yama's adobe), which satirized Gods and Goddesses. It was a smash and remade in various languages. Besides, Ramayana and Mahabharata-themed audio comedies by Banerjee were also very popular. Fortunately, Banerjee was an actor of the yesteryears. In today's hypersensitive religious environment, instead of enthralling us with his immaculate performances, he would have run between police stations and courts responding to the FIRs. Modern satires like 'PK' and 'OMG - Oh My God!' may have also failed under such scrutiny.

In *Ushaben Navinchandra Trivedi v. Bhagyalaxmi Chitra Mandir*, a lawsuit by devout Hindus claimed 'Jai Santoshi Maa' violated Sections 295 and 295A of the IPC by representing Gods as jealous. As no *mens rea* was found, the Gujarat High Court dismissed nuisance charges, stating that hurting religious emotions doesn't warrant legal action. Everyone is entitled to his own convictions, but he cannot impose them on another.

The author cannot but agree with Justice A.D. Desai: *"There is no compulsion to see the film. If the feelings of the plaintiffs are hurt, they may not see the movie again. The plaintiffs may propagate against the picture urging the fellow religionists not to see it."*

In *S. Rangarajan v. P. Jagjivan Ram*, the Supreme Court overturned the Madras High Court's revocation of the CBFC certificate for *Ore Oru Gramathile* (In One Village), emphasizing that censorship must be based on real, immediate threats, not speculative fears. The CBFC or courts should apply the standard of "an ordinary man of common sense and prudence" rather than that of a "hypersensitive man" when evaluating a film. The Court chastised the State and highlighted that the fear of demonstrations, processions, or acts of violence cannot be used to repress freedom of expression. *"It is the duty of the*

State to protect the freedom of expression since it is a liberty guaranteed against the State." The State cannot claim that it is unable to address the issue of hostile audiences.

In *Indibility Creative Pvt. Ltd. v. Govt. of West Bengal*, the Supreme Court considered the West Bengal Government's unofficial ban on '*Bhobhishyoter Bhoot*' (Ghost of the Future), a political satire film with a CBFC certificate. Upholding free speech under Article 19(1)(a) of the Constitution, the Court granted the producer ₹20 lakh compensation and reprimanded the government for utilizing police as a "super censor".

The Bench comprising Justice Dr. DY Chandrachud (as he then was) and Justice Hemant Gupta noted with concern that there is a growing intolerance, and organised groups and interests threaten free speech. If popular opinions of what is and is not acceptable applied to playwrights, artists, musicians, and actors, the right and its protection under the Constitution would be fictitious. The Bench asserted that true purpose of art *"is to question and provoke"*. In doing so, an artist has the *"freedom to critique and criticise"*.

In all cases discussed hereinabove, the artists have been threatened by organisations who have the active or tacit support of the governments in power in the respective States with the police acting in acquiescence. This case was no different.

The Bench sternly criticised the action of the police reminding them that they are not *"the self-appointed guardians of public morality"*. Their authority is subject to the rule of law. They cannot be *"willing allies"* to support repression and free speech restriction.

It is noteworthy that some art forms may lead to 'law and order' problems (often orchestrated by organised groups and as claimed by the State), but it's the duty of the State to deal with such problems, as held in *S. Rangarajan* case. Moreover, the grounds of 'reasonable restrictions' as envisioned under Article 19(2) of the Constitution include 'public order' and 'security of the State' but not 'law and order'. These concepts were succinctly distinguished by the Supreme Court in *Ram Manohar Lohia v. State of Bihar*. One

must picture three concentric circles, with the largest representing 'law and order', the second 'public order', and the smallest 'security of the State'. Consequently, an act may have an impact on 'law and order', but not 'public order'; it may affect 'public order', but not 'the security of the State'. The Court reasoned: *"The contravention of law always affects order but before it can be said to affect public order, it must affect the community or the public at large"*.

'Other Religion' and Films

One may wonder why such films concentrate on Hinduism. Several films portray Jesus Christ, including *'King of Kings'* (1961), *'Jesus of Nazareth'* (1977), *'The Last Temptation'* (1988), and *'The Passion of the Christ'* (2004). *'The Last Temptation of Christ'*, directed by Martin Scorsese, a Roman Catholic, depicts the life of Jesus Christ and his struggle with various forms of temptation including fear, depression, and lust. In the movie, Christ was shown to be engaged in sexual activities which caused outrage among various Christian groups alleging the film's departure from the gospel narratives. The film was a box office hit and Scorsese earned the nomination for 'The Best Director' at the Oscars.

About films on the Prophet Muhammad? There has been a couple of notable films: *'The Message'* (1976) and *'Muhammad: The Messenger of God'* (2015) – both directed by Muslim filmmakers. Both the films are respectful to the Prophet and honouring the Islamic tradition, which generally forbids any direct representation of religious figures (aniconism). The face of the Prophet is not depicted on-screen in either of them.

The second film was supposed to be released online in India in 2020. However, a group of Sunni Muslims in Mumbai successfully petitioned the Government of Maharashtra to 'ban' the online release of the film in advance. They have also advocated a social boycott of A.R. Rahman, who has composed the musical score for the film. *The Wire's* religion and community writer, Shuddhabrata Sengupta condemned the ban and called for legal action.

The author believes that criticism or humour about Islam would be best handled by

filmmakers from within the community, since many of its toughest critics, such as Salman Rushdie, Tarek Fatah, Ibn Warraq, Taslima Nasrin – all are from the faith. Despite Rushdie's Indian origin, the author is deeply saddened that apart from some liberals expressing horror at his stabbing in New York, reaction in India was largely muted. The reason appears more political than anything else.

Concluding Thoughts

The author is reminded of the famous quote of Justice Sanjay Kishan Kaul, then Judge, Delhi High Court, in *Maqbool Fida Hussain v. Rajkumar Pandey*, where the petitioner was accused of being obscene and offending religious sentiments for portraying India as a nude woman with her hair flowing in the shape of Himalayas. Upholding the artistic freedom of the painter, he held: *"Pluralism is the soul of democracy"*. The freedom to think what we "hate" should exist. If there is no freedom after speech, freedom of speech is meaningless. The degree of freedom and accommodation that democracy actually offers serves as a yardstick for its effectiveness.

Let the free citizens of this country make their own choices to create, watch and appreciate. The State is under a constitutional obligation in facilitating the same.

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NAVIGATING CULTURAL AND GENDER BARRIERS IN PSYCHIATRIC DIAGNOSIS: THE OVERLOOKED ROLE OF TRUST AND MEDICAL IMAGING UTILIZATION

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The advent of medical imaging technology has made a huge impact on health care by facilitating earlier diagnosis and intervention across numerous medical disciplines. In psychiatry, for example, imaging technology such as MRIs and CT scans can assist with the diagnosis of difficult psychiatric disorders. Medical imaging technology and the subsequent interpretation of results are not free from the influence of societal norms. In traditional societies, for example, cultural and gender biases can influence access to medical imaging technology, trust in diagnostic interpretation, and use of the findings, especially in a psychiatric context. We have noticed that the cross-cultural applications of new innovation technologies in the medical imaging literature, gender norms and biases related to trust in imaging technology are noticeably missing from the discussion in traditional societies. This raises a fundamental issue that struggles to draw the attention of the medical imaging community and to the researchers of this field. It may be important to detail this type of phenomenon in two different ways. One exaggeration is that everyone recognizes the gender differences without specifically attending the biases to trust and use imaging technology. The other problems exist because no contributing experience looks at how this bias against gender has shaped a trusting relationship and therefore has implications for interpretation and outcomes in cross-cultural practices related to imaging.

The degree of deviation from cultural norms and gender roles is different in different

societies. And such distinctions limit the accessibility of health care services. These include, among other things, the treatment and diagnosis of imaging. In many societies, feelings of anxiety and depression are often viewed as a social stigma. This impacts negatively on treatment by either making it delayed or inadequate. Patients with psychological disorders may also avoid seeking treatment because they fear social stigma. In addition, cultural prejudices against psychiatric disorders may further exaggerate the stigma attached to radiology equipment. This creates more complex situations in which people must maintain the appropriate care required.

In our observation, it has been found that cultural bias can lead to misdiagnosis. Especially in marginalized groups, in one study it was revealed that clinical bias combined with cultural misunderstandings It can lead to overdiagnosis of schizophrenia in the African American population. This cultural distrust may be misinterpreted as medical dementia. This highlights the need for physicians to be aware of their own biases and the cultural context of their patients. This avoids misdiagnosis and guarantees appropriate treatment.

X-rays, MRIs and CT scans are the imaging technologies that have clearly improved medical care by allowing doctors to see inside our bodies and diagnose problems. But the intricate web of gender assumptions and biases that underpin traditional societies can have a huge impact on how much we believe and use these imaging technologies.

Traditional societies offer a unique lens through which to understand the relationship between culture and technology. These societies are often defined by very entrenched gender roles which have an impact on attitudes to health, access to imaging technology and potential biases in its use.

Although medical imaging is seen as an area of objective science, the impact of society and cultural norms on its use can't be ignored. Gender norms have a big impact on how much we trust imaging technologies. Research usually focuses on the gender of the patient and their willingness to undergo imaging procedures. But the gender of the healthcare professional interpreting the images and the societal context – rural or urban – is often overlooked. Because many times it has been seen that women don't want to visit a male radiologist for their diagnosis.

Research shows that traditional gender roles and expectations can impact both men and women's willingness to undergo imaging procedures by influencing their belief in medical technology. Cultural gender norms shape how we perceive technological advancements in health. These norms can take many forms – men should be strong and calm so there is delay in medical imaging for male patients or women should put their family first, so they delay medical imaging for themselves.

For example, in traditional societies men may delay medical imaging services because of the norms that associate masculinity with stoicism and not showing vulnerability. Men in traditional societies have their own set of barriers to seeking psychiatric care. Cultural norms associate masculinity with traits like stoicism and resilience so men are discouraged from showing vulnerability or seeking help for mental health issues. In research it was found that men may experience "masculine discrepancy stress" where societal expectations of masculinity conflict with their mental health needs and they avoid help-seeking behaviors. This reluctance can extend to diagnostic imaging procedures where the fear of appearing weak or vulnerable may delay necessary evaluations

and treatments. Men are also less likely to seek help for somatic symptoms which can include mental health issues because of the stigma of vulnerability.

On the other hand, women may put off these services because they're expected to put family duties ahead of their own health. Also, in some cultures, women might not want to go into imaging rooms by themselves if the technician is a man. The small tight space of MRI machines can make this even worse without a family member there. Some people think imaging procedures are like taking pictures of private areas so many families don't allow them. People also worry if someone of the opposite sex looks at the images making them afraid of being judged. This leads many to skip imaging procedures altogether. This phenomenon is further complicated by the intimate nature of certain diagnostic procedures, such as MRI scans, which may induce discomfort in women, especially when the healthcare provider is male. The discomfort arises from cultural norms that dictate interactions between genders, potentially leading to a reluctance to undergo necessary diagnostic imaging.

Recent studies have shed new light on how gender norms and healthcare access work together. Research shows that cultural elements such as those based on Buddhist and Confucian traditions, shape gender roles and, as a result, have an impact on mental health outcomes in Asian communities. These cultural systems can influence how individuals perceive mental illness and their willingness to seek help. This reinforces gender-specific barriers to accessing psychiatric care.

The negative perception of mental health issues can amplify these challenges. Numerous research studies highlight how cultural beliefs that view mental disorders as spiritual or moral failures can discourage individuals from seeking psychiatric help. This affects men who might fear judgment or exclusion. This social stigma often creates a cycle where men delay getting assistance. As a result, their mental health issues worsen, despite the possibility of addressing them earlier through proper diagnostic procedures. Trust in medical imaging technologies,

especially in psychiatric contexts, is shaped by cultural and gender biases. In conservative societies where traditional values prevail, there can be skepticism towards modern medical technologies, as they may seem foreign to the cultural norms. Concerns about data breaches and privacy are particularly pronounced in patriarchal communities, where the risk of personal health information being exposed is a significant worry. These privacy issues often discourage patients from pursuing diagnostic imaging, which can lead to delays in psychiatric diagnoses.

Patients dealing with psychiatric distress may sometimes express beliefs that they are being controlled by external devices, like AI-based implants. This perception can create considerable anxiety about psychiatric imaging procedures, as individuals fear that these evaluations might reveal such perceived violations of privacy. Additionally, the fear of being labeled as mentally ill due to these beliefs is intensified by cultural stigmas surrounding mental health, which can further obstruct access to necessary care.

The idea of external control goes beyond just being a sign of psychosis; it taps into broader societal fears regarding technology and privacy. Researchers explore how the stories we tell about mental illness, especially schizophrenia, can be swayed by societal views on genetics and technology. This suggests that these narratives can influence family and social interactions concerning mental health. When patients feel they are being controlled from the outside, they might hesitate to share their symptoms during clinical assessments, worried that such admissions could result in stigma or incorrect diagnoses.

Clinical psychiatrists have been found to avoid recommending imaging technologies for such patients. There is a concern that if the patient's condition worsens, the psychiatrists might be held accountable, with patients potentially claiming that the psychiatrists interfered with the supposed technology within their bodies. This fear further complicates the diagnostic process and delays appropriate treatment. In such situations, law should be framed in such a way that if any

doctor is performing their duty in good faith due-diligence then they should have protection under law.

Recently, with the advancement of medical technology such as functional MRI (fMRI), diffusion tensor imaging, MR spectroscopy, and T2-relaxometry, has helped the psychiatric expert in the understanding of psychiatric diseases based on their structural, functional, and chemical foundations were achieved. However, the complex web of gender stereotypes and cultural biases can significantly impact how much people trust and use these technologies. Traditional societies often have deeply rooted gender roles that influence access to psychiatric care, healthcare attitudes, and potential biases in its application.

Furthermore, the contemporary issue of data protection also affects trust in imaging technology. Families worry about where these images are being saved, who has access to them, and who might look at them later, further discouraging individuals from undergoing necessary imaging procedures. In conservative societies, cultural norms may restrict women's access to specific healthcare services, such as mammograms, leading to delayed diagnosis and treatment of diseases like breast cancer. A study found that women in such communities are less likely to undergo routine mammograms, significantly impacting early detection efforts.

Gender-based differences in diagnostic precision may also arise due to biases in the interpretation of imaging results. Research suggests that radiologists may unconsciously attribute symptoms differently based on the patient's gender. For instance, chest pain in men is more likely to be interpreted as a cardiac issue, while similar symptoms in women might be misattributed to anxiety or non-cardiac conditions. This can lead to delayed and potentially less accurate diagnoses for female patients.

Comparative examination across different cultures may reveal significant variations in the impact of gender norms on imaging technology. Societies with stricter gender norms often experience greater inequities and more significant errors in the interpretation

and utilization of imaging technology. These discrepancies underscore the necessity of a comparative examination to understand the full scope of gendered imaging trust.

Through this letter, we request researchers to consider this critical dimension and explore not just gender roles but also the broader cultural biases in their studies. By addressing these issues, we can work towards a more equitable healthcare system where psychiatric care and medical imaging technology benefit all individuals, regardless of gender or cultural background.

Cultural norms and gender biases have significant impacts on the diagnosis of mental health conditions as well as on the treatment of such conditions, especially in traditional societies. A very significant challenge to effective treatment is both reluctances to seek psychiatric care stemming from stigma and the hesitations surrounding the application of medical imaging technologies. The fear of legal repercussions for clinicians also adds to the situation's complexity. Such cultural dimensions should be addressed by future research. In addition, legal frameworks should be employed to protect healthcare professionals who act in good faith, thereby ensuring equal access to psychiatric care and imaging technologies for all.

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PROGRESSION TOWARDS GENDER NEUTRALISM IN SEXUAL OFFENCES: A DIRE NEED

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What is Gender Neutralism and its importance?

As per Oxford Dictionary, Gender Neutralism means something that cannot be taken to refer to one gender only. Wikipedia defines Gender Neutralism as the movement that encourages the idea that social institutions in a country should avoid assigning roles to people on the basis of their sex or gender. Thus, Gender Neutralism means that when any law or policy is framed in a particular state, it should not be tainted towards any particular gender. It includes breaking stereotypical mindset and aiming for an inclusive society. The concept of gender neutrality has gained a lot more importance in the recent past. There has been a lot of demand from the different sections of society to make laws specially those related to sexual offences as gender neutral. This demand has been strengthened more after the verdict of Supreme Court in National Legal Service Authority v. Union of India when the Hon'ble court recognised transgenders as a third gender apart from males and females. At present, achieving gender equality is the need of the hour and hence gender neutral legislations are the only means of achieving this goal.

From where do laws derive their power?

India is a sovereign, socialist, secular, democratic and republic. It has the longest written Constitution. It is the supreme law of land prescribing rights, duties of citizens and setting limits within which government is supposed to function. Constitution is regarded as the grundnorm; a basic source from which all the subordinate legislations derive their power. Fundamental rights of citizens are enshrined in Part-III of Constitution. Article 15(3) is one such fundamental right which provides that specific laws can be enacted for the women and children as they are regarded as a 'vulnerable class'. Various women centric legislations are

enacted on the basis of this fundamental provision. Meanwhile, let's not forget the basis of Constitution i.e. to provide equality to all. The idea of 'Equality' is enshrined in Preamble, Article 14 and Article 15(1) of the Constitution. Equality implies equality before law and equal protection of laws but when women centered legislations are enacted, they deny the other gender(s) a right to equal access to justice. Hence, these legislations are discriminatory in nature.

Gender Specific Legislations for Women

In India, women have always been treated as a vulnerable class. They have been tortured, forced to limit themselves to household chores and thus denied many opportunities. But postindependence, there have been drastic changes in the way society perceives females. They are sent to school, encouraged to get higher education and to take up jobs suitable to their interests. Atleast in Urban areas, they have been given the freedom to free themselves from the fetters of backwardness. Undoubtedly, women have also proved themselves in every field. All these advancements have been possible due to various women centered legislations. Indian Penal Code, 1860 contains many provisions in which women are provided with added advantage as compared to men especially in relation to sexual offences. Some of the provisions are listed below-

- Sec 354 (Section 74 BNS) - This section makes the act of outraging the modesty of a woman a penal offence. As per the provisions of the Code, it is committed by any man on a woman by the use of criminal force or by means of assault. It is a non-bailable offence.
- Sec 354-A (Section 75 BNS) – It deals with Sexual harassment against women which includes unwelcoming and explicit sexual gestures, making sexually coloured remarks, demands for sexual favours etc. It specifically mentions that man commits

the crime and woman is the victim party.

- Sec 354- B (Section 76 BNS) – It covers the circumstances when any assault or criminal force is used with an intention to disrobe any woman or to compel her to be naked. It is also a non- bailable offence. However, under the new law the word ‘any man’ have been replaced by the words ‘whoever’.
- Sec 354- C (Section 77 BNS) – It punishes a man who watches or captures images of a woman while she is engaging in certain private act or in circumstances in which she expects utmost privacy. Dissemination of such images has also been made an offence under this section.
- Sec 354-D (Section 78 BNS) – This section deals with stalking which includes deliberate attempt to connect with her despite her disinterest.
- Sec 375- 376 E (Section 63-71 BNS) – It deals with provisions relating to rape. It is a serious form of sexual assault in which a man without consent of a woman forces her into sexual activities.
- Sec 498- A (Section 85 BNS) – It covers cases when cruelty is inflicted on a woman by her husband or by relatives of husband. Cruelty can be of any form i.e. physical or mental and it can be in relation to any object like demand of dowry, or any unlawful coercion.
- Sec 509 (Section 79 BNS) – Whoever by words, gestures or sounds intend to insult the modesty of a woman.

In 1997, after the brutal rape of a woman employee in Rajasthan, SC gave its landmark decision Vishakha v. State of Rajasthan realizing the need for special guidelines in order to protect women from sexual harassment at workplace. Taking into consideration the judgment of Supreme Court in Vishakha’s case Parliament enacted a new law in 2013, Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. It provides protection to women against sexual harassment at workplace and provides them with a power to approach grievance redressal authority.

Protection of Women from Domestic Violence Act, 2005 – Under this Act, if any female faces

any kind of abuse from her spouse she can approach the court. This abuse can be of any kind physical, mental, verbal, sexual or emotional. Scope of this Act has been extended to include live in partner as well.

Thus, there are innumerable legislations providing special protection to women against any kind of abuse faced by her. Most of these offences have been made non-bailable in nature so as to act as a deterrent against male perpetrators.

Misuse of Women Centric Laws

In India it is a common sight that whenever any policy or law is made for the benefit of a class of citizens, people begin to misuse them. Loopholes are found even before the proper implementation of laws is done. Same has been the fate of women centric laws. Delhi Commission for women, itself published a report in 2014 highlighting the fact that 53% of the rape cases reported in the national capital were found to be false. It has been seen that laws are being misused to a great extent by women. There are numerous reasons why fake complaints are being filed, some of them are hereinafter mentioned:-

- At times, there can be little quarrel or disagreement between a man and woman. Infuriated women in order to take revenge or to satisfy their ego, lodge a complaint.
- After breakup in a relationship, false allegations of rape are initiated by female partner to take revenge from the male partner.
- Sometimes false complaints are filed to extort money from the rich and wealthy men. There have been numerous complaints against film directors, persons occupying prestigious posts.

Thus, it is a usual scenario that women use these laws as a sword to harass and torture the males. All the cases are cognizable and non-bailable, so fear of landing up in jail, loss of family reputation and position in society persuades a male to act according to whims and fancies of complainant woman. Thus, women centric laws end up making a man as the victim. The victim is apparently shown as the perpetrator of crime, crime which never really happened.

Most of the males commit suicide due to false allegations of sexual harassment against them.

Need of gender-neutral laws

As per study conducted by Indian Association of Preventive and Social Medicine, 52.4% males have experienced gender based violence which implies that more than half of males have experienced gender based violence. Another surprising fact is that out of the sample of 1000 males, 51.5% males have been inflicted violence by their own spouse or intimate partners. Hence, it is clear that there isn't any particular class that is vulnerable to sexual harassment but it could be any gender.

There are two aspects of right to equality- positive and negative. Positive equality implies that all the citizens are treated equally and given equal opportunities and benefits. Negative equality implies that keeping a vulnerable or marginalized class on higher pedestal in order to provide them with special benefits and opportunities to grow. But when it is being seen time and again that vulnerable class begins to misuse those special laws, something needs to be done to protect the other classes. The legislature must fill the loopholes in the law by making certain amendments or law needs to be made stricter.

As per a survey conducted by Economic times in collaboration with Synovate, there were 527 total respondents across major cities like Bangalore, Chennai, Delhi etc. study depicted that 19% males have faced certain form of sexual harassment at workplace. Around 38% respondents admitted the fact that men are as vulnerable to women in sexual harassment. These studies gain our attention to the issue that there is a need to change our stereotypical mindset that only men are the perpetrators of violence and all the laws need not to be pro-women. As the society keeps on evolving, Law also has to be dynamic and need to be adapted as per changing notions of society. Hence, there is an urgent need for males addressing male sexual harassment issues too.

Apart from males and females, there is a third gender as well comprising of transsexuals homosexuals, gays, lesbians etc. While making

laws, this is one section of society which is often forgotten. None of the penal provision is extended to include transgenders. As per statistics pertaining to sexual violence against transgenders, one out of every two transgender person gets sexually abused. This is one section of society which gets abused the most, even more than women. Every individual in the community has the right to live with dignity, personal freedom and liberty. Denial of these rights leads to violation of basic human rights. Sexual harassment causes a great hindrance in the way an individual wants to live his life. Thus, for enjoyment of life to the utmost level, need of gender neutral laws can't be undermined.

Lesser report of harassment by other genders

Indian society is a stereotypical society with patriarchal mindset. Males in society are seen in consonance with 'masculinity'. There is a famous dialogue of Bollywood movie 'Mard ko kabhi dard nahi hota'. Thus Indian society depicts male as a symbol of courage and strength and whereas women are seen as fragile and subservient to men. They are seen as an object to satisfy innate lust of man. That is the reason why legislations dealing with sexual offences in India are biased in nature where only male is seen as the perpetrator and he can never be thought of as a victim. However, all fingers are not same; just because majority of men fit well-within the idea of masculinity doesn't mean everyone has to be of same kind. Those handful of men who suffer harassment do not report them because they have a fear that society will laugh at them. Even if men get enough courage to report the harassment suffered by them, investigating agencies like police donot take them seriously. Hence, they try to suppress any kind of harassment or violence faced by them.

Coming to the issue of transgenders, they face the worst situation. They are addressed with abusive words and are seen with raised eyebrows. They are told to identify themselves either as males or females. If they chose the latter then they can get their complaint lodged but choosing former means shutting all the doors. Transgenders even lack awareness to reach the proper grievance

authorities. All of this leads to lesser reporting of cases. Thus there are numerous reasons why lesser cases are supported.

Initiatives for Gender Neutral Laws

Either the legislative enactments are neutral in nature or for the benefit of women only. There is no legislation which has been specifically curated for the males. However, many times voices have been raised demanding for gender neutral laws. Some of the initiatives taken from time to time to address the issue of gender neutrality are:-

- Law Commission Report- The Law Commission of India in its 172nd report recommended that rape laws be made gender neutral. Law Commission has admitted this fact two decades back in its report that not only girls but boys too have been the victims of sexual harassment.
- Recommendations of J.S Verma Committee- After the Nirbhaya incident, Justice J.S. Verma Committee was constituted to look into possible amendments in Criminal laws. The committee in its report submitted that sexual harassment laws be made gender neutral. As a result, Criminal Law (Amendment) Ordinance, 2013 was passed but it received widespread criticism from women activists. Hence Criminal Amendment Bill, 2013 was passed without making sexual harassment laws gender neutral. Thus we came back to the same position from where baby steps were taken to achieve gender neutrality.
- University Grants Commission's Guidelines – In May 2016, UGC issued first gender neutral rules to be followed regarding sexual harassment complaints. UGC Sexual Harassment Cell notified that such a welcoming change has been made in guidelines because it feels that it is the duty of higher educational institutions to protect all those who are vulnerable to sexual violence including females, males and transgenders as well.
- Criminal Amendment Bill, 2019 - On the basis of report of Law Commission, Criminal Amendment Bill, 2019 was

introduced by Senior Advocate and Rajya Sabha member Mr. K.T.S. Tulsi. It aimed at amending Indian Penal for providing gender neutral rape laws and thus demanded amendment in Sec 354, 354A, 354B, 354C, 354D, 375, 376, 376A, 376C, 376D. It aimed at replacing the word 'woman' used for victim with the word 'whoever' which is a gender neutral term. Wherever word 'male' is used as a perpetrator of crime it was sought to be replaced by word 'whoever' which is again a gender neutral term. Thereby, meaning that any gender can be the victim or the perpetrator. This bill however couldn't get passed.

Judicial Attitude

Judiciary is custodian of fundamental rights of citizens. Under the Indian Constitution, judiciary has been invested with wide powers. It has an important power of judicial review meaning thereby power to pronounce upon the constitutionality of legislations. Citizens can approach the Supreme Court and High Court by way of writ jurisdiction if their rights are being violated. From time to time, many pleas have been filed in superior courts to address the issue of gender neutrality. First case pertaining to the issue of gender neutrality was *Sudesh Jhaku v KC Jhaku*. The question that arose in this case was that whether 'Rape' under Sec 375 of Indian Penal Code is confined only to penile- vaginal intercourse or it includes other forms of intercourse as well like vaginal, mouth, anus. It was pleaded that narrow interpretation of Sec 375 excludes the cases when sexual abuse is done by inserting other objects instead of penis like some foreign object or any other part of body. This narrow interpretation leads to many absurdities but it is a well settled rule that penal statutes be construed strictly so as to give benefit of doubt if any, to the accused. Court gave an important observation while delivering the judgment that men who are assaulted sexually need to be given the same protection as given to that of women. Court stressed on the fact that rape should be considered as a sexual assault rather than a special crime against women.

Another major case is *Sakshi v Union of India*.

This case becomes important because Hon'ble SC gave its observation that there is a need of major amendments in India Penal Code and directed Law Commission of India to submit its report. The court held that laws need to be amended in order to cope up with changing ethos and systems of society. As a result, 172nd report of Law Commission of India was submitted advocating for gender neutral laws. A petition was filed in Delhi High court challenging the constitutional validity of Sec 375 and 376 of IPC. The petitioner made reference of an incident in which a boy was sexually assaulted by a 42 year old male and there was no provision under IPC to include it within definition of rape under Sec 375 because the rape laws in India are female oriented. The petitioner brought to the notice of Court that rape laws in 63 countries of the world are gender neutral. The said petitioner also quoted statistics to show that male rapes do exist in reality and there is an urgent need that something should be done to address this issue soon before the number increases. He pleaded that male donot report rapes because there is a fear in their mind that they will be mocked at by the society.

In K.S. Puttaswamy v. Union of India, a 9-judge bench judgment has stressed over the topic of 'consent'. The importance of consent and bodily integrity has increased to a great extent after the passing of this judgment. Every person irrespective of his gender must have full control over his body and thus if anyone violates it, he/she is liable to be punished.

Another recent case has been that of Navtej Singh v, Union of India where Supreme Court adopting a liberal view gave a green signal to the rights of Transgenders. This verdict decriminalized consensual intercourse between transgenders. However, it still leaves many questions unanswered. What about non-consensual intercourses? Will they still be covered under Sec 377 of Indian Penal Code? What if there is no intercourse but just a sexual assault? Sadly, we donot have any remedy for it.

Hence, there are countless pleas which have been filed in Supreme Court and in various High Courts challenging the validity of female

centric legislations. From time to time various men's and transgenders organizations have demanded for equality of rights but time and again Hon'ble Supreme Court has refused to interfere. At times, notice has been issued to Central Government seeking for a reply that why laws are not being made gender neutral. It is also a well-known fact that Supreme Court while dealing with these petitions can't overstep its limits. SC can't direct government to make the laws gender neutral because it would amount to interference in the legislative task and gross violation of Article 50 of the Constitution which provides for separation of powers.

Reasons why laws have not been made gender neutral

There have been many advocates of women rights who argue that sexual harassment laws must be kept women centric only. Indian system is already male dominated and patriarchal in nature with little freedom for women. Making laws gender neutral will give more strength to the male community and thus more abuses against females will be there. Another point of argument is that biologically it is impossible for a woman to commit rape on a man. A man due to his physique has enough power to resist a woman acting upon him without his will. Woman activists argue that it is just an imaginary thought that women can assault men. Hence, sexual offences laws should be kept in the same position as they exist now.

Conclusion

There is a lack of data on male rapes because they rarely get reported because of fear of 'masculine image' being tarnished. Just because we cannot prove anything with sufficient evidence, doesn't mean that particular thing does not exist. Male rapes are a reality thus needs to be addressed at the earliest. Transgenders at present form a significant part of the society. There are no laws to protect them. Sexual assaults and rapes are the gravest form of offence that can be done on human body. As Justice Krishnan Iyer beautifully quotes – Murderer kills the body but rapist kills the soul. Thus, any kind of sexual assault leaves the victim in great trauma which denies him a dignified life which

amounts to violation of Article 21. Worst that can happen is that there is no redressal agency from which accused can seek justice. Another thing that researcher would like to mention before the conclusion of research work is that if laws are made gender neutral, it has nothing to do with being anti-women. It is not necessary that if a male is the victim, only a female will be the perpetrator. There can be sexual assault by male on male, by a male on transgender. Our sole motto must be to provide justice to the victim no matter to which gender that person belongs. Similarly, it is the duty of criminal justice system to punish the wrong doer irrespective of the fact that which gender one belongs to.

Suggestions:-

1. Sexual harassment laws need to be made gender neutral to cover males, females and transgenders either as perpetrators of crime or as victim.
2. The provision of rape should not be limited to penile-vaginal intercourse. It should be extended to include oral sexual intercourse, any kind of interference with victim's body without his/her consent should be made punishable.
3. Law enforcement agencies should be sensitized about sexual offences so that when males or transgenders come to them to file complaint against harassment meted out by them, they are taken seriously. These victims must also be treated in the same way a female victim is.
4. Awareness must be created among society also. People should be made aware through social media, rallies that sexual offences are not confined to a particular gender but can be faced by anyone.

Endnotes

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JITENDRA SINGH BABBOO SINGH V. STATE OF UTTAR PRADESH 2013 (9) SCALE 18, JT 2013 (11) SC 152

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Introduction

The case of *Jitendra Singh Babboo Singh v. State of Uttar Pradesh* is a landmark in India's juvenile justice jurisprudence, which tests the legal framework established by the Juvenile Justice (Care and Protection of Children) Act, 2000 (JJA). The Act, primarily aimed at rehabilitating juveniles, recognizes that children in conflict with the law require a different approach from adult offenders. This case sheds light on critical aspects of the juvenile justice system, such as determining juvenility, rehabilitation versus punishment, and the role of courts in ensuring that minors are given a fair trial and the opportunity for reform.

In *Jitendra Singh*, the Supreme Court was tasked with determining whether one of the accused, involved in a dowry death case, should be considered a juvenile at the time of the offense and thus tried under the JJA. The judgment delivered by the Court not only decided the fate of the accused but also reiterated important principles about handling cases involving juveniles.

Factual Background

The case arose from a dowry death where a woman was killed and burned by three individuals, including her husband and father-in-law. The trial court convicted all the accused, and one of them, during the appeal in the Supreme Court, claimed juvenility. He argued that he was only 14 years old at the time of the commission of the crime. Given the serious nature of the crime, the Court was faced with a complex issue: balancing justice for the victim while considering the rehabilitative mandate of juvenile law for the accused.

Legal Issues

The central issue before the Supreme Court was whether the accused should be treated as a juvenile at the time of the crime. The key questions were:

1. What constitutes juvenility under the JJA?

2. What is the procedure for determining the age of the accused?

3. Can a claim of juvenility be raised at any stage of legal proceedings, including during an appeal?

These issues needed to be resolved while considering the overarching objectives of the Juvenile Justice Act, which emphasizes rehabilitation and reintegration of young offenders rather than punishment.

Judgment

The Supreme Court upheld the decision of the lower courts to convict the accused but recognized that he falls into the category of a juvenile under the Juvenile Justice Act, 2000. The case was subsequently referred to the Juvenile Justice Board to determine the appropriate sentence based on the accused's age at the time of the offense. The Court's decision aligned with the rehabilitative ethos of the JJA, which prioritizes restoration and reintegration of juveniles into society. However, by upholding the conviction, the Court also sent a message that serious crimes committed by juveniles would not go unpunished but would be addressed within the framework of juvenile law.

Case Analysis

1. *Juvenility as a Claim at Any Stage*: One of the significant aspects of this case is the recognition that juvenility can be raised as a defense at any stage of legal proceedings, even after conviction or during appeal. The Supreme Court reaffirmed this principle from earlier cases such as *Abuzar Hossain Gulam Hossain v. State of West Bengal* (2012), where it was held that the claim of juvenility can be raised at any point and the Court must give it due consideration. This ruling has profound implications. It ensures that minors are not wrongfully treated as adults in the criminal justice system, even if the claim of juvenility is delayed. It also reinforces the burden on courts to carefully evaluate the age of the accused, using the

best available evidence, such as birth certificates, school records, or medical examinations.

2. *Determination of Age*: The Court reiterated that the determination of age is a crucial component of juvenile justice. In this case, the accused claimed he was 14 at the time of the crime, which would classify him as a juvenile under the JJA. Section 94 of the JJA provides guidelines for age determination, prioritizing documents such as the matriculation certificate. The Supreme Court, in this case, emphasized that the courts must not take a technical approach while determining juvenility, meaning they should err on the side of rehabilitation and protection when there is ambiguity about the age of the accused. However, the Court also maintained that false claims of juvenility could be rejected, ensuring that the protection offered by the JJA is not misused by adult offenders trying to evade stricter punishment.
3. *Rehabilitation vs. Retribution*: This case brings into sharp focus the tension between rehabilitation and retribution, particularly in serious crimes such as murder or dowry death. The JJA is built on the principle that young offenders, due to their age and developmental stage, have a greater capacity for reform than adults. However, this principle is tested when juveniles commit heinous crimes. In the *Jitendra Singh* case, the Supreme Court demonstrated a commitment to balancing these concerns. By referring the case to the Juvenile Justice Board, the Court ensured that the accused would face consequences for his actions but within a framework that prioritizes rehabilitation over punishment. This is consistent with the Court's approach in other cases involving juvenile offenders, where it has highlighted the need to give children in conflict with the law a second chance through restorative justice mechanisms.
4. *The Role of Juvenile Justice Boards*: The Juvenile Justice Board (JJB) plays a pivotal role in cases involving juveniles. Once a court determines that an accused is a juvenile, the case is transferred to the JJB,

which has the authority to decide appropriate corrective measures. These measures can include counseling, community service, or being placed in a juvenile home. In *Jitendra Singh*, the Supreme Court's decision to send the accused to the JJB reflects the belief that juveniles, even those involved in serious crimes, should be treated differently from adults. The Board's focus is on reforming the individual and preparing them for reintegration into society, rather than merely punishing them for the crime committed.

Implications for Future Cases

The *Jitendra Singh* case has significant implications for future juvenile justice cases in India. It underscores several important principles. The ability to raise juvenility at any stage of proceedings protects the rights of young offenders who may not have had the opportunity to assert their age earlier in the legal process. This is especially important in cases where juveniles may not have adequate legal representation or knowledge of their rights. The Court's emphasis on a non-technical approach to determining age ensures that minors are not unfairly punished as adults due to procedural delays or lack of documentation. This has broader implications for the treatment of marginalized children who may not have access to formal records, such as birth certificates. The case reinforces the rehabilitative focus of the Juvenile Justice Act. By transferring the case to the JJB, the Supreme Court sent a message that even in serious crimes, juveniles should be given the opportunity for reform, in line with international norms on child rights.

Conclusion

The *Jitendra Singh Babboo Singh v. State of Uttar Pradesh* case serves as a vital reminder of the core principles underlying juvenile justice: protection, rehabilitation, and reintegration. The Supreme Court's decision to uphold the conviction but refer the sentencing to the Juvenile Justice Board reflects the delicate balance between holding young offenders accountable for serious crimes and recognizing their potential for rehabilitation. As India continues to grapple

with juvenile delinquency, cases like Jitendra Singh provide valuable legal precedents, ensuring that juveniles are treated fairly, with an eye toward their future reintegration into society. The case highlights the importance of a legal system that protects children in conflict with the law while addressing the concerns of victims and society at large.

Endnotes

1. The Juvenile Justice (Care and Protection of Children) Act, 2000 (JJA).
2. Jitendra Singh Babboo Singh v. State of Uttar Pradesh; 2013 (9) SCALE 18, JT 2013
3. (11) SC 152.

TARSEM LAL V.S DIRECTORATE OF ENFORCEMENT, JALANDHAR ZONAL OFFICE, (2024) INSC 434

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Introduction

Tarsem Lal judgement delivered by Justices A.S. Oka and U.Bhuyan dives into elemental criminal law jurisprudence to deal with the Enforcement Directorate's "not police" assertion. The judgement reiterated, the objective of issuing summons is to ensure appearance of the person in court and not to take him into custody. The decision additionally, straighten outs that even if an accused fails to appear in court after the issue of summons at the first instance and thereafter the warrants, the accused need not apply for bail under the Prevention of Money Laundering Act, 2002 (hereinafter PMLA, 2002), he can apply for cancellation of warrants which is a much simpler process under the Criminal Procedure code. Hence, the judgement somewhat rein in the power of ED by clarifying that agency has no power to arrest an individual under PMLA, 2002 after Special Court has taken cognizance of the case. The judgement accentuates, in criminal proceedings, custody is not meant to function as punishment for an undertrial rather it is predominantly designed to run interference for effective investigation of an offence.

Factual Background

Tarsem Lal was arraigned as accused for the offence of money laundering under Section 3 and 4 of PMLA, 2002. Lal was alleged to be involved in a conspiracy where revenue officials wrongfully allotted 'shamlat' lands in a village situated in Punjab to various people who weren't eligible to receive the same.

Lal, being one of the co-accused, was suspected to have received substantial amount of money from property dealers by "misusing government machinery". FIR was registered mainly under section 420 and section 7, 7-A of Prevention of Corruption Act amongst other sections. The offences alleged of Lal and other co-accused fell in the category of 'predicate offences' listed in the Part A of the schedule attached to PMLA, 2002.

'Predicate offence' is known as the underlying criminal offence which deals with the 'proceeds of crime' in relation to which the original offence of money laundering is committed i.e. projecting the tainted money derived or obtained from any criminal activity to be untainted money. Since the accusation against Lal and co-accused was predicate offence, the ED initiated an enquiry under PMLA, 2002, their names surfaced during the enquiry.

Thereafter, the agency registered Enforcement Case Information Report (ECIR). Afterwards, cognizance was taken by Special Court under Section 44(1) (b) the PMLA, 2002. Notably, Tarsem Lal had not been arrested after the registration of the ECIR. Special Court issued a summons order for him but he failed to appear before the Special Court. Consequently, the said Court issued warrants for his presence. Ergo he applied for anticipatory bail under Section 438 of the CrPC. The same was rejected by the said Court.

Afterwards the accused approached the Punjab & Haryana High Court seeking an anticipatory bail for the same. The Hon'ble Court dismissed his plea averting that his case failed the "twin bail conditions" criteria under Section 45 of PMLA, 2002, relating to cognizable and non-bailable offences. As per Section 45 for the grant of bail, the accused must prima facie prove that he is not guilty of such offence and satisfy the Court that he, while on bail, will not commit any further offence.

On 23 December 2023, Lal through Special Leave Petition (SLP) in the Apex Court appealed against decision of the P&H High Court in which Division Bench of Justices Abhay S. Oka and Ujjal Bhuyan, in an interim order, directed that he should not be arrested. His matter was tagged with eight other criminal appeals all of whom in distinct PMLA cases had not appeared before the Special Court after getting summoned. The

Special Courts had issued warrants to procure their presence after which they had all filed for anticipatory bail before the Special Court which was rejected. The High Courts had further denied the same, following which the Supreme Court had passed individual interim orders protecting each of them from arrest.

Issues raised

1. Does PMLA, 2002 have an overriding effect over CrPC?
2. Whether ED can arrest accused once Special Court takes cognizance of the offence of money laundering under Section 44(1)(b) of the PMLA?
3. Will an accused be considered in custody after Special Court issues a summons order?
4. Is it mandatory for an accused to file a bail application under Section 45 after a summons warrant is issued by a Special Court?
5. Will a bond application under Section 88 CrPC filed by accused be construed as bail application?

Contentions on behalf of the Appellants:

It was argued that an investigation is considered to be complete when a Special Court takes cognizance under Section 44(1)(b) of the PMLA, 2002. The cognizance is taken by the court on the basis of the complaint filed by the officers of the ED. An arrest under Section 19 of the PMLA, 2002 would be illegal after cognizance as it would be considered as a punishment to an undertrial. It was further submitted that the special court would follow all the provisions of CrPC once cognizance is taken, not all, but only those provisions which are inconsistent with PMLA would not apply. He further contended that a summons is issued by a court for ensuring appearance and not to take into custody. The accused is to furnish a bond for appearance under Section 88 of CrPC and need not file a bail application. A bond for appearance is an undertaking by an individual binding him to appear before such court, as required, during the proceedings of a case. If the ED wants remand of such a person, after the court has taken cognizance, ED must apply under Section 309(2) of the CrPC.

Contentions on behalf of Respondents

The ED argued that it is within the power to make arrests under section 19 of the PMLA, 2002 even after a cognizance by a special court for further investigation and supplementary complaints. Furthermore, PMLA being special legislation has an overriding effect over CrPC.

They contended that the accused is deemed to be in custody at the time of appearance before a Special Court. He accordingly has to apply for bail under Section 439 of the CrPC ensuing application of 'twin conditions' of bail under PMLA, 2002. Further, an application for furnishing a bond under Section 88 of CrPC tantamounts bail application under PMLA. Hence, Section 45(1) will apply.

The Judgement

The Apex Court, on 16th May 2024, in a 37-page judgement authored by Justice Abhay S. Oka, held that the ED has no power to arrest a person under the PMLA after a cognizance has been taken by a Special Court. If an accused is not arrested by ED till filing of the complaint and cognizance has been taken by special court, officers of directorate are powerless to arrest the said accused under Section 19 of the PMLA. If in such a situation, ED wants custody of accused, it shall seek remand under Section 309 of the CrPC. The special court may or may not grant such remand, only after hearing the accused and recording brief reasons.

Additionally, the Court noted that proceedings under section 44(1)(b) shall be governed by sections 200 to 205 CrPC once a cognizance is taken by the Special Court as these provisions are not inconsistent with PMLA. It is only when certain procedures under the PMLA are in contradiction with the CrPC, the courts shall give weightage to the PMLA. Furthermore, Court clarified if ED wishes to take a person into custody who appears after service of summons for conducting further investigation in the same offence, they may approach Special Court by way of remand application. The Court may grant permission after hearing arguments on that application. An appearance after a summons shall not be considered as custody. Accordingly, a bond for appearance does not amount to be a bail application.

Analysis

Tarsem Lal's judgement lends further clarity to the applicability of provisions of CrPC to a trial of an offence under PMLA, 2002. Under PMLA, the Enforcement Directorate has the authority to arrest individuals based on suspicion of involvement in money laundering offences, without needing prior court approval. This expansive arrest power is a critical tool for the ED in investigating money laundering offences. In order to end this dichotomy the Hon'ble Court explained that once cognizance of complaint under section 44(1) of the PMLA is taken by the special court, Section 200-205 of the CrPC comes into the picture. If until then, an accused has not been arrested, ED cannot exercise its power of arrest, should ED require custody, it will have to seek remand from the special court under Section 309(2) of the CrPC. As clarified in Tarsem Lal, the question of remand will be decided only after hearing the accused, thus protecting the interests and liberty of the accused by providing the accused with a fair chance to contest such a remand request.

Equally important are the clarifications on appearance of an accused who has not been arrested prior to filing of the complaint, pursuant to summons by the special court. The court has dispelled even the slightest notion that attendance pursuant to a summons would mean that the accused was in the 'custody' of the court. It clarified that a bond under Section 88 of the CrPC is only an undertaking by an accused, who is not in custody, to appear on the next hearing date. Hence, an order accepting such a bond does not amount to an order granting bail.

The clarifications on warrants issued by courts, and the recourse of the accused to seek cancellation of warrants, and not bail is important as well, since this keeps away the application of the rigorous twin test under Section 45(1) PMLA. The apex court held that if an accused does not appear pursuant to a summons or breaches a bond under Section 88, the court can issue warrants under Section 89-90 to compel production of accused. An accused can seek cancellation of such warrants. In such a situation, the court will be considering an application for cancellation of

warrants, and not an application for bail, hence Section 45(1) of PMLA, i.e. twin test, will not be applicable.

Most significantly, the court sets out that the inherent protections that exist under the CrPC will also be applicable to a trial under PMLA. It would be inapposite to say that the judgement in Tarsem Lal curtails the powers of the ED. A more fitting way of looking at it is that the judgment clears the air and sets out the standards and procedural rigours that must always apply, even in matters of the PMLA. This judgment is significant because it delineates the balance of powers between the ED and the special courts, protecting the liberty of individuals while maintaining procedural fairness in PMLA case.

Before Tarsem Lal vs. Directorate of Enforcement the legal landscape regarding the powers of the ED under PMLA, 2002, was primarily shaped by the stringent provisions for arrest and bail under Sections 19 and 45 (i.e. twin test) of the Act. But now the Supreme Court's ruling in Tarsem Lal introduced significant limitations on the ED's powers post-cognizance by the special court. Furthermore, the court's ruling that the requirement to furnish bonds under Section 88 of the CrPC for appearance before the court does not equate to bail provided an additional safeguard for accused individuals, ensuring they could furnish appearance bonds without facing the harsh bail conditions under the PMLA, 2002.

Conclusion

The judgment reshaped the procedural balance between the powers of the ED and the protections available to individuals accused under the PMLA. By limiting the ED's arrest powers after cognizance and clarifying the procedural requirements for appearance and bail, the ruling offers greater protection for individual liberties without undermining the objectives of the PMLA. It ensures that the special court's control over the case is respected, and procedural fairness is maintained for the accused. The Court has created the conditions for a small but potentially meaningful check on the ED's powers.

This case is expected to have a long-term

influence on how money laundering cases are handled, ensuring that arrest and custody requests must follow a more stringent court-supervised process once formal proceedings begin. At the same time ironically neither the CrPC nor the PMLA lay down the factors that Special Courts must account for when dealing with the ED's request for custody post-cognisance. Tarsem Lal also stops short of issuing any guidelines for the Special Courts in this situation. In the absence of any such provisions or guidelines, the Special Courts can exercise absolute discretion. Tarsem Lal will trickle down to subordinate courts and function as a small check on the extensive powers of the Enforcement Directorate.

Endnotes

1. Prevention of Money Laundering Act, 2002, s.45(1).
2. Tarsem Lal v. Directorate of Enforcement, (2023) PHHC 163172.
3. <https://www.scobserver.in/cases/enforcement-directorates-power-to-arrest-under-pmla-after-special-courts-cognisance-tarsem-lal-v-directorate-of-enforcement/> last updated on 30/09/2024.
4. Satender Kumar Antil v. C.B.I & Anr. (2022) 10 SCC 51; (2022) 10 S.C.R. 351.
5. Ashok Munilal Jain & Anr. v. Assistant Director, Directorate of Enforcement (2018) SCC 158.
6. 2024 INSC 434
7. <https://www.scobserver.in/cases/enforcement-directorates-power-to-arrest-under-pmla-after-special-courts-cognisance-tarsem-lal-v-directorate-of-enforcement/> last updated on 30/09/2024.

THE SUPREME COURT'S ROLE IN DIVORCE: ARTICLE 142 AND IRRETRIEVABLE BREAKDOWN OF MARRIAGE

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Introduction

The case of *Shilpa Sailesh v.s Varun Sreenivasan* represents a pivotal moment in Indian family law, signifying a notable shift in how the judiciary addresses marital disputes and divorce. The case emerged from a contentious legal struggle between Shilpa Sailesh and Varun Sreenivasan, who were seeking to end their marriage. The Supreme Court examined the extent of its powers under Article 142(1) of the Indian Constitution, particularly in relation to divorce proceedings governed by the Hindu Marriage Act, 1955.

The ruling, issued on May 1, 2023, offered an in-depth evaluation of relevant legal provisions, such as Section 13-B of the Hindu Marriage Act, 1955 and Article 142(1) of the Constitution. The Court notably broadened its authority by asserting that its discretionary powers were not limited by the doctrine of fault, allowing it to dissolve marriages and terminate related legal processes even when parties were in disagreement.

However, this judgment has been criticized for potentially deviating from legislative intent by bypassing established procedures under the Hindu Marriage Act. Additionally, the broad interpretation of the Court's powers has ignited debates about the risk of misuse and the potential erosion of legal certainty and predictability.

This case comment delves into the specifics of the case, analysing the Court's interpretation of Article 142(1) and Section 13-B of the Hindu Marriage Act, 1955 as well as the implications of the May 1, 2023, ruling. It examines the Court's nuanced approach to divorce, including emotional, financial, and social factors, and explores the potential issues raised by the judgment, such as legislative erosion, ambiguity in criteria, and concerns about judicial overreach.

Facts of the Case

The dispute involved a protracted legal battle

between Shilpa Sailesh and Varun Sreenivasan, who had been living apart for over six years, with repeated but unsuccessful attempts at reconciliation. The couple had pursued various legal avenues, including domestic violence claims and criminal charges under Section 498-A of the Indian Penal Code, 1860. Their initial legal efforts under the Domestic Violence Act, 2005 and Section 125 of the Criminal Procedure Code, 1973 reflected their attempts to seek justice through different channels.

In lower courts, attempts at reconciliation were insufficient to address deep-seated issues such as communication breakdown, allegations of misconduct, financial disputes, and irreconcilable differences. The complex nature of the case and the failure of lower courts to provide a conclusive resolution led to the Supreme Court's involvement for a final judgment. Allegations of cruelty, domestic violence, and irretrievable breakdown of the marital relationship were central to the case, with relevant legal provisions including Article 142(1) of the Constitution, Section 13-B of the Hindu Marriage Act, 1955, the Domestic Violence Act, 2005, Section 125 of the Criminal Procedure Code, 1973 and Section 498-A of the Indian Penal Code, 1860.

Judgment and Issues

1) *Whether Article 142(1) allows deviations from established procedural and substantive laws?*

Article 142 provides discretionary power to the Supreme Court as it states that the Supreme Court in the exercise of its jurisdiction may pass such decree or make such order as is necessary for doing complete justice in any cause or matter pending before it. However, in the Supreme Court Bar Association v. Union of India, the Supreme Court stated that Article 142 could not be used to supplant the existing law, but only to supplement the law. But in this case in hands

the Apex Court affirmed that Article 142(1) does permit deviations from established laws when necessary.

2) *Whether the Court is capable of dissolving a marriage by mutual consent, bypassing procedural requirements in Section 13-B of the Hindu Marriage Act?*

The Supreme Court of India, invoking Article 142(1) of the Constitution, ruled that it can grant a divorce by mutual consent, bypassing procedural requirements under Section 13-B of the Hindu Marriage Act, 1955. The decision, favouring petitioner Shilpa Sailesh, recognized irretrievable breakdown, marked by a fundamental lack of trust and communication, making reconciliation futile.

3) *Whether granting divorce under Article 142(1) in cases of irretrievable breakdown even if one spouse opposes is legal?*

The Court ruled that granting divorce in such cases is well within its scope and the opposition from other spouse will not affect the same.

The Supreme Court while analysing the pertinent matrimonial laws has showcased its ability to balance statutory obligations with the pursuit of equitable justice. The Court's decision to invoke Article 142(1) to grant a divorce by mutual consent, bypassing procedural requirements under Section 13-B, reflected a commitment to justice, especially when reconciliation was deemed futile. This approach marked a significant shift from fault-based to welfare-oriented justice, emphasizing the importance of considering emotional and practical factors in marital disputes.

The judgment highlighted the Court's commitment to addressing complex marital issues with a focus on equity and public policy, while also underscoring the need for a nuanced understanding of individual circumstances.

Critical Evaluation of Judgement

The *Shilpa Sailesh v.s Varun Sreenivasan* case exemplifies the judiciary's potential to redefine the landscape of family law in India. Two major aspects of this judgment are the Court's recognition of irretrievable breakdown as a valid ground for divorce and

its use of Article 142(1) to bypass traditional procedural requirements. Furthermore, the judgment's lack of clear, objective criteria for exercising discretionary powers under Article 142(1) has been criticized for leaving room for subjective interpretation. This ambiguity could lead to inconsistencies in the application of the law and undermine the principle of legal certainty. Following are points of criticism briefly put together for the appropriate evaluation of the given judgement.

1) *Shift from traditional outlook in marital relations and acknowledging modern aspects.*

The judgment signifies a progressive shift from traditional legal norms by acknowledging the evolving nature of marriage in Indian society. The Court's focus on the emotional impact of a failed marriage and its recognition of irretrievable breakdown aligns with global trends in family law. However, the potential for misuse of discretionary powers raises concerns, highlighting the need for clearer guidelines. The judgment emphasizes the importance of mediation and dispute resolution to promote familial harmony.

2) *Invoking Article 142(1) for Dissolution of Marriage.*

The use of Article 142(1) underscores the Court's role as a guardian of justice, prioritizing the well-being and autonomy of the parties involved. This approach reinforces fundamental rights and demonstrates the judiciary's proactive stance in addressing legislative gaps. By exercising discretionary powers, the Court aims to foster a more compassionate and humane approach to divorce proceedings, reflecting a commitment to progressive legal reform.

3) *Attrition of the statute.*

Critics argue that the judgment may erode legislative intent, particularly in relation to Section 13-B of the Hindu Marriage Act. The allowance of divorce without strict adherence to statutory requirements is seen as judicial overreach, potentially undermining the legislature's role and raising concerns about the separation of powers. The broad interpretation of discretionary powers raises

concerns about potential misuse. Without robust safeguards, there is a risk of arbitrary decisions and manipulation, which could compromise the intended purpose of the judicial discretion granted by Article 142(1).

4) Increased onus on the Judiciary.

The Court's deviation from established procedures, including those under the Hindu Marriage Act, could undermine legal precedent and create confusion. This departure from established norms might weaken the foundation of legal certainty and predictability. The extensive discretionary powers conferred on the judiciary may increase its burden, potentially leading to delays in resolving other critical cases. This could impact the efficiency and effectiveness of the legal system in delivering timely justice.

Conclusion

The judgment marks a significant development in Indian family law, reflecting a progressive approach to marital disputes. By leveraging legal provisions and Article 142(1), the Court balances familial complexities with just outcomes. The focus on protecting individuals' well-being underscores a commitment to justice and equality.

However, concerns about the potential misuse of discretionary powers and the recognition of irretrievable breakdown as a ground for divorce highlights the need for legislative clarity. To address these concerns, establishing comprehensive criteria for judicial discretion & incorporating review mechanisms would ensure consistency and accountability. The judgment also emphasizes the importance of broader legal discourse on family law, considering evolving societal dynamics and promoting research on the implications of divorce.

Endnotes

1. Shilpa Sailesh vs Varun Sreenivasan; (2023) SC 375
2. Supreme Court Bar Association vs Union of India & Anr, (1998) 4 SCC 409
3. SC's Power to Directly Grant Divorce available at <https://www.scobserver.in/reports/divorce-under-article-142-judgement-in-plain-english/>
4. Irretrievable break down of marriage' not a straight-jacket formula for divorce under article 142: Supreme Court available at <https://www.scconline.com /blog/post/ 2023/>

10/ 17 irretrievable-break-down-of-marriage-not-straight-jacket - formula - for - divorce - article - 142 - suprem - court/

5. Case Analysis - Shilpa Sailesh Vs. Varun Sreenivasan available at <https://www.jusscriptumlaw.com / post / case - analysis - shilpa - sailesh - vs - varun - sreenivasan>

6. The Constitution of India.

7. The Hindu Marriage Act, 1955.

8. The Criminal Procedure Code, 1973.

9. The Indian Penal Code, 1860.

ACTIVITIES

ACADEMIC ACTIVITIES

INVITED LECTURES

International Conference

On 1st February, 2024, an exquisite International Conference on Legal and Economic Synergy for an Equitable Society, organised by the University Institute of Laws at Panjab University Regional Centre, Ludhiana culminated, marking a momentous occasion in interdisciplinary discourse. Under the able guidance of Prof. (Dr.) Aman Amrit Cheema, Director of the Institute, the conference epitomised the dedication to scholarly eminence and collaborative inquiry. Within the halls of the International Conference on Legal and Economic Synergy for an Equitable Society, seven distinguished Guests of Honour, hailing from esteemed institutions from across the globe, imparted deep insights and perspectives on pivotal themes. Prof. (Dr.) Volker Römermann, hailing from the Greater Hamburg Area, Germany, Prof. (Dr.) Kiyomet Tunca Caliyurt, an esteemed luminary affiliated with the Centre for Forensic Accounting, Research, and Enterprise at SOAS University, London, UK, Dr. Manoj Kumar, gracing the proceedings from the University of Pittsburgh, Pennsylvania, USA, Dr. Godswill Agbaitoro, a luminary in the matters of international energy and environmental law from the esteemed University of Essex, UK., Prof. (Dr.) Rebecca Parry, Co-Director of the illustrious Centre for Business and Insolvency Law at Nottingham Law School, The University of Manchester, England, UK., Prof. (Dr.) Apoorva Singh, who graced the conference from the George Brown College/Fleming College, Ontario, Canada, and Dr. Raghu Bir Bista, representing the intellectual bastion of Tribhuvan University, Nepal. Comprising of six meticulously curated sessions, each imbued with the touch of the dedicated session coordinators, the event unfolded with great vigor.

The esteemed chairs and co-chairs, played a vital role in enriching the conversations, providing invaluable commentary upon the scholarly offerings presented. The illuminating

presentations by known 52 scholars unveiled groundbreaking research findings, spanning across a diverse landscape of themes including competition law, gender equality, and the sanctity of environmental sustainability. Their contributions lent a great depth and relevance to the discourse, fostering a dynamic interchange of ideas amongst the assembled audience. Attendees, an assembly of scholars, students, and practitioners, attended with rapt attention, imbibing the pearls of wisdom imparted by the dignitaries. The smooth proceedings of the conference are a testament to the tireless efforts of the dedicated faculty Coordinators, Prof. (Dr.) Ashish Virk and Dr. Pooja Sikka and cadre of student organisers under the guidance of Mr. Ankur Taya, ensured that the conference unfolded without, befitting its august purpose.

Guidance for Judiciary Exam

On April 2nd, 2024 University Institute of Laws, Panjab University Regional Centre, Ludhiana organised a guest lecture on "Guidance for Judiciary Exam" under the able guidance of Prof. (Dr.) Aman Amrit Cheema, Director, PURC Ludhiana. The Resource Person for the day was Ms. Parika Chouhan, one of the alumni of the department, who recently made a remarkable achievement by cracking PCS (J) Punjab exam in 2023. She had completed her BA LLB from University Institute of Law, Panjab University Regional Centre, Ludhiana in the year 2015. The session given by Ms. Parika Chouhan enlightened the students about the various challenges and the solutions to tackle the obstacles, that come in the way of preparing for the judiciary exam. Ms. Parika not only guided the students with a step-by-step plan to study for this exam, but also shared notes on how to attempt the exam itself. She further shared with students her journey of a decade that led up to this moment, the opportunity of giving a lecture in the halls where she was a student herself. Subsequently, she also shared her

experiences of the interviews and ways to ace them. After the session was complete it was followed by an inquisitive Q&A session, which cleared various queries of the students related to the judiciary exam. The event was gracefully conducted under the supervision of esteemed Faculty Coordinators Dr. Vaishali Thakur, Dr. Renu Sharma, and D.r Nisha Jindal along with the student coordinators, Upasana Mishra and Gaurav Garg.

Laws of Taxation

On April 3rd, 2024 University Institute of Laws, Panjab University Regional Centre, Ludhiana organised a guest lecture on "Laws of Taxation" under the able guidance of Prof. (Dr.) Aman Amrit Cheema, Director, PURC, Ludhiana. The Resource Person for the day was the Eloquent Speaker CA Vishal Garg, Ex-Chairman of Northern India Regional Council of Institute of Chartered Accountants of India. Sir shared detailed explanation of various facets of Taxation Laws, namely GST Act & its features; B2B & B2C cycle; different Tax Slabs, Heads of Income under Income Tax Act; and that too supported with real life examples. This insightful session was followed by a question answer round. In the end, by extending a Token of Gratitude, Dr. Aman Amrit Cheema (Director, PURC, Ludhiana) expressed her vote of thanks to the dignitary for sharing his vast knowledge and experience in this field. The event was successfully coordinated by our worthy Faculty Coordinators Dr. Nisha Jindal, Dr. Renu Sharma & Mrs. Banveer Kaur, who were assisted by Ms. Yati & Ms. Muskan, the student Coordinators from BA.LLB. 10th Semester.

Dr. B.R. Ambedkar and Indian Citizenship: Bridging Divides and Fostering Unity

In a vibrant celebration of Dr. B.R. Ambedkar Jayanti, University Institute of Laws, Panjab University Regional Centre, Ludhiana organised a guest lecture on "Dr. B.R. Ambedkar and Indian Citizenship: Bridging Divides and Fostering Unity" under the able guidance of Prof. (Dr.) Aman Amrit Cheema, Director, PURC, Ludhiana, on 15th April, 2024. Mr. Deepak, an esteemed Assistant Professor from SGT University, Gurugram and also, Former Junior Research Fellow at Jawahar Lal Nehru University, Delhi served as a resource

person for the lecture. He illuminated the gathering with profound insights and perspectives on the theme.

The lecture was an engaging and enlightening session as it provided opportunity to the attendees to delve into D.r Ambedkar's vision for Indian citizenship and explore avenues for bridging divides within society. The session was concluded with a stimulating question-and-answer session, where participants actively engaged with the speaker, further enriching the dialogue. This event was gracefully coordinated by our worthy Faculty Coordinators Mr. Deepak Kumar and Adv. Vandana Bhanot, with the assistance of Student Coordinators and volunteers, Sukrit Bassi and Divya Jyoti of BALLB 3rd & BALLB 1st Year.

Students For Development talk on "Sustainable Consumption, Lifestyle, and Climate Transitions." 26th July, 2024.

"The greatest threat to our planet is the belief that someone else will save it."

—Robert Swan

To enrich the knowledge of students, the NSS unit of the University Institute of Laws, Panjab University Regional Centre, Ludhiana, in collaboration with Students for Development, organised a perceptive session on "Sustainable Consumption, Lifestyle, and Climate Transitions."

The event was successfully convened under the able guidance of Director Prof. (Dr.) Aman Amrit Cheema and was diligently coordinated by faculty members Dr. Pooja Sikka, Ms. Shalini Verma, and Mr. Baldev Singh.

Our resource person, Mr. Rahul Gaur, National Incharge of SFD, unfolded various aspects of sustainable development, supporting them with real-life examples. The students were astonished to learn about the amount of water used in denim production, which further led to an awareness of "sustainable fashion." In addition, he recommended a few books that every resource consumer should read, including *"Hind Swaraj," "Aj Bhi Khare Hai Talab,"* and works by John Perkins.

The event was successfully coordinated by Jesus Goyal and Divseerat Kaur, with Divroop Kaur serving as the student volunteer. The

session was both interactive and informative.

Live Streaming Session of Union Budget 2024-2025

Panjab University Regional Centre, Ludhiana, hosted a live streaming session of the Union Budget 2024-25, organised under the esteemed leadership of the Director, Prof. (Dr.) Aman Amrit Cheema. The event witnessed active participation from students, faculty, and staff, creating a vibrant atmosphere of discussion and learning.

Following the live stream, an insightful analysis of the budget was conducted by renowned faculty members, Prof (Dr.) Ashish Virk and Dr. Pooja Sikka. Prof. (Dr.) Ashish Virk provided a comprehensive overview of the budget's implications on various economic sectors, emphasising its potential impact on the country's growth trajectory. Dr. Pooja Sikka offered a detailed critique of the budgetary allocations, highlighting key areas of focus that could drive future development. Niranjana Kaur and Survi of BALLB 2nd Year also shared valuable insights.

The session provided insights into the Union Budget's economic impact and encouraged discussion on government policy measures.

The event was gracefully coordinated by Dr. Pooja Sikka, with the invaluable assistance of student coordinators, Nandini Garg, Arshdeep Kaur, and Dhruvak Garcha of BALLB 2nd year.

COLLEGIATE ACTIVITIES

SKILL DEVELOPMENT COMPETITIONS

"Ranbhoomi" An Annual Sports Meet

Between 15th- 17th February, 2024 Sports Committee of University Institute of Laws, Panjab University Regional Centre, Ludhiana, organised "R'ANBHOOMI", an Annual Sports Meet, to enliven the sportsmanship spirit among the students. The event was successfully conducted under the patronship of Prof. (Dr.) Aman Amrit Cheema, Director, Panjab University Regional Centre, Ludhiana and was successfully organised by the dedicated faculty coordinators Dr. Aditi Sharma, Dr. Rajnish Saryal, Dr. Renu Sharma, Adv. Sunil Mittal and hardworking student coordinators and volunteers. The event was organised with the aim of promoting fitness, encouraging overall development and strengthening students

horizons of conceiving things through sports. Day-1, February 15th, began with the inaugural followed by Athletics, Tug of War, Badminton and Chess tournaments. On Day-2, February 16th, Cricket and Football matches were held. On Day-3, February 17th, Volleyball and Basketball tournaments were organised, followed by the Valedictory session on February 20th where the winners were felicitated with medals and certificates. Furthermore, in the spirit of reliving youthful vigour the Teaching and Non-Teaching Staff also participated in various sports such as lemon spoon race, Tug of war, 100 M sprint and Cricket. The event reinforced the Institution's belief of improving physical and mental well-being along with academic excellence.

Debate competition 18th March

In commemoration of International Women's Day on 8th March, 2024 University Institute of Laws, PURC, Ludhiana orchestrated a spirited Debate Competition on 7th March, 2024, guided by the esteemed Prof. (Dr.) Aman Amrit Cheema, Director, PURC, Ludhiana, and Coordinated by the proficient Assistant Professors Mr. Deepak Kumar and Ms. Homa Bansal, with the assistance of Yati, the competition witnessed participation from both B.A.LL.B. and LL.B. students.

Distinguished jury members, including Adv. Vandana Bhanot, Adv. Sarita Paul, Mr. Deepak Kumar, and Ms. Homa Bansal, adjudicated the event. Prof. (Dr.) Ashish Virk bestowed trophies upon the victors, acknowledging the outstanding contributions of all participants. Niranjana Kaur (B.A.LL.B. 1st year) clinched the first position, followed by Divroop Kaur (B.A.LL.B. 1st year) in second place and Swati Sharma (LL.B. 3rd year) securing the third position.

Quiz Competition On "Freedom Struggle: A Journey From Plassey To Partition

On the occasion of Independence Day, The University Institute of Laws, Panjab University Regional Centre, Ludhiana, organised a Quiz Competition (Preliminary Round) on 6th August, 2024, on the theme "Freedom Struggle: From Plassey to Partition." The event was organised by Dr. Meera Nagpal (Assistant Professor of History).

There were twelve teams, each consisting of two students, brought the total number of participants to 24. The students demonstrated impressive intellectual ability and perseverance throughout the competition. Based on merit, four teams advanced to the finals, scheduled for August 21, 2024.

The competition was organised under the able guidance of Prof. (Dr.) Aman Amrit Cheema. The session was successfully coordinated by the student coordinator, Jesus Goyal, along with volunteers Divroop, Kashika, and Gurnoor. The event proved to be a worthwhile endeavour.

COMMEMORATIVE DAYS

PURCL Student Law Journal Inaugural Issue

On 1st February, 2024, Panjab University Regional Centre (PURC), Ludhiana, proudly unveiled the inaugural issue of PURCL Student Law Journal. Journal showcased the scholarly articles of its students under the able guidance of Prof. (Dr.) Aman Amrit Cheema, Director PURC, Ludhiana. The Journal is launched to enhance the writing and research skills as well as to foster intellectual growth amongst the students of law. Featuring rigorous research and diverse perspectives, Student Law Journal aligns with PURC, Ludhiana's commitment to academic excellence. We are highly grateful to our esteemed Advisory Panel comprising Prof. (Dr.), Devinder Singh, Prof. (Dr.) Rajinder Kaur, Prof. (Dr.) Arti Puri and D.r Vaishali Thakur, for their valuable guidance that been instrumental in shaping the journal's trajectory. Gratitude is extended to the editors of our journal Dr. Rajni Bagga and Mrs. Homa Bansal for their hardwork and dedication.

International Youth Day

On 12th January, 2024, Legal Aid Committee of University Institute of Laws, Panjab University Regional Centre, Ludhiana, with the ambition to provide knowledge about NALSA (Legal Services to the Victims of Drug Abuse and Eradication of Drug Menace) Scheme, 2015 & the achievements and contribution of Swami Vivekananda, celebrated International Youth Day on 12 Jan, 2024. To commemorate this auspicious day Legal Aid Committee

organized Pledge against drug abuse and Online Quiz Competition on Drug abuse and Achievements & Contribution of Swami Vivekananda. The event was successfully convened under the able guidance of worthy Director Prof. (Dr.) Aman Amrit Cheema and was diligently coordinated by faculty coordinators D.r Aditi Sharma and Dr. Nisha Jindal & student coordinators Naman Kumar and Surbhi Rajoria. Muskan claimed the first prize, Parnika Dhawan securing the second prize, and Simranpreet Singh along with Nandini won third prize. Faculty members, Students and staff of Panjab University Regional Centre took a Solemn Pledge against drug abuse in commemoration of International Youth Day. Pledge made today carries a profound significance that goes beyond a momentary act and requires integration into our daily lives. Online quiz competition aimed to promote awareness and understanding among the participants regarding the detrimental effects of drug abuse and to celebrate the impactful contribution of Swami Vivekananda. The whole session was proved to be a fruitful endeavour and was successfully coordinated.

National Voter's Day

On 25th January, 2024, the Election Literacy Cell of the University Institute of Laws, PURC, under the patronage of Professor (Dr.) Aman Amrit Cheema, Director of PURC, Ludhiana, and guided by Faculty Coordinators Professor (Dr.) Arti Puri, Advocate Vandana Bhanot, and Advocate Sarita Paul, observed and commemorated National Voters' Day on 25th January, 2024. The theme, 'Nothing like voting, I vote for sure,' underscored the significance of this occasion and aimed to enlighten students about the importance of National Voters' Day and their inherent 'Right to Vote! Faculty coordinators, alongside students, pledged simultaneously as a gesture of reverence for the day. Student coordinators Daisy and Khushi Aggarwal oversaw the event to ensure its smooth execution.

Republic Day

on 25th, January 2024, Panjab University Regional Centre, Ludhiana organised a quiz competition on "VIKSIT BHARAT @ 2047 -

Voice of Youth" in the department premises on the account of Republic Day. The competition consisted of two rounds i.e. Preliminary and Finals. Total 9 teams of two members each participated in the preliminary round, from which 4 teams proceeded to the final round. The event was conducted under the able guidance of Prof. (Dr.) Aman Amrit Cheema, Director, Panjab University Regional Centre, along with Faculty Coordinators Dr. Nisha Jindal and Dr. Renu Sharma. Priyanka and Ishita Gupta from LLB 2nd Semester stood first, and Bahar Sharma of BALLB 10th semester with Sahil Kaliraman of LLB 4th semester were runners up of the competition. The Quiz was followed by a pledge taking ceremony on Viksit Bharat, which was attended by esteemed Faculty members, Students and Non-Teaching staff. The pledge urged the citizens to move towards a path of development while still respecting the Indian heritage. Following that, Prof. (Dr.) Aman Amrit Cheema, Director, Panjab University Regional Centre hoisted the Indian National Flag, and everybody sung the National Anthem in symphony. The event was successfully co-ordinated by Faculty Coordinators with student coordinators and volunteers namely Akshita Sharma, Sukhpreet Kaur Gill, Kavya Arora and Nancy Singh of LLB 4th semester.

Punyatithi of Mahatma Gandhi

On 30th January, 2024, the University Institute of Laws, Panjab University Regional Centre, Ludhiana, orchestrated an Impromptu event to honor the occasion of Mahatma Gandhi's Punyatithi. Centered around his life and struggle for Independence, the theme encapsulated the essence of his remarkable journey. Under the patronage of D.r (Prof.) Aman Amrit Cheema, Director of Panjab University Regional Centre, Ludhiana, and coordinated by Mr. Deepak Kumar and Mrs. Homa Bansal (Faculty), the event unfolded seamlessly. Dr. Aditi Sharma graced the occasion as the Guest of Honour: January 30th commemorates the death anniversary of Mahatma Gandhi, who epitomized non-violence and embodied traits of perseverance, determination, and truthfulness, serving as a beacon for the youth of our nation. The event,

aligned with the Viksit Bharat@2047 vision, aimed to impart to students the ideals, principles, philosophy, and morals of the Father of the Nation. Divroop Kaur (BALLB 2nd semester) clinched the first prize, while Gurkirandeep Kaur (LLB 4th semester) secured the second prize, symbolizing excellence and homage to Gandhi's legacy.

The United Nations World Social Justice Day

On 20th February, 2024, the Declamation Competition held at PURC Ludhiana in commemoration of the United Nations World Social Justice Day, was an astounding success under the guidance of esteemed Director Dr.(prof) Aman Amrit Cheema. Themed "Bridging Divides, Fostering Inclusion," students from various years passionately discussed topics such as "Digital Equality," "Climate Justice," "Global Health Equity," and "Inclusive Economies." Distinguished judges, Dr. Rajnish Siryal and Mr. Deepak, facilitated insightful evaluations. Participants, articulating profound insights, created an engaging atmosphere. The event, aligned with PURC's educational ethos, fostered awareness and dialogue on crucial social justice issues. The winners were, Niranjana Kaur (1st Position), Jesus Goyal (2nd Position), Dhruv Gandhi (3rd Position) who exemplified exceptional understanding and communication skills. The event was organized by student coordinators Divyansh Gupta and Khushi Aggarwal under the guidance of faculty coordinators Adv. Sunil Mittal and Adv. Vandana Bhanot.

Dr. B.R. Ambedkar and Indian Citizenship: Bridging Divides and Fostering Unity

In a vibrant celebration of Dr. B.R. Ambedkar Jayanti, University Institute of Laws, Panjab University Regional Centre, Ludhiana organised a guest lecture on "Dr. B.R. Ambedkar and Indian Citizenship: Bridging Divides and Fostering Unity" under the able guidance of Prof. (Dr.) Aman Amrit Cheema, Director, PURC, Ludhiana, on 15th April, 2024. Mr. Deepak, an esteemed Assistant Professor from SGT University, Gurugram and also, Former Junior Research Fellow at Jawahar Lal Nehru University, Delhi served as a resource person for the lecture. He illuminated the gathering with profound insights and

perspectives on the theme.

The lecture was an engaging and enlightening session as it provided opportunity to the attendees to delve into Dr. Ambedkar's vision for Indian citizenship and explore avenues for bridging divides within society. The session was concluded with a stimulating question-and-answer session, where participants actively engaged with the speaker, further enriching the dialogue. This event was gracefully coordinated by our worthy Faculty Coordinators Mr. Deepak Kumar and Adv. Vandana Bhanot, with the assistance of Student Coordinators and volunteers, Sukrit Bassi and Divya Jyoti of BALLB 3rd & BALLB 1st Year.

NSS AND RELATED ACTIVITIES

Session on creating awareness about Right to Vote among students.

The Election Literacy Cell of Panjab University Regional Centre Ludhiana conducted a successful sensitization session on 5th March, 2024 under the guidance of Director Prof. (Dr.) Aman Amrit Cheema and faculty coordinators Prof (Dr.) Arti Puri, Adv Vandana Bhanot, and Adv Sarita Paul. Led by Student Coordinator Divyansh Gupta, the session aimed to educate first-year students about voter registration and the electoral process, encouraging their active participation in the upcoming 2024 general elections. This initiative, aligned with the 'Mera Pehla Vote Desh Ke Liye' campaign by the Government of India, underscored the importance of democratic engagement among students, marking a significant stride towards fostering civic responsibility and democratic values.

Blood Donation Camp

In a remarkable collaboration, NSS unit of the University Institute of Law, Panjab University Regional Centre Ludhiana, joined hands with Dayanand Medical College and Hospital (DMC) to orchestrate a momentous blood donation camp on 13th March, 2024. Guided by Prof. Dr. Aman Amrit Cheema, the event was skillfully coordinated by Dr. Neelam Batra and Dr. Pooja Sikka. Sponsored generously by Bonn Bread and Nitish Food Company, the camp witnessed fervent participation from students and faculty spanning various disciplines, encompassing BALLB, LLB, LLM,

and MBA programs.

With over 100 donors stepping forward, this collaborative endeavor not only replenished blood reserves but also exemplified a profound dedication to societal welfare. The seamless execution of the event owes much to the concerted efforts of the medical team from DMC and the diligent student coordinators - Surbhi Rajoria, Tanisha Bansal, Jesus Goyal, and Sukrit Bassi.

Beyond its role as a health drive, the camp served as a catalyst for resilience in the face of critical challenges, emphasizing the potency of collective action in addressing pressing healthcare needs.

EDUCATIONAL VISITS

Visit to Family Court

Under the adept guidance of Prof. (Dr.) Aman Amrit Cheema, Director, University Institute of Laws, Panjab University Regional Centre, Ludhiana orchestrated a noteworthy Family Court visit on 14th March, 2024. This educational endeavor, led by faculty coordinators Dr. Nisha Jindal and Dr. Renu Sharma, was part of the Capacity Building and Skill Development Programme, aiming to impart practical insights into court proceedings to the students of BALLB 2nd year and LLB 2nd year.

Gathering a cohort of 43 students, the visit commenced with a comprehensive briefing on courtroom etiquette and protocols by the faculty coordinators in the bar room. Subsequently, the students were divided into smaller groups to observe proceedings in various family courts and the mediation & conciliation cell. They had the privilege of witnessing diverse cases and engaging in discussions on maintenance payment matters. Here, students seized the opportunity to delve into discussions regarding the intricacies of court proceedings and the functioning of family courts. These immersive skill development activities were meticulously coordinated by student coordinators Divya and Chetan, aimed at honing practical skills and fostering excellence in their respective fields. The visit epitomized efficient management and organization, ensuring a valuable learning experience for all participants.

Excursion to Goa

University Institute of Laws, Panjab University Regional Centre, Ludhiana organised an excursion trip to Goa from 16th March to 22nd March, 2024. It turned to be amazing retreat for the students where they got to learn about the rich culture and history of Goa. It was organised under the patronship of Director PURC Ludhiana, Prof. (Dr.) Aman Amrit Cheema, by Student Coordinators Sahil Kaliraman (DR), Navdeep Patter and Nitin Serohi. Faculty Members Ms. Tamanna Kohli, Mr. Baldev Singh and Mr. Ajay (office staff) accompanied the students on the trip. The expedition was a memorable experience for all, which the students will remember for a lifetime. Students visited Archeological Survey of India, Basilica of Old Bom Jesus. This 16th-century church is a UNESCO Heritage site and contains the mortal remains of St. Francis Xavier, the famous Jesuit saint. Amongst the temples the most famous temple which the students visited was the Mangeshi temple. The students enjoyed the serene views of Dona Paula and Miramar Beach. Students also enjoyed various water activities such as sea diving, jet skiing, scuba diving, parasailing etc., which was an absolutely thrilling experience for all. They were taken for an excursion to North Goa, where they visited Baga beach, Aguada Fort, Sinquerim Beach, Vagator Beach, Anjuna Beach and saw a Dolphin Show.

LAW COMPETITIONS

4th National Moot Court Competition

Between 27th - 29th February, 2024, Moot Court Society (MCS), University Institute of Laws, Panjab University Regional Centre, Ludhiana is organizing 4th National Moot Court Competition 2024 from February 27th February to 29th under the able guidance of Prof. (Dr.) Aman Amrit Cheema and Faculty Coordinators Prof. (Dr.) Harmeet Singh Sandhu, Dr. Aditi Sharma and Co-coordinators Dr Nisha Jindal and Ms. Tamanna Kohli. The pre-eminent ambition of the Moot Court Society is to proselytize the moot court culture across the Institution and to instil amongst the students a profound comprehension of justice and fairness through a series of well-organized events and

competitions. The inaugural session was successfully convened and was followed by candle lit vigil ceremony. 28 teams from different Universities and Colleges across India registered for this 4th National Moot Court Competition-2024. The Day 1 i.e. 27th February 2024 commenced with the registrations, orientation session, draw of lots and researcher's test. The Day 2 i.e. 28th February 2024 commenced with the preliminary rounds & quarter-finals followed by cultural night. The final Day i.e. 29th February 2024 commenced with the draw of lots, semi-finals, finals and Valedictory session. For adjudicating semi-finals we had Dr. Shruti Goyal, Adv. Gauravjit Singh Jagpal, Dr. Geetika Walia and Adv. Rahul Deswal. The Final round was adjudged by Hon'ble (ret'd.) Justice Amarnath Jindal (Punjab and Haryana High Court), Dr. S.P. Yadav (Additional Adv. General, Haryana) and Adv. Ruchi Sekhri (Punjab and Haryana High Court). The distinguished Guest of Honor for the final round of Moot Court Competition and valedictory ceremony was Professor (Dr.) Davinder Singh Chairman, Department of Laws, Panjab University Chandigarh. Thereafter, the Valedictory session was graced by our distinguished Guests in which winners were felicitated. Best team: Mehak, Aditya Chauhan, Yash Parmar (Department of Laws, Panjab University, Chandigarh) Runner up: Saumya Malhotra, Sanya Luthra, Akaanksha Singh (Dr. B.R. Ambedkar, National Law University, Sonapat.) Best Speaker: M.r Aditya Chauhan (Department of Laws, PU, Chd.) Best memorial: Aastha, Esha Singh, Aditya Chopra (Lloyd School of Law, Greater Noida) Best Researcher: Vikramjit Singh (Lovely Professional University, Jalandhar.) All the participants have put profound efforts and diligence for this competition. The whole event was proved to be a gratifying endeavour and was successfully coordinated by faculty coordinators and Moot Court Society members namely Ajitabh Sharma (President), Naman Kumar (Convener), Jesus Goyal (Co-Convener) and executive members.

ASTRAEA 2024

Annual Legal and Cultural Fest

Between 9th & 10th April, 2024, University

Institute of Laws, Panjab University Regional Centre, Ludhiana organised 5th edition of Annual Legal and Cultural Fest Astraea 2024 on 9th April and 10th April 2024 under the able guidance of Prof. (Dr.) Aman Amrit Cheema, Director, Panjab University Regional Centre and Faculty Coordinators Dr. Aditi Sharma, Dr. Neelam Batra and Dr. Vaishali Thakur. Astraea is one of the greatest platforms which encourage the students to perform and contribute to the tradition of awesomesauce. Oscillating between the legal and cultural events, the law fest understands the significance of both. Legal and Cultural Fest Astraea - 2024 espouses the theme of "Unveiling the Canvas of Law, Culture and Unity." Providing a platform to participants from diverse fields of study, Astraea has based its events in an effort to shape talents and skills that develop personalities and sharpen minds. The First Day i.e. 9th April 2024 commenced with the registrations, Rajneeti Rangmanch, Client Counselling, Guess the Provision, Frame Fusion, Nukkad Natak, Impromptu and Decode The Dress Code. Second day i.e. 10th April 2024 saw a myriad of events that captivated participants and spectators alike. Building upon the theme of "Unveiling the Canvas of Law, Culture, and Unity," the day commenced with fervent enthusiasm and eager participation.

Registrations continued to pour in from enthusiastic students representing various law universities and colleges like Kurukshetra University, CT University, GNDU RC Jalandhar, GNDU Amritsar, St. Soldier Law college Jalandhar, Baba Kundan Singh Memorial Law College Dharamkot Moga, UILS PU Chandigarh, LPU, RGNUL Patiala, GHG Institute of Law, PU SSG RC Hoshiarpur. Participants eagerly immersed themselves in events such as Pirates of PURC, Juris Quest, Legal Capsule, Judgement Writing, Poster Passion, Celebrity advocacy and crowd attraction, all aimed at nurturing talent and fostering a sense of camaraderie among participants.

The event was graced by the presence of our esteemed chief guest, Prof. (Dr.) Y.P. Verma, Registrar, PU Chandigarh, and guest of honour Prof. (Dr.) Nirmal Jaura Director, Youth

Welfare, PAU Ludhiana, who addressed the students extending heartfelt congratulations for their exemplary participation and remarkable enthusiasm throughout Astraea - 2024. They commended the students for their dedication, creativity, and spirit of competition, urging them to continue pursuing excellence in their academic and extracurricular endeavours.

The winners and runner ups were felicitated with trophies and cash prizes.

FACULTY INFORMATION

Prof. (Dr.) Aman Amrit Cheema

Guest Lectures:

"Consumer Rights: A Holistic Perspective" organised by Department of Resource Management and Consumer Science, College of Community Science, Punjab Agricultural University, Ludhiana, March 21, 2024.

"Disaster Response and Recovery: Legal Facts" as Resource Person at National Conference on Legal Framework for Disaster Response and Sustainability: Challenges and Opportunities organised by University of Mumbai Law Academy, Mumbai, March 16, 2024.

"Inspire Inclusion: Aspiring Spirit of Women in Business through NEP 2020" as Keynote Address at One Day National Seminar on NEP 2020: An Interface for Women Enterprise & Financial Inclusion organised by Guru Nanak Khalsa College for Women, Ludhiana, March 16, 2024.

"Economic Emancipation of Hindu Women: Journey From Ancient Time to Contemporary Epoch" at International Women's Day Celebration organised by Panjab University Regional Centre, Sri Muktsar Sahib, Punjab, March 6, 2024.

"A Violation of Human Right in the form of Child Marriage: A Study of An Apparent Conflict Between Personal Laws and Secular Laws in India" at Refresher Course in Human Rights, Malaviya Mission Teacher Training Centre, University of Kashmir, Srinagar, Kashmir, February 9, 2024.

"Intellectual Property Rights: Legal Framework in India" as Keynote Address at Two Days National Conference on Indian Scenario of Intellectual Property Rights organised by Manohar Memorial PG College, Fatehabad, Haryana, February 6, 2024.

"From Imposing Criminal Sanctions to Protecting Drug Abuser's Health: Does EURASIA Need to Learn the Portugal Way" as Resource Person at Special Topics on Asian Community: Legal, Environmental, Political and Socio-Cultural (A course in collaboration with Eurasia Foundation From Asia, Tokyo, Japan) organised by UIL, PU Regional Centre, Ludhiana, April 13, 2023.

"Categorization of Child as an Adult vis a vis

Juvenile Justice Act, 2015: Is it Justified?" organised by UFYLC University of Rajasthan, Jaipur, March 11, 2023.

Publications:

"A Crime Akin to Genocide" India Legal, October 23, 2023.

"Gandhi as a Fashion Icon" India Legal, October 13, 2022.

"The Most Unkindest Cut of All" India Legal, September 22, 2021.

"Spirituality and Legal Profession" published in Inaugural Issue, University Institute of Laws Bulletin, 2023 Edition, Volume 1, Issue 1, January 2023.

"Ecocide: Isn't The Time Ripe To Consider It Equivalent To Genocide?" published in Inks on G-20, University Institute of Laws Bulletin, 2023 Edition, Volume 1, Issue 2, July 2023.

"Inspire Inclusion: Aspiring Spirit of Women in Business Through NEP 2020" published in Routing Legal Terrains, University Institute of Laws Bulletin, 2024 Edition, Volume 2, Issue 1, January 2024.

Paper Presentations:

International Conference on Legal and Economic Synergy for Equitable Society organised by University of Laws, Panjab University Regional Centre, Ludhiana, February 1, 2024.

"Legislative Mandate on Education with Special Reference to International Law" at National Seminar on Achieving Constitutional Spirit of Equality by Department of Laws, Panjab University, Chandigarh, May 27, 2022.

Prof. (Dr.) Ashish Virk

Visiting Faculty at IIM-Rohtak (Session-2023-24), Integrated Program for Law, Indian Institute of Management, Management City, Southern Bypass, Rohtak-124010 (Haryana), Subject: Jurisprudence.

Guest Lectures:

"Gender Sensitization" organised by Internal Complaints Committee, Punjab Agricultural University, Punjab, June 5, 2024.

"Women Empowerment: A Socio-Legal Perspective" as Guest of Honour at Symposium on International Women's Day organised by University of Mumbai Law Academy and K. C. Law College in collaboration with Indian

Chamber of Commerce for Affirmative Action Mumbai, March 7, 2024.

“Can Fundamental Duties (Article 51A) Generate Moral Limits to Economic Human Rights?” as Resource person for Refresher Course in Human Rights organised by UGC-Malaviya Mission Teacher Training Centre, University of Kashmir, Srinagar, Kashmir, February 7, 2024.

“Ethics of Intellectual Property Rights” as Guest of Honour at Two Day National Conference on Indian Scenario of Intellectual Property Rights organised by Manohar Memorial PG College, Fatehabad, Harayana, February 6, 2024.

“Charting New Paths Towards: Gender Equality in India” organised by Sri Aurobindo College of Commerce and Management, Ludhiaba, November 7, 2023.

“Anti- Ragging Laws in India” organised by Department of Animal Biotechnology, Guru Angad Dev Veterinary and Animal Science University, Ludhiana, August 16, 2023.

Invited Lecture on National Conference on Women Across Disciplines organised by Department of Lifelong Learning, University of Rajasthan, Jaipur, August 7-8, 2023.

Publications:

“Cosmic Balance of Shiv-Shakti: Expecting Oracularity Through Critical Media Literacy in Post-Truth Era” published in University Institute of Laws Bulletin- Routing Legal Terrains (Pages 4-6), 2024 Edition, Volume- 2, Issue 1, January 2024.

“‘The Emperor's New Clothes’: Is the Narrative an Apropos Revaluate or a Peripheral Hpothesis in the Contemporary Fast Fashion Era?” published in University Institute of Laws Bulletin- Inks on G-20 (Pages 3-5), 2023 Edition, Volume 1, Issue- 2, July, 2023.

“Khadi A Kosher: Does the Fast Fashion Era Necessitates Insertion of Fundamental Duty of Sustainable Consumption under Article 51-A of Indian Constitution?” published in Indian Socio-Legal Journal (Pages 29-42) published by Indian Institute of Comparative Law, Jaipur, Volume XLIX Nos. 1 & 2, 2023.

“Legal Authenticity of Virginity Test & Sexual Assault Victimes: Is the Concern Still Apropos?” published in Rajasthan Journal

Juridical Science (Pages 1-9) published by University of Rajasthan, Jaipur, Volume III, Issue 1, July-December 2023.

Dr. Meera Nagpal

Guest Lectures:

“S. Bhagat Singh and Revolutionary Trend” organised by Khalsa College For Women, March 22, 2024.

Publications:

“Endowments to the Sikh Institutions in Punjab (Late Eighteenth and Early Nineteenth Century)” published in Panjab Journal of Sikh Studies (Pages: 93-107), Volume IX published by Department of Guru Nanak Sikh Studies, Panjab University, Chandigarh, 2022.

“Trend of Trading: A History of Joint-Stock Companies in Colonial Punjab, 1866-1901 C.E.” published in Journal of University Institute of Laws (Pages 206-220) Volume XVII, Issue- 1, January-June 2023 published by University Institute of Legal Studies, Panjab University, Chandigarh, India.

Paper Presentations:

“Instances and Occasions of Land Grants in Punjab (Late Eighteenth and Early Nineteenth Century)” in 54th Session of Punjab History Conference, Department of History and Punjab Historical Studies, Punjabi University, Patiala (Punjab), April 26-28, 2024.

Dr. Pooja Sikka

Guest Lectures:

"Intellectual Property in the Digital Age: Challenges and Opportunities" organised by PG Department of Commerce and Department of Economics, Guru Nanak Khalsa College for Women, Ludhiana, April 27, 2024

Publications:

“An Investigation into the Nexus between Economic Growth and Income Inequalities in Punjab: Empirical Evidence from District-Level Analysis” published in Shergill, B. S., & Mehta, S. (Eds.). (2024). Challenges to Punjab Economy: A Regional Perspective from India. Taylor & Francis.

"Factors Affecting Productive Efficiency of South Asian Economies" published in Sanshodhak, Issue-1, Volume-92, June 2024.

Paper Presentations:

“Trade Flows, Levels of Democracy and Rule of Law in Emerging Economics: Empirical

Evidence from Generalized Methods of Moments and Panel Quantile Regression” in International Conference on Legal and Economic Synergy For Equitable Society organised by University Institute of laws, Panjab University Regional Centre Ludhiana, February 1, 2024

“Is South Asia’s Economic Growth Doomed to Halt in the Long Run” in International Conference On Legal And Economic Synergy For Equitable Society organised by University Institute of laws, Panjab University Regional Centre Ludhiana, February 1, 2024. “Towards Gender Justice: Complexities of Gender Inequality in India” in RUSA Sponsored Two Day Multidisciplinary National Conference on Democracy, Politics And Social Change: A Multidisciplinary Analysis (NCDPSC-2024) organized by Panjab University Regional Centre Sri Muktsar Sahib, 22-23 February 2024.

“Analysis of Consumption Expenditure of Agricultural Households in Rural Punjab” In National Conference on Transformation of Corporate Landscape & IT -Innovations, Issues and Solutions organized by P.G. Department of Commerce ,Department of Economics and Computer Science, Dashmesh Khalsa College, Zirakpur (Punjab), April 5, 2024. “Decoding India’s Economic Growth: Past, Present and Future” in Two Day National Seminar sponsored by ICSSR on India in the 21st century: Exploring the Emerging trends in Society, Politics and Economy organised by Punjab University Rural Centre, Kauni held on April 25, 2024.

Dr. Shalini Verma

Paper Presentation:

"National Education Policy: Role of Language" in the National Seminar on "National Language Policy: Role of Language" organised by Gurjranwala Guru Nanak Khalsa College, Civil Lines, Ludhiana, March 28, 2024

Ms. Tamanna Kohli

Guest Lecture:

Webinar on "Sustainable Futures: Legal Insights and Solutions for Eco-Friendly Packaging" on World Environment Day, June 5, 2024

Paper Presentations:

"International Tools Against Corruption and Eco. Offences: A Focus on G20's Fugitive Eco. Offenders Agenda." in International Conference on Legal and Economic Synergy for Equitable Society organised by University Institute of Laws, Punjab University Regional Centre, Ludhiana, February 1, 2024.

Ms. Homa Bansal

One Day Online Workshop on the New Criminal Laws organised by University Institute of Legal Studies, Panjab University, Chandigarh, July 5, 2024.

Publications

“The Struggle for Gender Justice: Criminalizing Marital Rape in the Indian Legal System” published in Journal of Law, Volume 1, Issue 1 published by University Institute of Laws, Panjab University Regional Centre, Ludhiana, 2024.

Dr. Nisha Jindal

Guest Lectures:

Publications:

“Legal Authenticity of Virginity Test & Sexual Assault Victims: Is the Concern Still Apropos?” published in Rajasthan Journal of Juridical Science published by University Five Year Law College, University of Rajasthan, Jaipur, July-December 2023.

“Role of Workers in the Contemporary World: An Inclusive Development With Special Reference to Income Disparity” published in Shodh Sarita, Volume 11, Issue 41, January-March, 2024.

“Right to Environment: A Human Right” published in Shodh Sanchar Bulletin, Volume 13, Issue 52, October- December 2024.

Paper Presentations:

“Legal and Statutory Framework For Disaster Management and Sustainable Development” at National Conference on Legal Framework for Disaster Response and Sustainability: Challenges and Opportunities organised by University of Mumbai Law Academy, March 16, 2024.

“Development of Industrial Laws and Income Disparity in the Society” at International Conference on Legal and Economic Synergy for Equitable Society organised by University Institute of Laws, Panjab University Regional Centre, Ludhiana, February 1, 2024



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