

BICHAR BANI

(VOL. 1, ISSUE 2)



BICHAR BANI

VOL.-1 ISSUE-2

MARCH, 2024

EDITORIAL BOARD

PATRON

Mr. Pradip Jyoti Agarwal,
Hon'ble Pro Chancellor, The Neotia
University

Prof. (Dr.) Biswajit Ghosh,
Hon'ble Vice Chancellor, The Neotia
University

EDITOR-IN-CHIEF

Prof. (Dr.) Ankur Srivastava,
Associate Dean,
School of Legal Studies

ASSOCIATE EDITOR

Souvik Dhar,
Assistant Professor,
School of Legal
Studies

Ayush Jha,
Assistant Professor,
School of Legal Studies

Utsa Sarkar,
Assistant Professor,
School of Legal
Studies

STUDENT COMMITTEE

Milli Nagum
Labani Ghosh
Sayantika Bhattacharjee
Udayan Dutta

Sunidhi Kumari
Simon Sarkar
Gargi Mondal
Mangalmoy Mukherjee

Published in association with the Moot Court Society, School of Legal Studies, The Neotia University.

Disclaimer: This material has been compiled for academic purposes.

**SCHOOL OF LEGAL STUDIES,
THE NEOTIA UNIVERSITY**

FACULTY COMPOSITION
SCHOOL OF LEGAL STUDIES
2023-24

PROF. (DR.) ANKUR SRIVASTAVA
ASSOCIATE DEAN

DR. PARAMITA DHAR CHAKRABORTY, ASSISTANT PROFESSOR (LAW)

SOUVIK DHAR, ASSISTANT PROFESSOR (LAW)

MANISHA SIKDAR, ASSISTANT PROFESSOR (LAW)

AYUSH JHA, ASSISTANT PROFESSOR (LAW)

UTSA SARKAR, ASSISTANT PROFESSOR (LAW)

SAURABH KUMAR, ASSISTANT PROFESSOR (LAW)

ANKITA RITURAJ, VISITING FACULTY (LAW)

SHAHREEN KHURSHID, VISITING FACULTY (LAW)

SWEEYAM CHAKRABORTY, VISITING FACULTY (ECONOMICS)

KARMA WANGCHUK LAMA, VISITING FACULTY (POLITICAL SCIENCE)

VICE CHANCELLOR'S MESSAGE



It is with immense pleasure that I introduce Bichar Bani (Vol. 1, Issue 2), the e-magazine of the School of Legal Studies at The Neotia University, to you. A society devoid of lawfulness is ill-suited for the sustenance of human civilization. Flourishment within a society is contingent upon the presence of proper law and order. I aspire for this e-magazine to serve as a conduit for disseminating the principles of law and justice to its readership, including the imperative of upholding the rights of women. My heartfelt congratulations extend to Dr. Ankur Srivastava and the dedicated editorial team behind the creation of Bichar Bani, Vol. 1, Issue 2. I extend my best wishes to the editors, authors, and contributors, hoping for success in their noble endeavors.

Regards,

**PROF. B. GHOSH, D.SC.(ENGG.),
VICE CHANCELLOR,
THE NEOTIA UNIVERSITY**

DESK OF DEAN AND EDITOR-IN-CHIEF

MESSAGE



True education is a comprehensive concept. True education encompasses all that goes to make an individual in the real sense of the term. This education builds us not only from without but also from within. The purpose of the education does not stop with the acquisition of certificates, degrees or securing a handsome employment. It extends beyond this absolutely limited sphere. Education engenders in an individual the sense of values, an urge for serving not only one's own self or that of the family, but also the larger humanity of which we are a part and parcel. It may be noted that we are what we are, because of the society in which we are born and have our being. This fact enjoins on us the duty to serve, the society, our fellow men and women and all that lives on the earth.

It is impossible for us to lead an isolated existence aside and apart from the society. We have to redeem the debt we owe to our society, the society which brought us into being, nursed, nurtured and made us capable of leading a respectable life. Development of self must be accompanied by the development of the human society in which we move and have our being. The purpose of education is to enlarge our vision of the milieu in which we move, to broaden our concept of true development which includes the development of all, and to make us capable of responding to the needs and aspirations of our fellow men and women especially, who directly or indirectly contribute to our growth and development.

True education transcends the realm of knowledge and goes deeper into the heart, the dwelling place of wisdom and spring of values and relationships. To make our education worthwhile, or to prove worthy of the salt of education, we have to bring out best within us, and help redemption of ourself and the society.

Best wishes

Prof. (Dr.) Ankur Srivastava
Associate Dean
School of Legal Studies
The Neotia University

ASSOCIATE EDITORS' DESK

On behalf of the associate editors of Bichar Bani, Volume 1, Issue 2, the e-magazine of the School of Legal Studies at The Neotia University, we extend our heartfelt gratitude to all contributors, whose dedication has enriched this publication.

In this edition, we proudly spotlight the theme of women's rights, recognizing the pressing need for advocacy and action in this crucial area of law and society. Through insightful articles, analyses, and discussions, we aim to amplify voices advocating for gender equality and the empowerment of women.

We also express our sincere appreciation to Prof. (Dr.) Biswajit Ghosh, Vice Chancellor of The Neotia University and Prof. (Dr.) Ankur Srivastava, Associate Dean, School of Legal Studies, The Neotia University for their unwavering support. We also express our gratitude to all faculties and students for their commitment in fostering an environment of learning and intellectual growth through this e-magazine.

As we navigate the complexities of legal discourse, let us remain steadfast in our dedication to promoting justice, equality, and the rights of all individuals. Together, let us strive to create a society where every person, regardless of gender, enjoys equal rights and opportunities under the law. Thank you once again to everyone who has contributed to the success of Bichar Bani. Your efforts are deeply valued and make a significant difference in advancing legal scholarship and discourse.

Souvik Dhar,
Assistant Professor, School of Legal
Studies

Ayush Jha,
Assistant Professor, School of Legal
Studies

Utsa Sarkar
Assistant Professor, School of Legal
Studies

Contents

○ Articles	1
○ MEANING OF OBSCENITY- AN ANALYSIS OF SUPREME COURT RULING IN RANJIT D. UDESHI V. STATE OF MAHARASHTRA	1
○ PARAMOUNTACY OF PUBLIC PROSECUTORS AND VICTIM'S EXPECTATION IN CRIMINAL JUSTICE SYSTEM OF INDIA AND U.K	7
○ CHALLENGES FACED BY THE REAL ESTATE SECTOR IN RECENT YEARS	19
○ CAUSE OF DEATH: MY GENDER.....	26
○ A CASE FOR CONSTITUTIONALITY OF ARTICLE 370	31
○ WOMEN EMPOWERMENT IN INDIA: AN INSIGHT	34
○ WHEN MEDIA PROVED: WHY THEY ARE THE FOURTH PILLAR OF DEMOCRACY	43
○ Creatives	45
○ Events of SOLS	49
○ Student Achievements	56
○ Legal Bites.....	58
○ Rights Every Indian Woman Should Know About	76
○ Awareness on Medical Termination of Pregnancy Act, 1971	78

Articles

MEANING OF OBSCENITY- AN ANALYSIS OF SUPREME COURT RULING IN RANJIT D. UDESHI V. STATE OF MAHARASHTRA

- Adv. Rahul Thakur* and Ayush Jha*

INTRODUCTION

Criminal law, the body of law that defines criminal offenses, regulates the apprehension, charging, and trial of suspected persons, and fixes penalties and modes of treatment applicable to convicted offenders. For treatment of the law of criminal procedure, procedural law: Criminal procedure. In India we have a codified law for crime called as Indian Penal Code, 1860. The other Acts which relevant to the criminal actions are CrPC (Criminal Procedure Code, 1973), IPC (Indian Penal Code, 1860) and IEA (Indian Evidence Act, 1872). The traditional approach to criminal law has been that a crime is an act that is morally wrong. Important differences exist between the criminal law of most English speaking countries and that of other countries. The criminal law of England and the United States derives from the traditional English common law of crimes and has its origins in the judicial decisions embodied in reports of decided cases.

INDIAN PENAL CODE, 1860 - Section 292:

Sale, etc., of obscene books, etc.— (1) For the purposes of sub-section (2), a book, pamphlet, paper, writing, drawing, painting, representation, figure or any other object, shall be deemed to be obscene if it is lascivious or appeals to the prurient interest or if its effect, or (where it comprises two or more distinct items) the effect of any one of its items, is, if taken as a whole, such as to tend to deprave and corrupt person, who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it.

(2) Whoever—

(a) sells, lets to hire, distributes, publicly exhibits or in any manner puts into circulation, or for

* Advocate, High Court of Chhattisgarh.

* Assistant Professor, SOLS, TNU

purposes of sale, hire, distribution, public exhibition or circulation, makes, produces or has in his possession any obscene book, pamphlet, paper, drawing, painting, representation or figure or any other obscene object whatsoever, or

(b) imports, exports or conveys any obscene object for any of the purposes aforesaid, or knowing or having reason to believe that such object will be sold, let to hire, distributed or publicly exhibited or in any manner put into circulation, or (c) takes part in or receives profits from any business in the course of which he knows or has reason to believe that any such obscene objects are for any of the purposes aforesaid, made, produced, purchased, kept, imported, exported, conveyed, publicly exhibited or in any manner put into circulation, or (d) advertises or makes known by any means whatsoever that any person is engaged or is ready to engage in any act which is an offence under this section, or that any such obscene object can be procured from or through any person, or

(e) offers or attempts to do any act which is an offence under this section, shall be punished [on first conviction with imprisonment of either description for a term which may extend to two years, and with fine which may extend to two thousand rupees, and, in the event of a second or subsequent conviction, with imprisonment of either description for a term which may extend to five years, and also with fine which may extend to five thousand rupees.

Exception. —This section does not extend to—

(a) any book, pamphlet, paper, writing, drawing, painting, representation or figure— (i) the publication of which is proved to be justified as being for the public good on the ground that such book, pamphlet, paper, writing, drawing, painting, representation or figure is in the interest of science, literature, art or learning or other objects of general concern, or

(ii) which is kept or used bona fide for religious purposes;

(b) any representation sculptured, engraved, painted or otherwise represented on or in—

(i) any ancient monument within the meaning of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), or

(ii) any temple, or on any car used for the conveyance of idols, or kept or used for any religious purpose.

FACTS OF THE CASE

In this case, the appellant and four others were partners of a firm which owned a bookstall in Bombay. The appellant, a bookseller, sold a copy of the unexpurgated edition of "Lady Chatterley's Lover". In his appeal to the Supreme Court, he contended that must be shown by

the prosecution that he sold the book with the intention to corrupt the purchaser, that is to say, that he knew that the book was obscene.

The magistrate found them guilty as the book was obscene as per section 292 of Indian penal code. The decision was appealed in High Court but the decision was against him. By virtue of special leave, the decision of High court was appealed in Supreme Court.

(i) the section was void because it violated the freedom of speech and expression guaranteed by Art. 19(1)(a) of the Constitution of India.,

(ii) even if the section was valid, the book was not obscene and

(iii) it must be shown by the prosecution that he sold the book with the intention to corrupt the purchaser, that is to say, that he knew that the book was obscene.

HELD

(i) the section embodies a reasonable restriction upon the freedom of speech and expression guaranteed by Art. 19 and does not fall outside the limits of restriction permitted by sub-clause (2) of the Article. The section seeks no more than the promotion of public decency and morality which are the words of that clause.

(ii) The book must be declared obscene within the meaning of Section 292, Indian Penal Code. The word "obscene" in the section is not limited to writings, pictures etc. intended to arouse sexual desire.

RESPONDENT'S ARGUMENTS

The prosecution examined two witnesses in order to prove the requirement laid down in section 292 of Indian Penal Code. However, supreme court stressed that the question whether the material is obscene or not doesn't depend on oral evidence but the offending novel and the portions which are the subject of the charge must be judged by the' court in the light of s. 292, Indian- Penal Code, and the provisions of the Constitution. Thus, it was at the discretion of the court to judge whether the book comes under the purview of obscenity or not.

OBSCENITY

In this landmark case, the substantial discussion was regarding obscenity and its meaning. Even though it is not defined anywhere in Indian Penal Code it is made punishable under

Section 292. The appellant contended that work of art is not necessarily obscene if it treats with sex even with nudity and should be viewed as a whole, and its artistic or literary merits should be weighed against the so-called obscenity, the context in which the obscenity occurs and the purpose it seeks to serve. Further, the test adopted by High Court and lower court in order to identify whether the book was obscene or not was based on Queen vs Hicklin.

The court discussed the meaning of obscenity and in their consideration, it meant offensive to modesty or decency; lewd, filthy and repulsive. It is crucial to note that the word obscene is vague, by itself, and was defined by other vague words such as modesty, decency, lewd, filthy or repulsive. Contrastingly, the apex court considered the word obscene as not vague.

The ambiguity or uncertainty of the definition of obscenity can be established from the fact that the sense of understanding of the apex court judges regarding obscenity seemed to derive from a certain Colonial morality and knowledge production. The Supreme Court established that a book on medical science which contains numerous intimate illustrations and photographs is not obscene but, in a sense, immodest. Reflecting an inherent bias in favour of scientific knowledge production the opinion would render even the Indian sculptures of Khajuraho, erotic imagery in Bhubaneswar, Puri and Konark to be obscene.

The Hicklin Test

As was discussed earlier, due to a lack of codified definition of obscenity, the Hicklin test was majorly employed by Indian courts to decide the extent of obscenity of any text literature, film, artwork etc. The Test was given by Cockburn C.J. in Queen v. Hicklin. Cockburn, C.J. laid down the test of obscenity in the following words,

- (i) I think the test of obscenity is this, whether the tendency of the matter charged as obscenity is to deprave and corrupt those whose minds are open to such immoral influences, and into whose hands a publication of this sort may fall.... it is quite certain that it would suggest to the minds of the young of either sex, or even to persons of more advanced years, thoughts of a most impure and libidinous character.
- (ii) The reliability of the test was also considered in the case based on two landmark cases Samuel Roth V. U.S.A¹⁰ and Regina V. Martin Secker¹⁰. In Samuel Roth case the court discarded the Hicklin test and introduced the rationale of contemporary community as a whole in respect to the material in question.

- (iii) The court in this case accepted that every case related to obscenity should be judged based on its merit. Contrary to this significant move, it continued to rely on the age old test. The Hicklin Test which was given up by United States in Roth V. United States and by Canada in Brodi V. The Queen, considered the explicit description of sex in the book from the perspective of an average and not a depraved member of the society.
- (iv) It is highly unlikely that the court can assure that explicit nude depiction of human body in biology books wouldn't be indecent and moral for the individual in consideration. After all, the classroom is always filled with giggles, squirming and awkward silences during the discussion of reproduction, a chapter that is often read with the relish in the comfort and privacy of the student's own house, such is the fascination.
- (v) The Indian Penal Code has made room to declare obscenity as an offence by Obscene Publications Act (7 of 1925) and given effect to Article 1 of the International' Convention for the suppression of or traffic in obscene publications signed by India in 1923 at Geneva. But morality for public is not something which can be discussed and decided upon in an International Convention that dictates its parameters for the whole world.
- (vi) It is derived and evolves differently in different societies and communities. Moreover, the morality of any society or community is not only intangible but is also extremely fluid changing with circumstances and social codes of conduct. This makes it necessary to interrogate the decision by the esteemed judges of Supreme Court on upholding validity of the Hicklin Test.

JUDGEMENT

We have dealt with the question at some length because this is the first case before this Court invoking the constitutional guarantee against the operation of the law regarding obscenity and the book is one from an author of repute and the centre of many controversies. The book is probably an unfolding of his philosophy of life and of the urges of the Unconscious but these are unfolded in his other books also and have been fully set out in his Psychoanalysis and the Unconscious and finally in the Fantasia of the Unconscious. There is no loss to society if there was a message in the book. The divagations with sex are not a legitimate embroidery but they are the only attractions to the common man. When everything said in its favour we find that in treating with sex the impugned portions viewed separately and also in the setting of the whole book pass the permissible limits judged of from our community standards and as there is no social gain to us which can be said to preponderate, we must hold the book to satisfy the

test we have indicated above. The court Upheld High Court's decision and maintained that Section 292 is Constitutional.

SHIFTING PARADIGMS OF OBSCENITY

A lot has changed since the judgment rendered by the Supreme Court. Liberalism, Globalisation, Influences from west in form of education and media, and openness towards sexuality have rendered the older notions of morality vis-à-vis obscenity different from what was prevalent at the time the Supreme Court delivered its verdict in Ranjit Udeshi Case. For instance In the 2008 case Maqbool Fida Hussain v. Raj Kumar Pandey, an appeal was brought by private complainants claiming that M.F. Hussain's painting Bharat Mata was obscene and appealed to be liable under not only section 298 but also section 500 of the IPC (defamation). The case represented an interesting juncture wherein the moral outrage at obscenity and nudity stood hand in hand with socio-political outrage against defamation of the glorified national symbol. A veritable heady cocktail for right wing groups across the country. But the decision rendered by the High Court of Delhi was exemplary and instrumental in indicating a liberal shift away from the stand taken in Ranjit D Udeshi v. State of Maharashtra. It upheld that Article 19(2) circumscribed freedom of expression within the reasonable restriction of public decency and moral outrage but the naked representation of the figure of Mother India' was not enough to constitute obscenity. It asserted that the painting was a work of art, moving away from the Hicklin Test in allowing for the possibility of looking at a piece of work not as an immoral influence but as a means of creative expression.

CONCLUSION

It was a long journey from when Lady Chatterley's Lover was denied status as a valuable work of art as it did not serve a social purpose. The book has been adapted in form of a movie and is available to watched on streaming services. It is now accepted in the society as a piece of art including the sexual overtones, which are no more a taboo. The often state cliché holds true with regard to the meaning of obscenity, that the 'law changes with society'. Other than the social media outrages and filing of reports with the Police, the provision has become so obsolete that there are hardly any cases proceeded with and negligible convictions. Such is the reality of the country which is going away from the colonial era mind-set that brought the Victorian morality and imposed a sense of taboo in such texts which would otherwise be called obscene but are no more called as such.

PARAMOUNTACY OF PUBLIC PROSECUTORS AND VICTIM'S EXPECTATION IN CRIMINAL JUSTICE SYSTEM OF INDIA AND U.K

-Utsa Sarkar*

INTRODUCTION

Today's victim is not just a victim of crime but can also be a victim of the apathy of the criminal justice system¹.

The criminal law aims at protecting the right of citizens, protection of the weak against the strong, law abiding citizens against lawless by prescribing rules of conduct, sanctions for their violation, machinery to enforce such sanctions and procedure to protect the machinery. Every crime committed in the society is considered a failure by the State (government) for not being able to prevent its commission. Any crime committed is considered to be against the State and not the victim alone. The responsibility of prosecution is taken over by the Government to maintain public order and peace and to restore faith in the criminal justice system. A criminal justice system of a country stands on the pillars of crime prevention, investigation, prosecution, punishment and correction of the offenders. In India, the victim is represented by the Public Prosecutors who stand on behalf of not only the victim but the State as a whole. They are vested with the duty to assist a fair criminal trial procedure and prevent the abuse of court process by not allowing the victims' party directly handling the case as it may result in personal vengeance. The process of fair criminal justice system is not only for an individual but for the society at large, and by such method of prosecution by a State appointed member, the State ensures to protect the best interests of the citizens. The public prosecutor plays a pivotal role in the criminal justice system, since a success of trial depends on the skill of public prosecutors in handling the case. The criminal justice system seeks a certain degree of sensitivity towards both the parties of the crime, the perpetrators and the accused and it will become successful only when it strives to strike a balance between the interest of victim and accused.

* Assistant Professor, SOLS, TNU

¹ Anupama Sharma, *Public Prosecutors, Victims and the Expectation Gap: An Analysis of Indian Jurisdiction*, 13 SOCIO-LEGAL REV. 87 (2017).

It is assumed that public prosecutors are ministers of justice and not representatives of any party. The paramount job of public prosecutor is to assist the court by taking note of all relevant aspects of the case. However, the prosecutors are expected to act impartially and to place those evidences before the Court, so as to enable the court to decide on the accused persons' innocence as well. When a crime is committed, it creates an imbalance between the victim and the offender and the main aim of criminal prosecution is to correct the victim's right that has been violated by the offender.

In the light of such, the victim is reduced to that of main witness rather an active party taking part in the prosecution. This increases the legitimate expectation of the victim that their case will be carried on full efficiency and the offender will be duly punished which in turn creates a vacuum between the expectations of victims and the role of public prosecutors as exists and the performance as it should be. The vacuum persists because the role of the public prosecutor is mere reduced to that of delivering justice by ensuring the conviction of the accused. In India, the process of public prosecution is followed strictly. Contrary to the prosecution system in United Kingdom (*hereinafter referred to as UK*) there was no unified system of prosecution. The Scottish system of prosecution system had always influenced the system of Great Britain, but there always existed a different prosecution system in Northern Ireland. However, in England and Wales the prosecution system developed with the creation of Crown Prosecution Service (*hereinafter referred to as CPS*) established through Prosecution of Offences Act 1985. However, the country have taken effort to ensure the effective victim representation with the introduction of Victim's Code of Practice, Victim's Commissioner, right of the victims to be informed about the progress of the case, etc.

Thus this paper aims to analyze the role of public prosecutor in India and UK, with special reference to the jurisdiction of England and Wales criminal justice system. It seeks to explore the challenges that are faced between the expectations of the victims and the role of public prosecutor in criminal justice system of India. It addresses the prosecution system in England and Wales criminal justice system and the system of victim representation. This part takes into account the ritual of hiring private prosecutors as well in certain cases. The paper tries to compare both the systems and explores the viability of private prosecution in Indian jurisdiction. The paper finally concludes the paper with effective suggestions and solutions that can be adopted for efficient prosecution taking into account the response of both the jurisdictions to the mode of private prosecution.

ROLE OF PUBLIC PROSECUTOR AND VICTIM'S EXPECTATION: INDIAN JURISDICTION

In India, after the commission of a crime, the police being the investigative authority investigate the case and charge sheet is filed, based on the investigation. After filing of the charge sheet the public prosecutor prosecutes the case. The position of public prosecutor has changed after the enactment of Code of Criminal Procedure, 1973. Prior to 1973, they were linked to the police and were accountable to the Deputy Superintendent of Police (DSP)². But after the enactment of the Code, their position changed and were detached from the control of police and made answerable to the District Magistrate at the district level and to the Director of Prosecutions at the State level. So, the law that now governs the procedure of conducting trials is Code of Criminal Procedure, 1973 (*hereinafter referred to as CrPC*). The method of appointment of public prosecutor has been specifically laid down in the Code including the Additional Public prosecutor, special public prosecutor who generally conducts the prosecution in High Courts and Sessions Court by virtue of section 24 of CrpC. The office of the public prosecutor is created for social purpose and he must not be concerned with the outcome of the case. He acts as an officer of the court is bound to assist the Court to ensure that the accused is not unfairly treated³.

ROLE OF PUBLIC PROSECUTOR AND PROCEDURE IN CrPC

The role of public prosecutor is of paramount importance in a trial and starts as soon as charge sheet is filed by the police after investigation is done and is submitted.

- **Pre-Trial Phase:** When a case is brought before the Magistrate which is exclusively triable by the Sessions Court, it becomes mandatory by the Magistrate Court to commit the case to Court of Session. The respective Magistrate may send the full record/evidence of the case to the Sessions Court and will notify the Public Prosecutor for the commitment of the case to the Court of Sessions⁴. After the case is committed the Court may alter the charge upon

² Madan Lal Sharma, *Role and Function of Prosecution in Criminal Justice*, Resource Material Series No. 53, INTERNATIONAL TRAINING COURSE PARTICIPANTS' PAPERS, 187 (1997).

³Sheonandan Paswan v State of Bihar A.I.R. 1983 SC 194.

⁴Code of Criminal Procedure, 1973 Section 209.

application of the parties before delivery of judgment in the specific case as per section 216 of CrPC. When the charge is altered and the trial begins, the Prosecutor is authorized to call again or resubmit and to reexamine the specific witnesses and to call new witnesses which are material to the case⁵. In case of any delay the Court may ban the Prosecutor to do so.

- Trial Phase: Section 225 of CrPC explicitly states that trial must be conducted by a Public Prosecutor in every trial before Sessions Court. Section 226 states that the Prosecutor may open the case upon appearance of the accused in Court of Sessions or when the accused is brought before Court of Sessions. The Prosecutor then goes on to describe the charge against the accused along with the evidences placed before the Court. After the stage of examination of witness by prosecution and Defence Counsels, the prosecutor give counter arguments in response to the questions put forward by the Defence Counsel with the permission of the Court as per section 234 of CrPC. Section 301 mandates the Public Prosecutor or the Assistant Public Prosecutor dealing with the case to represent directly before the Sessions Court or the Magistrates Court in all stages of Inquiry, Trial or Appeal in the Appellate Court. Moreover, section 321 of CrPC, empowers the Public Prosecutor or the Assistant Public Prosecutor in the Sessions' Court to withdraw from the prosecution if the parties agree to the same, before any time the judgment is produced. Withdrawal of prosecution can be done with respect to any one offence in the charge or from the whole offence subject to the limitations of the Code. If withdrawal is made, before charge is framed it leads to discharge of the accused and if withdrawal is done after charge is framed, it leads to acquittal of the accused.

- Post-Trial phase: By virtue of section 377 of CrPC, upon inadequacy of sentence, the State Government can direct the Public Prosecutors to appeal in respective High Courts and section as per section 378 of CrPC, the State Government can direct the Public Prosecutor to present an appeal before the High Court, when there is an order of acquittal is passed.

Thus, it is pertinent to note that according to the provisions of CrPC, the duty of the public prosecutor gets engaged at the investigation stage only after arrest or search warrants gets issued for the accused. Moreover, the public prosecutor plays a dual role to conduct the trial and as a legal advisor to the police department in charge of investigation. In the case of *Zahira Habibullah Sheikh v State of Gujarat*⁶, the Supreme Court ordered the retrial, when the state

⁵ Code of Criminal Procedure, 1973 Section 217.

⁶ *Zahira Habibullah Sheikh v State of Gujarat* (2004) 4 SCC 158.

and the material witness approached the court because the trial was not conducted properly and non-corporation of the public prosecutor. The Apex Court vehemently held that quality of criminal justice is linked with the caliber of the prosecution system and the reason for rate of acquittals is only due to poor quality of prosecution.

EXISTING CHALLENGES IN INDIA AND PUBLIC PROSECUTION

The Apex Court from time to time has tried to ensure the position of Public Prosecutor and laid down various guidelines in effect to the same. But, apart from the guidelines of the Supreme Court, there are international standards adopted by the United Nations that laid down the rules which the Prosecutor is expected to adhere to while discharging his duties. The prosecutor is bound to act fairly, impartially, consistently and avoid all political, social or religious or any kind of discrimination⁷ as per the guidelines adopted by United Nations. According to Article 20 of United Nations guidelines on the role of prosecutors, a prosecutor must endeavor to cooperate with the police, the court, the legal profession, public defenders and other government agencies or institutions so as to ensure fairness and effectiveness of prosecution⁸.

The office of the prosecution must be separate from investigative agency and thus the Assistant Public prosecutors are not allowed to continue as personnel of the police department or to continue any function under police department. The decision of the Hon'ble Supreme Court in the case of *Sarala v Velu*⁹, tears apart the two arms of the criminal justice system- prosecution and investigation. The Apex Court ended the practice of consultation between the police and prosecutor at the investigation stage and on laying of charge sheet under section 173(2) of CrPC. Furthermore, to maintain the independence nature of prosecution, section 25-A was inserted in the Code by the Criminal Amendment Act, 2005,¹⁰ which directs the establishment of a Directorate of prosecution in every state. Moreover, the 197th Law Commission Report on the appointment of public prosecutors also stressed on the fact that a public prosecutor must be independent of the police and investigation process and he owes his duty towards the Court

⁷United Nations guidelines on Role of Prosecutors Article 12 and 13(a).

⁸**Relations with other government agencies or institutions-** In order to ensure the fairness and effectiveness of prosecution, prosecutors shall strive to cooperate with the police, the courts, the legal profession, public defenders and other government agencies or institutions.

⁹ *Sarala v Velu* A.I.R. 2000 SC 1732.

¹⁰ THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) ACT, No. 25, Acts of Parliament 2005 (India).

and to the accused, in particular¹¹. The Supreme Court reaffirmed the position in the case of *Mohd. Shahabuddin v State of Bihar*¹² by stating that when a state is representing the society by prosecuting a person, it must do it openly and the people must be satisfied that the state is not misusing the machineries like police, prosecutors that are under the authority of State.

However, such independent and separate position of the office of public prosecutor has led to a major drawback in the effective functioning of the system. In the pre-trial stage, sometimes the files are sent to the assistant public prosecutors by the police, but since they are detached from the investigative agency, their opinion becomes cursory. Once the case reached the court, the police remain unaware of the case. One of the major lacunae that may arise out of the system is the problem of victim representation. In the present legal system, the status of victims is merely reduced to a mere prosecution witness. There is no framework for the victims to connect with their case, besides maintaining the integrity and autonomy of the public prosecutor¹³. There is plethora of case laws where the victim has raised dissatisfaction with the functioning of the Public Prosecutor, and the court highlighted that the prosecutor seemed to be worked as defence counsel rather discharging his duty in a fair and neutral manner¹⁴. In the Malimath Committee Report¹⁵, it has been pointed out that if the victims are dissatisfied with the public prosecutor they can take the recourse of private prosecutor. However, in India the option of private prosecutor is not fully available since the function of public prosecutor is of judicial nature¹⁶. The only option available under CrPC for private prosecution is that the private prosecutor works under the direction and authority of a public prosecutor and they does not given the status quo of that of public prosecutor. Thus, all these factors put a limitation on victims' interest and expectations and create a vacuum in the expectation gap of the victims due to the existing challenges¹⁷ in the criminal justice system.

¹¹ Law Commission of India, Public prosecutions, 'Appointment' government of India 197th Report 2006.

¹² *Mohd. Shahabuddin v State of Bihar* 2010 A.I.R. SCW 3211.

¹³ *Bikram Jeet Batra*, Public Prosecution-in need of reform, INDIA TOGETHER (2000).

¹⁴ *Laxman Rupchand Meghwani v State of Gujarat* (2016) 3 JLJR 195.

¹⁵ Justice V.S Malimath Committee on Reforms of Criminal Justice System Rep., ¶ 6.97, 84 (2003).

¹⁶ *Samsher Singh v State of Punjab* (1974) 2 SCC 831.

¹⁷ V. Radha Krishna & Krupa Sagar, *The Role of Public Prosecutor in Criminal Justice System* 174-175 (2013).

PROSECUTION AND VICTIM REPRESENTATION: UNITED KINGDOM (England and Wales)

There is no unified prosecution system in the whole of Great Britain or United Kingdom. There are different prosecution systems in Scotland, Northern Ireland and England and Wales. The prosecution system in England and Wales is based purely on Crown Prosecution Service. However, the powers of CPS differ significantly from the powers of public prosecutor in other European legal systems. The Crown Prosecution Service (*hereinafter referred to as CPS*) is the principal and independent public prosecuting agency in England and Wales, created by the Prosecution of Offences Act, 1985. The CPS merged the existing Home Office and Police based prosecuting agencies. The police decide whether to bring prosecution or not and to frame charge against the accused, and may take necessary advice from the CPS before charging. The main function of CPS is the legal review of the file. It is the CPS who decides whether the case denotes a “realistic prospect of conviction” for the offence charged¹⁸. If a case is to be tried in Magistrates’ Court, the Crown Prosecutor will present the case and if the case need to be tried in the Crown Court, due to the serious nature of the offence, the CPS give a brief to a barrister to work as prosecuting counsel. Section 3¹⁹ of the 1985 Act states the duty of the CPS to take over all criminal prosecutions instituted on behalf of police force. The CPS has the power to discontinue the prosecution as well by virtue of section 23²⁰ of the Prosecution of Offences Act, 1985, because there is still an option of private prosecution in England and Wales unlike India. Although this option may not be used frequently, but section 6²¹ of the 1985 Act gives the Director of Public Prosecutors the power to take over private prosecution. The role of public prosecutors is often incorrectly interpreted as the champions for the victims, but in reality they are unable to perform the role as performed by the defense counsel for his client, defendant²². The Report of House of Commons Justice Committee, 2009 pointed out that the extent of discretion of public prosecutor must be balanced with public accountability²³.

¹⁸ JOSHUA ROZENBERG, *THE CASE FOR THE CROWN: THE INSIDE STORY OF THE DIRECTOR OF PUBLIC PROSECUTIONS*, (Equation, 1987) (2011).

¹⁹ Prosecution of Offences Act, 1985.

²⁰ Prosecution of Offences Act, 1985.

²¹ Prosecution of Offences Act, 1985.

²² House of Commons Justice Committee, *The Crown Prosecution Service: Gatekeeper of the Criminal Justice System*, ¶83 (2009).

²³ Recommendation of the Committee of Ministers to member states on the role of public prosecution in the criminal justice system.

ROLE OF PROSECUTORS AND PROCEDURE IN ENGLAND AND WALES

The Crown Prosecution Service and the Revenue and Customs Prosecutions Office were merged in December 2009 from the principal public prosecution service for England and Wales. The procedure and functioning of a public prosecutor is of prima importance as it involves and affects the victims, witnesses, defendants and the society as a whole. The Crown Prosecutors needs to follow the Code for Crown Procedure while deciding whether to prosecute a case or not. There are two stages on which the Crown Prosecutors work. The *first* stage is the evidential stage, or the stage of decision to prosecute a criminal case. The Crown Prosecutors must be satisfied that there is enough evidence against the defendant on each charge levied and looks into “realistic prospect of conviction.” But a jury or Magistrate will only convict the defendant of its sure of the guilt and in any case, if the evidential stage is not succeeded, the case will not go ahead, however important it may be. The *second* stage is the public interest stage. In this stage, the Crown Prosecutors decide whether the prosecution is needed in the public interest. All the factors for and against the prosecution needs to be examined thoroughly in this stage and the CPS will only continue the prosecution once this two stage is cleared.

In England and Wales criminal justice system there is an option to opt for private prosecution as well unlike the situation in India where private prosecutor acts under the guidance of public prosecutor. But in England, the private prosecutor is a private individual who is not acting on behalf of the police or any other prosecuting authority. There is statutory right of private prosecution circumscribed under section 6(1) of Prosecution of Offences Act, 1985. In India, although CrPC allows undertaking of private prosecution under section 302²⁴, but it is to the extent with the permission of the Magistrate and under the direction issued by the public prosecutor. However in England and Wales, even if the private prosecution does not succeed there is no requirement for the CPS to take over a private prosecution. Moreover the private prosecutor does not owe any duty to inform the CPS that any private prosecution has commenced in a particular case, except in some exceptional circumstances. But if CPS finds

²⁴ Permission to conduct prosecution-

- (1) Any Magistrate inquiring into or trying a case may permit the prosecution to be conducted by any person other than a police officer below the rank of Inspector; but no person, other than the Advocate General or Government Advocate or a Public Prosecutor or Assistant Public Prosecutor, shall be entitled to do so without such permission: Provided that no police officer shall be permitted to conduct the prosecution if he has taken part in the investigation into the offence with respect to which the accused is being prosecuted.
- (2) Any person conducting the prosecution may do so personally or by a pleader.

out that a case is being done by a private prosecutor or specific request have been received by the CPS to intervene in a private prosecution the CPS may ask the private prosecutor for all the papers that he will undertake for the prosecution. In the case of *R (Virgin Media Ltd) v Zinga*²⁵, stated that private prosecutor have the power to initiate confiscation proceedings by inviting the Court to proceeds under section 6²⁶ of the Proceeds of Crime Act 2002. The Court may also take assistance from CPS and the Director can also use the power under section 6(2) of Prosecution of Offences Act, 1985 in case of confiscation proceedings. However there are guidelines by the Court that in some circumstances the private prosecution may be stopped for instance in the case of *R v CPS*²⁷, reiterated that if CPS decides to discontinue the private prosecution, before the evidential stage test it does not rendered the statutory authority under section 6 of Prosecution of Offences Act 1985 unlawful and do not frustrate the object henceforth of undertaking private prosecution. Thus, even private prosecutors can independently also prosecute a case without the guidance or not being under any public prosecutor unlike India.

With the advent of time the system of engaging private prosecutor has been increased considerably in England and Wales. Lord Wilberforce stated that private prosecution is a 'valuable safeguard against inertia or partiality on part of the authority,' in the case of *Gouriet v Union of Post Office Workers*.²⁸ The main reason of the increase hiring of private prosecutor in the jurisdiction is due to:

- The failure on the part of state prosecutions in providing proper justice to victims.
- The long-term delays and inefficiency on the part of public prosecution service and failure to care for the witnesses
- The failure of the Police and CPS in investigation and pursuing legitimate complaints by victims of crime, more specifically in developing areas of criminal law.

Thus, the trend of hiring private prosecutor in certain criminal cases outweighs the disadvantages of the public prosecution system in the England and Wales criminal justice system, unlike India.

²⁵ *R (Virgin Media Ltd) v Zinga* [2014] EWCA Crim 52.

²⁶ Proceeds of Crime Act, 2002.

²⁷ *R v CPS* [2012] UKSC 52.

²⁸ *Gouriet v Union of Post Office Workers* [1978] AC 435.

In every jurisdiction, victim's right has been given prime importance and the main aim of criminal prosecution is to protect and rectify the violation of victim's right caused by the defendant²⁹. The United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985³⁰ asked the states to make a comprehensive law to fulfill the aim of the declaration of protecting the rights of the victims. But the question arose while safeguarding such rights is which law will satisfy the requirements in protection of such rights. The accused is given more weight age than the rights of the victims as pointed out by the Auld Report, 2001³¹. However, the need and protection of the rights of the victims have been duly acknowledged by the Runciman Commission Report 1993³² and stated that at times the communication between CPS and the victims might fade, in such circumstances the victim's view must be taken and be the priority and they must be informed about all the information related to the case.

With the independent private prosecution system, the England and Wales criminal justice system to some extent have been succeeded in protecting the rights of the victims but this is not the case with the Indian jurisdiction. Thus this part of the paper will analyze whether prosecution by an independent private prosecutor can bring a ray of hope in protecting the rights of victims in the criminal justice system.

PRIVATE PROSECUTION OF CRIME- A PLAUSIBLE SOLUTION: AN ANALYSIS IN INDIAN JURISDICTION

The criminal justice system in the Indian jurisdiction has many limitations which includes corruption, paucity of resources, time taking cumbersome procedure and lack of accountability. The victim suffered in two ways, firstly at the time of commission of crime and secondly in the hands of the wings of the system, i.e., police, prosecutions and judiciary. The main drawback that the victim faces during the process of the criminal justice system is the less interaction and accountability with the victim. They became merely victimized in the hands of the prosecutor who are mostly unanswerable for their acts. Moreover, there is lack of any public authority

²⁹ Juan Cardenas, *The Crime Victim in the Prosecutorial Process*, 9 HARV. J.L. & PUB. POL'Y, 389 (1986).

³⁰ Irene Melup, *The United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*, THE UNIVERSAL DECLARATION OF HUMAN RIGHTS: FIFTY YEARS AND BEYOND (2018).

³¹ Lord Justice Auld, *Review of the Criminal Courts of England and Wales*, 495-499 (2001),

³² Report of Royal Commission on Criminal Justice, Viscount Runciman, 79 (1993).

where the codes of conduct, complaint mechanism, resource allocation are published. Time and again the question of engaging a personal lawyer to safeguard the rights of the victims was raised in the existing criminal justice system³³. The fear of frivolous cases in case of private prosecution does not surpass the protection of right of victims who have already been suffered in the society. The mere fact that the Code of Criminal Procedure allows to engage a private counsel under section 302 at the discretion of Magistrate, it did not serve a great purpose or the impact will be very limited since there are no specific guidelines as to under which circumstances the extraordinary power can be used by the Magistrate to allow for private prosecution³⁴, unlike the system in England and Wales jurisdiction. Only under one condition, the permission can be granted, if only by engaging private prosecutor the victim will be served better justice³⁵. But no such option of engaging private prosecutor has been given in Sessions' Court and the victims are only left with the option of public prosecutor to depend upon for fair and impartial accountability of the case.

Now, the question is whether private prosecution can be a plausible and effective solution in the Indian jurisdiction seems to be promising in the existing criminal justice system. If the option of hiring private prosecutor is given without any dependence on the public prosecutor, it will be beneficial for the victims to engage with the lawyers of their choice which will in turn increase the accountability and the communication gap will also be reduced. Moreover it may be the best suitable option in the Indian context as the cost of engaging such lawyers will be low due to a large number of lawyers across the country³⁶. Section 302 of CrPC already mentions the appointment of a private person which can be use in a positive way of engaging highly-skilled lawyer in the criminal justice system so as to ensure to deal properly with the crime committed. Although there remains a possibility of misuse of section 302 of the Code for instance frivolous and unscrupulous complaints, yet if private prosecution is allowed with proper accountability and effective mechanism, it may ensure to protect the rights of the victims and safeguarding the best interest of the society in India.

³³ Pradeep Kumar Roy, *Why not the Right to prosecute by a lawyer of victim's own choice?*, 1 CRIMES 897 (1992).

³⁴ Kedar Nath Sen v Amulya Ratan Sanyal 1941 SCC OnLine Cal 156.

³⁵ J.K International v State (Govt. of NCT of Delhi) (2001) 3 SCC 462.

³⁶ R. v Munaf Ahmed Zinga 2014 EWCA Crim 1823.

Thus, there must be an option for the victims to opt for private prosecution independent of the office of public prosecutor in the criminal justice system if the victims wish so. Otherwise, the victims may be forced to accept the system of public prosecution to try the case. However, apart from the option of private and public prosecution, the other factors such as accountability mechanism, mode of appointment of the prosecutors must be taken care of for the effective implementation and might reduce the vacuum between the victims' representation and the criminal justice system.

CONCLUSION

Thus, the public prosecutor in India and the Crown Prosecution office in England and Wales have a key role to play in the criminal justice system, where conviction of the defendant is not the sole criteria on their part to act as an advocate. They have to perform legal intellectual application of the rules of the justice system and works as totally independent of any professional judgments that are to be applied on the other. There are some lacunae with the appointment of public prosecutors in India that hinders the effective functioning of the justice system, yet the role and working of private prosecutor remains a question which may help out to a certain extent in at least safeguarding one essential aspect of the criminal justice system. Likewise, in England and Wales as well, the demand for private prosecutors have increased and in cases involving fraud, the system of private prosecution is being used in a great manner. A code of The Private Prosecutors' Association has been framed with a view of increasing role of private prosecution in the criminal justice system. This code aims at providing an assertion to the challenges faced by the public prosecution system with regards to that of private prosecution. Moreover, it also describes the code of conduct of the private prosecutor while dealing with a criminal case, unlike of the fact no such guidelines have been issued in Indian jurisdiction with respect to the same. Thus, it is the need of the hour to enact such laws and rules related to private prosecution and give it a full time statutory authority as that of the position of public prosecutor in India so as to reinstate the confidence of the public in the way as it has enforced in the system of public prosecution in India.

CHALLENGES FACED BY THE REAL ESTATE SECTOR IN RECENT YEARS.

-Haimantika Chakraborty*

The real estate sector, vital to global economic growth, has encountered numerous challenges in recent years. These challenges range from economic fluctuations and regulatory changes to technological advancements and sustainability concerns. This article delves into these issues, providing insights into their impacts and the responses from the industry.

Economic Fluctuations and Market Volatility

Economic downturns and fluctuations have profoundly affected the real estate sector, leading to decreased investment levels, reduced property values, and slowed market activities. The global financial crisis of 2008 serves as a stark reminder of the sector's vulnerability to economic shifts. More recently, the COVID-19 pandemic has introduced unprecedented challenges, disrupting the traditional dynamics of supply and demand and accelerating shifts towards remote work, which in turn has impacted commercial real estate values and occupancy rates. Economic instability has led to cyclical challenges within the real estate sector. During periods of economic growth, speculative investments can inflate property values, leading to unsustainable bubbles. Conversely, recessions can result in sharp declines in demand, falling prices, and increased foreclosure rates. The COVID-19 pandemic highlighted how quickly and profoundly external shocks could impact the sector, with significant shifts in commercial real estate demand and a rapid reevaluation of residential space requirements as work-from-home practices became prevalent.

Regulatory Changes and Compliance Burdens

Governments worldwide have introduced numerous regulatory changes affecting the real estate sector. These include stricter lending criteria, enhanced transparency requirements, and increased taxes and duties on property transactions. Such regulations aim to stabilize the market

* BALLB (H), SOLS, TNU, 4th Year.

and protect consumers but also impose significant compliance burdens on companies, increasing operational costs and affecting overall market dynamics.

Technological Advancements and Digitalization

The rapid pace of technological advancements presents both opportunities and challenges for the real estate sector. Technologies like artificial intelligence (AI), blockchain, and the Internet of Things (IoT) are transforming how properties are sold, bought, and managed. While these technologies offer the potential for improved efficiency and new business models, they also require significant investment in digital infrastructure and skills training. Additionally, the sector faces the challenge of cybersecurity risks associated with increased digitalization.

Sustainability and Environmental Concerns

Sustainability has become a central issue for the real estate sector amid growing awareness of climate change and environmental degradation. Stakeholders are increasingly prioritizing green building practices, energy efficiency, and sustainable urban development. However, transitioning to more sustainable practices involves considerable challenges, including higher upfront costs, the need for specialized expertise, and navigating complex regulatory landscapes focused on environmental sustainability.

Urbanization and Housing Affordability

The ongoing trend of urbanization poses significant challenges for the real estate sector, particularly in terms of housing affordability. As more people move to cities, the demand for affordable housing has skyrocketed, putting pressure on governments and developers to find solutions. This challenge is compounded by limited urban space, rising construction costs, and the need for infrastructure and services to support growing urban populations.

The Impact of Regulatory Changes

Regulatory changes aim to create a more stable and transparent real estate market. However, these regulations often introduce complex compliance requirements. For example, the introduction of the General Data Protection Regulation (GDPR) in Europe has had significant implications for real estate businesses handling personal data. Similarly, changes in zoning laws and building codes can affect development plans, project costs, and timelines. These

regulatory challenges require ongoing attention and adaptation from businesses to navigate successfully.

Technological Advancements: Beyond Digitalization

The advent of technology in real estate goes beyond digitalization and online listings. Innovative technologies like AI and IoT offer opportunities to enhance building efficiency, improve property management, and personalize customer experiences. However, these technologies also introduce challenges related to data security, privacy, and the digital divide. For instance, the integration of smart home technologies raises questions about data ownership and vulnerability to cyber-attacks. Furthermore, the real estate sector's traditional nature means that the adoption of new technologies can be slow, requiring significant cultural and operational shifts.

Environmental Sustainability: An Urgent Priority

The push towards sustainability in real estate is not just about reducing carbon footprints or conserving water. It's about fundamentally rethinking how buildings are designed, constructed, and operated. Green buildings, once considered a niche market, are becoming a necessity. However, the transition to green building practices involves overcoming barriers such as the initial cost premium, the availability of green building materials, and the need for skilled professionals familiar with sustainable practices.

Urbanization and the Quest for Affordability

The challenge of housing affordability in urban areas is exacerbated by several factors, including land scarcity, rising construction costs, and demographic shifts. Innovative solutions such as modular housing, co-living spaces, and the repurposing of existing buildings are being explored to address this issue. However, these solutions require supportive policy frameworks, investment in new technologies, and a willingness to embrace non-traditional housing models.

Globalization and Its Effects on Real Estate

Globalization has had a profound impact on the real estate sector, influencing market dynamics, investment flows, and property values. It has facilitated cross-border investments and attracted foreign investors to various markets, leading to increased competition and, in some cases, speculative bubbles. Additionally, globalization has led to the adoption of international

standards in building design, construction, and sustainability, promoting best practices but also raising costs and complexities for developers and investors.

Demographic Shifts and Real Estate Demand

Changing demographics are significantly influencing real estate demand patterns. Aging populations in developed countries are increasing the demand for retirement communities, assisted living facilities, and healthcare-related real estate. Conversely, younger generations, particularly millennials and Gen Z, exhibit different housing preferences, favoring urban and semi-urban living spaces that offer convenience, sustainability, and connectivity. These shifts require real estate developers and investors to reevaluate their strategies and offerings to cater to evolving market needs.

The Role of Real Estate in Smart Cities

The development of smart cities presents both opportunities and challenges for the real estate sector. Smart cities leverage technology to improve infrastructure, efficiency, and quality of life, directly impacting real estate through the integration of smart technologies in buildings and the development of new, technologically advanced properties. However, participating in smart city projects requires significant investment in technology and a shift towards more collaborative models of working with governments and technology providers.

Financial Market Dynamics and Real Estate

The real estate sector is closely tied to the dynamics of financial markets, with changes in interest rates, lending practices, and investment flows directly affecting real estate valuations and transactions. For instance, low-interest rates generally increase the affordability of borrowing, stimulating demand for real estate. However, they can also lead to overheating of the market. Real estate investors and developers must navigate these financial dynamics carefully to manage risks and capitalize on opportunities.

The Changing Nature of Work and Its Impact on Commercial Real Estate

The evolving nature of work, accelerated by the COVID-19 pandemic, has had a significant impact on commercial real estate. The rise of remote work and flexible work arrangements has led to a reevaluation of the need for traditional office spaces, prompting a shift towards co-working spaces, hybrid offices, and remote-friendly environments. This transition challenges

commercial real estate developers and investors to adapt to the changing needs of businesses and workers, reimagining spaces to remain relevant and competitive.

In summary, the real estate sector is at a crossroads, facing challenges and opportunities brought about by globalization, demographic shifts, the rise of smart cities, financial market dynamics, and the changing nature of work. Addressing these issues requires innovative thinking, strategic planning, and a commitment to adapting to the evolving landscape of the industry.

The Influence of Political Climate on Real Estate

The political climate, both domestically and internationally, can significantly impact the real estate sector. Political stability, policies related to foreign investment, and government-led housing initiatives can either foster growth or introduce uncertainties. For example, trade policies and international relations can influence foreign investment in real estate, while local zoning laws and tax policies directly affect development and investment returns. Navigating the political landscape requires ...

Innovation in Construction Technology

Advancements in construction technology are revolutionizing the real estate sector. From 3D printing of buildings to the use of drones for site surveys, these innovations promise to reduce construction costs, improve efficiency, and minimize environmental impact. However, adopting these technologies poses challenges, including the need for significant capital investment, training for workers, and overcoming regulatory hurdles. The sector must embrace these innovations to stay competitive and meet the evol...

The Impact of E-commerce on Retail Real Estate

The rise of e-commerce has dramatically impacted the retail real estate market, leading to the decline of traditional brick-and-mortar retail spaces and the rise of fulfillment centers and logistics hubs. This shift has forced retail real estate owners to rethink their strategies, repurposing and revitalizing spaces to accommodate new consumer behaviors and preferences. Adapting to these changes is crucial for the survival and growth of retail real estate in the digital age.

Real Estate Investment Trusts (REITs) and Market Dynamics

Real Estate Investment Trusts (REITs) have democratized access to real estate investment, allowing individual investors to participate in real estate markets through publicly traded or private REITs. However, the performance of REITs is closely tied to broader market dynamics, interest rates, and economic conditions. Understanding these factors is essential for investors and professionals within the sector, as they can significantly impact investment strategies and outcomes.

The Challenge of Property Rights and Land Ownership

In many parts of the world, unclear property rights and land ownership issues present significant challenges to real estate development and investment. Disputes over land titles, bureaucratic hurdles, and the lack of a formal property registry can complicate transactions, deter investment, and slow development. Addressing these challenges requires legal reforms, technological solutions like blockchain for land registries, and international cooperation to establish clear and enforceable property rights.

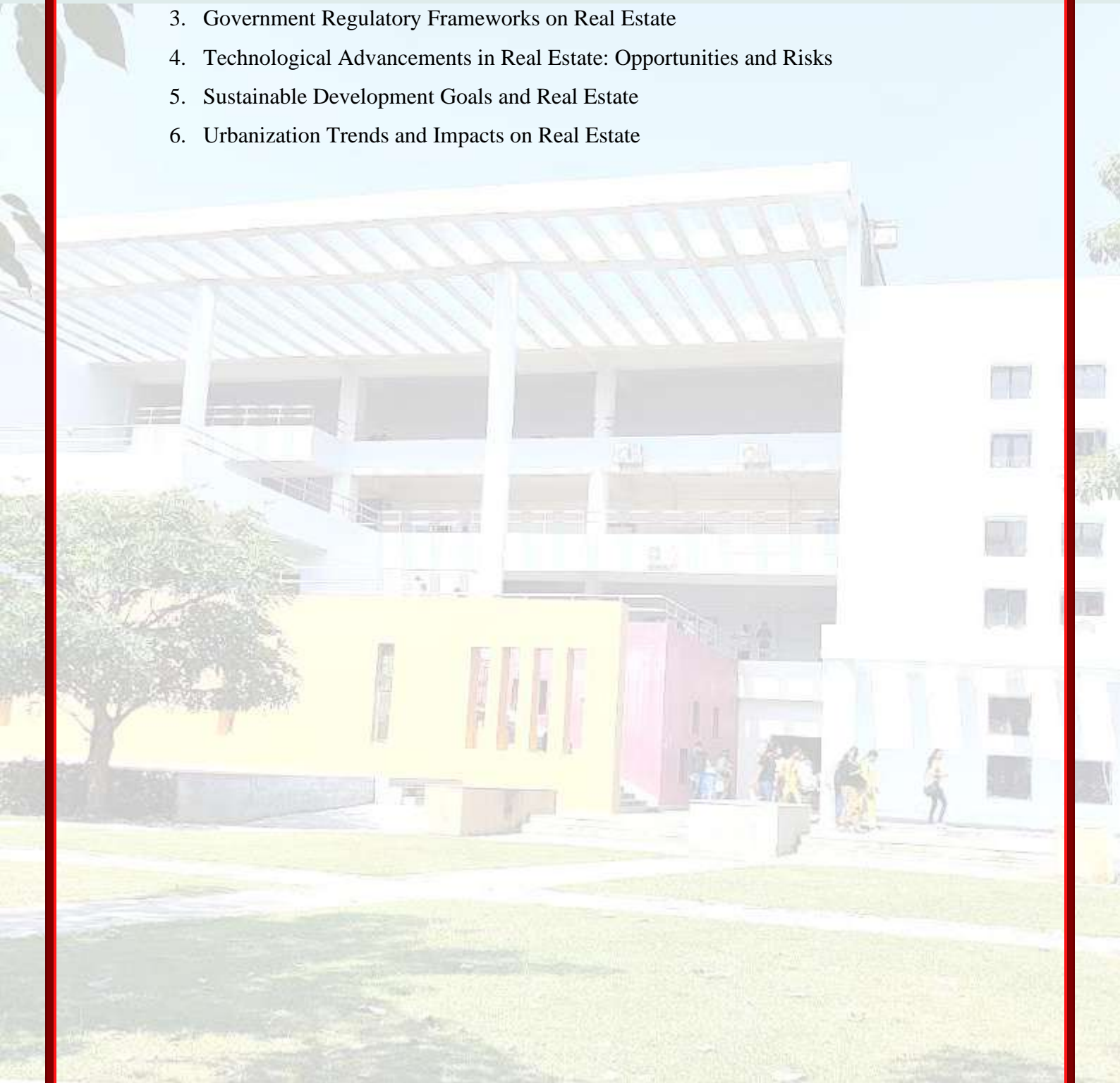
In summary, the real estate sector is navigating a complex environment characterized by technological advancements, shifts in consumer behavior, political uncertainties, and evolving market dynamics. Successfully addressing these challenges requires agility, innovation, and strategic foresight, with a focus on sustainability, inclusivity, and resilience.

Conclusion

The real estate sector faces a complex array of challenges that require innovative solutions and adaptive strategies. From economic and regulatory hurdles to technological and environmental challenges, the sector must navigate a rapidly changing landscape. The ability to adapt to these challenges will determine the future success and sustainability of the real estate industry. In conclusion, the real estate sector's challenges are multifaceted and interconnected. Addressing these issues requires a concerted effort from governments, businesses, and individuals. It necessitates a willingness to embrace change, invest in innovation, and adopt long-term perspectives. The future of real estate lies in its ability to adapt to these challenges, leveraging them as opportunities for growth and development.

References

1. Global Economic Outlook Reports
2. Real Estate Market Analysis Studies
3. Government Regulatory Frameworks on Real Estate
4. Technological Advancements in Real Estate: Opportunities and Risks
5. Sustainable Development Goals and Real Estate
6. Urbanization Trends and Impacts on Real Estate



CAUSE OF DEATH: MY GENDER

-Paulomi Sarkar*

“Don’t kill girl in the womb when she might bring country to gloom”.

India a country where ‘Durga’, ‘Kali’ are the goddess who are religiously worshiped, in the same country a girl child is killed even before she can see the light of the world. This article will be focusing on female foeticide, the reasons and laws against female foeticide.

WHAT IS FEMALE FOETICIDE AND WHY DOES IT TAKES PLACE?

Medically, female foeticide is a procedure where the gender of the foetus is identified before its birth and aborting the female foetus in the womb of the pregnant woman after the identification of the gender. Though this act is illegal in India it continues to be practiced.

Now, the question is why female foeticide takes place, many scholars believed that one of the prime reasons for the heinous killings of the girl child is the preference of male child. Male child can perform manual labour, are the bread and butter of the family and continue the family heredity. Selective abortion is observed more where cultural norms prefer male child over female child. Son’s are viewed as “assets” where daughters as “liability”.

Another reason is the financial burden. Daughters in India are considered as a financial burden, an ample amount of money is spent on their marriage. People mortgaged their properties or take loans which even the future generations continue to pay. Especially in rural areas marrying a stressful event, most people want to avoid this burden leading to aborting the foetus or even killing the girl child after her birth.

In the case of Voluntary Health Association of Punjab v. Union of India, Hon’ble Justice Dipak Misra observed:

“All involved in female foeticide deliberately forget to realize that when the fetus of a girl child is destroyed, a woman of the future is crucified. To put it differently, the present generation

* BALLB (H), SOLS, TNU, 3rd Year.

invites the sufferings on its own and also sows the seeds of suffering for the future generation, as in the ultimate eventuate, the sex ratio gets affected and leads to manifold social problems.”

CAUSES OF FEMALE FOETICIDE

Some of the causes of female foeticide are discussed below:

1. **Patriarchy:** A social system where man holds the dominant position is known as patriarchy. Man is the head of the family and takes and has the decision making power, he has the control of the property and is the head in all spheres of life. Most of the societies in India are patriarchal society furthermore most of the patriarchal societies are patrilineal meaning the property is inherited by a male lineage. Centuries of practicing patriarchy resulted in female foeticide since the early 1990s

2. **Gender socialization:** Patriarchy is being practiced since time immemorial resulting in gender socialization where boys are meant to be strong, the bread winners of the family, furthermore a dominant figure, whereas girls are supposed to cook and clean, be in their best manners, obey the male members of the family and are considered as weak. They were never given the opportunity to prove their capabilities and make their families proud.

3. **Dowry system:** This social evil has its roots deep in Indian society. Daughters are always perused as liability. When a girl is born her family members starts to collect money for her marriage. The unending and extravagant demands for dowry by the in-laws become impossible for the girl's family to fulfill resulting in agonizing torture to the girl. To break loose from this burden and distress families resort to killing the girl inside the womb.

In the case of the State of H.P. v. Nikku Ram and others, a two-Judge Bench of the Supreme Court has expressed its agony thus: –

“Dowry, dowry and dowry. This is the painful repetition that confronts, and at times haunts, many parents of a girl child in this holy land of ours where, in good old days the belief was: “Yatra Naryastu Pujyante ramente tatra dewatan” (where woman is worshipped, there is abode of God).”

4. **Alien money (Paraya Dhan):** “Betiya toh paraya dhan hoti hai” we all must be pretty familiar with this phrase as our Hindi cinema had often had this phrase said in their wedding scenes. Girls are considered as ‘Paraya Dhan’ or Alien money by many parents, it is believed that spending money on their upbringing is a waste because; eventually they are going to get

married and go their matrimonial home. They are considered as their future in-laws property, who consumes the resources of her paternal family but will provide nothing in return, therefore to prevent wastage of resources female foeticide is justified.

5. Lack of education: More than 25% of the Indian population remains illiterate. Indians' lack of knowledge has been shown to be damaging to their social and psychological growth. The significant disparity in literacy rates for men and women is seen in the above graph, and it still exists today. Due to a lack of information, many in India still hold false beliefs and engage in unethical practices such as female foeticide.

6. Wrong use of ultrasound technology: Early in the 1990s, ultrasound technology was introduced in India. The early growth of the baby during pregnancy may be learned a lot about by using ultrasound scanning devices. Unfortunately, a lot of IVF doctors began to abuse this technique by using it to determine the gender of the embryo and subsequently aborting the undesirable female fetus.

7. Corruption in the medical field: Another element contributing to female foeticide is corruption. The medical area, which was once a respectable and honorable line of labor, has degenerated over time. In an effort to satiate their greed, physicians started charging a lot of money to use ultrasound technology to determine the gender of the pregnancy and then to terminate the undesirable female fetus.

LAW SAFEGUARDING THE UNBORN

Many laws have been passed from time to time to control this horrendous act and also to safely safeguard the unborn.

The Indian Penal Code, 1860 lays down section 312 to 316 which deals with miscarriage and offences against the unborn and new born child. Depending upon the gravity of the offence different punishments are given under this code.

India approved its first abortion-related law in 1971, the so-called Medical Termination of Pregnancy Act. It legalized abortion in practically all of the nation's states but was specifically designed for situations where there was a medical danger to the mother and child who were conceived via rape. Doctors who could lawfully conduct abortions in the aforementioned situations had also been established by legislation. However, based on technical advancements, the authorities had not taken into account the prospect of female genital mutilation. This law proved to be quite ineffectual as a result.

Sex screening technologies were easily reachable in India during the 1980's to the common people which lead to the abuse of sex screening technologies in a large number. The government took in account of this problem and passed the Pre-natal Diagnostic Technique Act (PNDT) in 1994. Due to various reasons this law was again amended and finally became Pre-Conception and Pre-natal diagnostic technique (Regulation and Prevention of Misuse) (PCPNDT) Act in 2004. Its main aim was prevention and punishment to prenatal sex screening and female foeticide.

The PCPNDT Act of 2004 saw several significant revisions. Amniocentesis and ultrasonography were included in its purview. Additionally, it resulted in the creation of the State Level Supervisory Board and the empowering of the Central Supervisory Board. The laws, ordinances, and penalties are strengthened.

It has been said that the execution of this legislation has become a mockery despite all of these adjustments. Despite the fact that the legislation has been in effect for almost two decades, society has not undergone significant changes. Despite decisions made by the Supreme Court and other High Courts to declare the current statute unconstitutional, the courts have demonstrated a reluctance to imprison the violators. In many situations, the court has just issued a warning to the guilty parties, which has caused the legal community as well as social and intellectual activists to respond negatively in large numbers. Lawyers and campaigners agree that the responsible authorities handling cases of sex detection must be held accountable and urge harsh punishment for those who violate the law.

JUDICIAL PRONOUNCEMENT

The Judiciary has always and is continuing to play an active role in preventing the violence against women, in general, and female foeticide in general.

In the landmark case of Centre For Enquiry Into Health and Allied Themes (CEHAT) V Union of India & Others, the petitioners challenged The Pre-Natal Diagnostic Techniques Act, 1994, which had failed to accomplish its objectives of avoiding female foeticide. The court emphasized to the competent authorities that it was authorized to pursue criminal action against offenders and admonished the Centre, States, and Union Territories to adequately comply with the Act's objectives. Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 was revised in 2003 after the Court ordered its revision in light of new technologies. The National Committee (National Monitoring and Implementation Committee—NMIC) was established by the Court as another directive.

In another case of Sangeeta Thapa Versus Government of NCT of Delhi & Ors, The Honourable Delhi High Court made the following observations when it granted a woman's request to terminate her 28-week pregnancy since the foetus had a rare congenital cardiac condition. According to the High Court, the woman's right to decide whether or not to carry the pregnancy to term cannot be restricted because of foetal abnormalities. Personal liberty includes the option to choose one's reproductive method, which is protected under Article 21 of the Constitution. The petitioner's mental health would be adversely affected if the pregnancy was allowed to continue. The right of the petitioner to decide whether or not to carry out the pregnancy in light of the medical board's recommendation cannot be taken away from her.

CONCLUSION

India has 1,020 women for every 1,000 males, according to the fifth National Family and Health Survey, which the government conducted between 2019 and 2021. For the first time in its history, India has more women than males. The government launched the "Beti Bachao, Beti Padhao" programme to address problems with women's empowerment and gender inequality in the nation. This plan guarantees that the PC & PNDT Act is carried out effectively by focusing on altering social attitudes and patriarchy. The Constitution of India provides equal status to men and women however, it's sad to see that it's only in books and not in reality. As long as the notion like 'bhoj' (burden) and 'paraya dhan' continues to leave in minds of people female foeticide will not come to an end. It's high time now that we give equal opportunities girls, allowing them to see the light of world. Women too can make a family and country proud.

A CASE FOR CONSTITUTIONALITY OF ARTICLE 370

-Ananya Halder*

It is the result of instrument of accession signed by erstwhile ruler of Jammu and Kashmir Maharaja Hari Singh in 1947. Through this instrument, Singh acceded the state to India but limited India's power to legislate for the state to matters of defence, external affairs and communication. Article 370 was a temporary because a plebiscite had to be held in Kashmir to decide whether it would join India or Pakistan. However, it was never held leading to the provision being permanently practiced; said Farooq Abdullah former chief minister of Jammu and Kashmir. However, the special constitutional status set it apart from any other state of India. This provision substantially limited parliament's power to legislate for the state and effectively vested great power to the Jammu and Kashmir legislature. The provision acted as a means to ensure that the people of Jammu and Kashmir would have a complete say India's sovereignty and all the laws that applied to them came into with their consent.

The law of citizenship and ownership of the property and fundamental rights of the residents of Jammu and Kashmir is different from the residents living in the rest of India. Reasons supporting for removal of article 370 include:-

- To integrate Kashmir and put it on the same footing as the rest of India
- To uproot the terrorist activities in Kashmir
- To stop Pakistan and China's interference in Kashmir
- Different terrorist groups sponsored by Pakistan have been trying to separate it from India and get it unified with Pakistan. The Jammu and Kashmir government had not been active enough to combat Pakistan sponsored terrorism

Some can say that the process of revocation of article 370 it's not democratic. Today it was completely a political act which the parliament cannot do. It was merely done for the benefit of people in order to protect them from terrorist activities and anti-India propaganda.

Initially, the princely state of Kashmir got united to India and article 370 was a precondition which can be revoked through conversation with the constituent assembly of Jammu and

* BBALLB (H), SOLS, TNU, 3rd Year.

Kashmir. Then article 370 was a temporary article. But after the dissolution of the constituent assembly it became permanent as explained by some constitutional scholars.

But, what article 370 has given us for the year since independence include terrorism, unrest lack of development, riots, genocides and what not. It is said to be the heaven on earth. In natural beauty it is right but in other aspects in terms of human rights, economic development, it has not progressed at all.

Whether the act of revocation of article 370 was as per the law or not, that is to be decided by the Supreme Court of India. And the judiciary is doing its duty. But so far as the safety, security, and equity of the whole country is concerned, I think, the revocation of article 370 has been rightly done by the government. No other alternative was there to make Kashmir free from its bondage and to make Jammu and Kashmir a heavenly place in the truest sense of the term.

An amendment to the constitution can only be made by virtue of article 368 by 2/3rd majority of the Parliament present and voting, but in case of article 370(1) it gives the power to the President of India to nullify the article anytime but could have done so in concurrence with the recommendation of the State government of Jammu and Kashmir.

In the present situation, the state of Jammu and Kashmir has not had a proper government for months, so the order was passed in consultation with the Governor of the state and as per article 155 of Constitution of India, the Governor of a state is appointed by the President of India and it can be stated that the Governor of a state is representative of union government, here by the union government has consulted itself for the benefit of people.

Criticisms for the same:-

- The process of revocation of Article 370, which ties the state with India, needed the approval of J&K's Constituent Assembly. In the absence of such an assembly, it can be removed with the concurrence of the state legislative assembly. But the assembly does not exist at the moment either, and the notification suggests that it was the Governor's concurrence that was obtained to render the provisions irrelevant. This is clearly not sufficient.
- The process has been pushed through without consultations with Kashmir's political leaders, who have been under detention.

- Further, the reorganisation of states requires the consent of the state assembly concerned.
- In this case, J&K has been bifurcated, and statehood diluted to UT status, without any deliberations in the assembly.

Previously, those who were not the domicile citizens of Jammu and Kashmir we're not allowed to buy land there, which goes against article 19 (1) (e) Of the constitution and therefore is not considered constitutional. However, with the withdrawal of the special status of Jammu and Kashmir, any Indian citizen can buy land except agricultural land only with the permission of government so as not to hamper the natural beauty of the place.

Earlier the spouses of Jammu and Kashmir domicile citizens when not considered to be a citizen of the state and also that of female spouses if the married outside the state, would lose inheritance of their paternal property. But after the revocation it is no longer applicable.

Any Indian state with a Constitution of its own and flag of its own goes against the unity and integrity of our country any also unfair to all the citizens of India. Any special treatment or partiality to citizens of Jammu and Kashmir isolates them as they will never be able to recognise themselves as true citizens of India. They will always consider themselves as someone hanging in between. The provision of article 370 always goes against article 1 which considers India or Bharat as an 'union of states'. However, only after the Jammu and Kashmir Reorganization Act, 2019, the state has become just like any other state of the country enjoying the same rights and any other citizen. Kudos to the BJP government for passing such an act. Only such an act of bravery can install the true feelings of nationalism within the citizens of Jammu and Kashmir and make them feel no less than any other citizen of India.

References

- <https://indiankanoon.org/doc/666119/>
- <https://www.scobserver.in/cases/challenge-to-the-abrogation-of-article-370-case-background/>
- <https://byjus.com/free-ias-prep/article-370/>

WOMEN EMPOWERMENT IN INDIA: AN INSIGHT

-Preeti Ghosh*

INTRODUCTION

Women empowerment in India has a long journey. Historically, women faced many challenges like restricted education and limited rights.

In simple terms, these great people like Raja Ram Mohan Roy, Swami Vivekananda, Acharya Vinobha Bhave, and Ishwar Chandra Vidyasagar worked hard in the past to help women in India. They stopped bad practices like sati and child marriage to make life better for women.

In 1917, the Indian National Congress, one of India's earliest political parties, spoke up to ask for women's political rights. Then, in 1950, when India's constitution came into effect, it included policies to empower women.

DEFINITION

Empowering women means helping them make their own decisions for personal and social growth. It involves encouraging women to be self-reliant, have a positive self-image, and gain the confidence to tackle any tough situation. It is the process by which women strength their capacity individually and collectively to identify understand and overcome the gender discrimination, thus taking control of their lives.

TYPES OF THE WOMEN EMPOWERMENT:

Social empowerment : Social empowerment means giving women the strength to improve their social relationships and position in society. It tackles discrimination based on disability, race, ethnicity, religion, or gender. It's often linked with feminism and is defined as a process where people gain control over their lives, communities, and society by addressing important issues. Women's empowerment involves enjoying equal rights, status, and freedom for self-development. It's seen as crucial for a democratic society, according to Mikhail Gorbachev.

* BBALLB (H), SOLS, TNU, 3rd Year

From a sociological view, it means giving women equal opportunities and freedom for personal growth. Health is also essential for overall development, ensuring women have access to healthcare, safety, and dignity. Legal experts highlight the importance of fundamental human rights and dignity for women's empowerment.

Sujata Manohar (2001) describes women's empowerment as recognizing and enforcing their human rights. Legal experts aim to eliminate all legal discrimination against women to achieve true empowerment. Griffin (1987) defines empowerment as women being able to contribute at all levels of society, with their contributions valued. McWhirter (1994), as quoted by Aspy and Sandhu, defines empowerment as a process where marginalized individuals or groups become aware of power dynamics, develop skills to control their lives, exercise that control without infringing on others' rights, and support the empowerment of others in their community.

Educational empowerment: Empowering women through education and leadership training is crucial for gender equality and society's growth. Education gives women the knowledge, skills, and confidence to fully participate in society and make informed choices. Leadership training helps them lead, inspire, and bring about change in their communities. Closing the gender gap in education is a key way to empower women.

Kiran Devendra (2001) highlights the importance of women's health, education, and self-esteem. Devendra believes that empowering women means helping them become economically independent, self-reliant, and confident to face challenges. Empowered women can participate in decision-making and contribute to development activities. Education plays a crucial role in achieving this. Pathak (2003) agrees with Devendra, emphasizing the need to empower women socially, educationally, politically, economically, and culturally. Increasing literacy rates helps women understand their rights as outlined in the Indian constitution and within Panchayati Raj provisions.

Information technology and media, both electronic and print, play crucial roles in spreading knowledge and connecting people worldwide. Nowadays, no society can think about empowerment without using and integrating IT. Empowerment is about gaining power, as highlighted by Shaikh N. Meera and D.M.U. Rao (The Yojana, February 2003, Vol. 47, p. 29). They believe that empowerment involves women finding their own time and space to critically rethink their lives together.

Economic empowerment: Economic empowerment is crucial right now. Having a job means having economic power. When women work, they earn money, becoming important contributors to their households and gaining a sense of independence. Economic empowerment helps fight poverty and is necessary for sustainable economic and social development. It gives people control over their resources and decision-making. Organizations like SEWA focus on giving poor women access to economic resources and decision-making power. Economic empowerment means equal opportunities, benefits, treatment, and working conditions. Self-employed women's associations advocate for women's full employment and self-reliance, leading to economic security and independence. Microfinance is also seen as a powerful tool for poverty alleviation. Empowerment means gaining the ability to take control of one's life, especially for previously disadvantaged groups, through economic development efforts.

Political empowerment: Women's participation in politics and decision-making is crucial for their empowerment. Without a voice in government and policy-making, they lack accountability and struggle to break free from oppression. Empowerment isn't about giving people power; it's about unleashing the power they already possess. Women worldwide have fought to escape bondage and oppression, and political empowerment is essential for their advancement. It's central to achieving equality, development, and peace. Political participation allows women to challenge existing power structures and patriarchal ideologies. Empowering women politically means decentralizing power to those who have been historically excluded from decision-making processes. Measures for empowerment involve rejecting restrictions imposed by patriarchy and challenging power relations. Empowerment ranges from individual self-assertion to collective resistance, protest, and mobilization. Ultimately, empowerment means moving from a position of powerlessness to strength and positive self-image.

Bidyut Mohanty (1999) believes that the 73rd and 74th Constitution (Amendment) Acts were enacted to empower women by enabling their participation in grassroots politics. Shakuntala Narasimhan (1999) defines empowerment as bringing women into national activities as equal partners alongside men. Srilatha Batliwala (1995), a feminist scholar and activist, sees empowerment as challenging existing power relations and gaining greater control over sources of power. Chandra (1997) simplifies empowerment as redistributing power to challenge patriarchal ideologies and male domination. Mahatma Gandhi also advocated for women's empowerment, defining it as granting women equal status, opportunities, and freedom to develop themselves. Kamala Bhasin (1998) broadly defines empowerment as recognizing women's contributions and knowledge, helping them overcome fears and feelings of

inadequacy, enhancing their self-respect and dignity, gaining economic independence and self-reliance, and controlling resources like land and property.

Empowering women means creating and strengthening women's groups and organizations, promoting nurturing and caring qualities in both women and men. Women's empowerment is closely linked with their welfare and development. Nobel laureate Amartya Sen sees development as freedom, which empowers women.

Disempowered individuals need to actively participate in the development process. The backwardness of women is often due to societal barriers, but real empowerment requires individual effort. Empowerment is a process that involves both individual and collective action, fostering awareness and organizing for change.

Political participation, closely tied to power, is vital in democratic societies. It involves influencing government actions to achieve specific goals and exercising power in shaping political processes.

Joining politics makes people feel empowered and offers a path for upward mobility in society, especially for the deprived and powerless. Through political participation, individuals can influence public decisions, protect their interests, and promote justice for all. Politics is no longer confined to government structures but includes movements, protests, and demonstrations as legitimate forms of political engagement.

However, women's empowerment should not involve using power to dominate others. It's about distributing power equally between men and women and creating an environment free from suppression. Empowering women means helping them gain control over their lives, building confidence, expanding their choices, and increasing access to resources. This empowerment should come from within, not imposed from outside. Overall, empowerment is a social process that helps people take control of their lives and address important issues in their communities and society.

Psychological empowerment: Psychological empowerment is a mix of feeling capable, confident, determined, and aware of oneself, leading to happiness and well-being for women. A psychologically empowered woman can improve her self-image and overcome stigma.

Zimmerman (2000) explained psychological empowerment in three parts: intrapersonal, interactional, and behavioral.

The behavioural part is about the actions taken after feeling empowered or those done to empower others. The interactional part is about how a person sees and interacts with their environment and other people.

The intrapersonal part is about a person's self-perception of their abilities and motivation to control outcomes, people, or situations.

PRINCIPLES OF WOMEN EMPOWERMENT:

These principles outline guidelines for promoting gender equality in the workplace:

☞ Leadership: Ensure strong corporate leadership supports gender equality. ☞ Fair Treatment: Treat all employees fairly, respecting human rights and preventing discrimination.

☞ Health and Safety: Ensure the well-being of all workers, regardless of gender. ☞ Education and Development: Support women's education, training, and professional growth.

☞ Empowerment Practices: Implement business practices that empower women in various aspects of operations.

☞ Community Initiatives: Promote gender equality through community engagement and advocacy.

☞ Progress Reporting: Measure and publicly report on progress made toward achieving gender equality goals.

BENEFITS OF WOMEN EMPOWERMENT:

Women empowerment makes women feel more confident in leading their lives. # It helps them become independent, so they don't have to rely on others. # Women can live with dignity and freedom.

It boosts their self-esteem.

Empowered women have their own identity.

They gain respect in society.

With financial independence, they can fulfill their needs and desires.

Empowered women contribute positively to society.

They help the country's economy grow.

Empowerment ensures fair access to resources for women.

NECESSITY OF WOMEN'S EMPOWERMENT:

1. Without women's empowerment, we can't fix unfairness, gender bias, and inequalities. 2. If women aren't empowered, they can't feel safe and protected in life.
3. Empowerment provides them with a safe workplace.
4. Empowerment helps prevent the exploitation and harassment of women. 5. It's crucial for women to have adequate legal protection.
6. Without social and economic empowerment, women can't build their own identity.
7. If women aren't employed, it will harm the global economy as they make up a large part of the world's population.
8. Women are very creative and smart, so it's important to include their contributions in socio-economic activities.
9. For a fair and progressive society, women must have equal work opportunities.

CONSTITUTION OF INDIA AND WOMEN EMPOWERMENT:

Fundamental Rights

The policy of women empowerment is deeply rooted in the Fundamental Rights outlined in our Constitution. For example:

Article 14 ensures to women the right to equality.

Article 15(1) specifically prohibits discrimination on the basis of sex.

Article 15(3) empowers the State to take affirmative actions in favour of women.

Article 16 provides for equality of opportunity for all citizens in matters relating to employment or appointment to any office.

These rights are fundamental, which means they can be enforced in court, and the government must follow them.

Directive Principles of State Policy

The Directive Principles of State Policy also include important rules about empowering women. It's the government's job to follow these rules when making laws or policies, even though they can't be enforced in court. These principles are still crucial for good governance.

Here are some of them:

Article 39 (a) provides that the State to direct its policy towards securing for men and women equally the right to an adequate means of livelihood.

Article 39 (d) mandates equal pay for equal work for both men and women.

Article 42 provides that the State to make provision for securing just and humane conditions of work and for maternity relief.

Fundamental Duties

Fundamental duties are listed in Part IV-A of the Constitution and are tasks that people in India should do. They include a duty related to women's rights.

Article 51 (A) (e) of the Constitution expects citizens of the country to encourage peace and unity among all people in India and to stop practices that disrespect women.

SPECIFIC LAWS FOR WOMEN EMPOWERMENT IN INDIA

Here are some specific laws enacted by the Parliament to fulfil the constitutional obligation of women empowerment:

The Protection of Women from Domestic Violence Act, 2005: This law protects women from domestic violence and provides for measures to prevent and remedy domestic violence.

The Maternity Benefit Act, 1961: This act ensures that women workers receive maternity benefits, including maternity leave and medical benefits during pregnancy and childbirth.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013: This law aims to prevent and address sexual harassment of women at the workplace and provides for a mechanism to file complaints and seek redressal.

The Dowry Prohibition Act, 1961: This act prohibits the giving or receiving of dowry in marriage, which is a practice that often leads to exploitation and abuse of women.

The Prohibition of Child Marriage Act, 2006: This law prohibits the marriage of children, particularly girls, below the age of 18 years, aiming to protect them from early and forced marriages.

The Equal Remuneration Act, 1976: This act ensures equal pay for equal work for both men and women, preventing discrimination based on gender in matters of wages and employment.

These laws are enacted to uphold women's rights and promote their empowerment as mandated by the Constitution of India.

CASE LAW: VISHAKA VS STATE OF RAJASTHAN

The Vishaka vs. State of Rajasthan case played a significant role in women's empowerment in India. In 1997, the Supreme Court of India delivered a landmark judgment in the Vishaka case, establishing guidelines to prevent and address sexual harassment of women in the workplace.

Issue: The main issue in the Vishaka vs. State of Rajasthan case was whether the absence of domestic legislation addressing sexual harassment of women at the workplace violated their fundamental rights under the Indian Constitution, particularly Articles 14, 15, and 21.

Facts: The case originated from an incident of sexual harassment against a social worker in Rajasthan. The petitioner, Vishaka, was subjected to sexual harassment by her employer, prompting her to file a Public Interest Litigation (PIL) before the Supreme Court of India.

Judgment: The Supreme Court, recognizing the urgent need to address sexual harassment in the workplace, delivered a historic judgment in 1997. The court held that sexual harassment violated women's fundamental rights to equality and dignity under the Constitution. Since there was no existing legislation to address this issue, the court formulated guidelines known as the Vishaka Guidelines to prevent and address sexual harassment at the workplace.

The court directed all workplaces to implement these guidelines until suitable legislation was enacted by the Indian Parliament. The guidelines included establishing internal complaints committees, conducting inquiries into complaints promptly, providing assistance and support to victims, and ensuring disciplinary action against offenders.

The judgment emphasized the importance of creating a safe and conducive work environment for women and highlighted the responsibility of employers to prevent and address instances of sexual harassment. The Vishaka case laid the foundation for the subsequent enactment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013, which provided a statutory framework for addressing sexual harassment in India.

Overall, the Vishaka judgment marked a significant milestone in women's empowerment by addressing a critical issue affecting women's rights and dignity in the workplace.

Conclusion: To truly empower women, we must tackle the deep-rooted beliefs of male superiority and patriarchy. Women should have the same chances for education and jobs as men, without facing discrimination. Just giving women legal rights isn't enough if society still sees them as inferior. We need a big change in how people think about women for real empowerment to happen.

The reference are taken from the links below:-

<https://infinitylearn.com/surge/english/article/article-on-women-empowerment/#:~:text=Women%20empowerment%20adds%20to%20confidence,individuals%20in%20their%20own%20right.&text=Without%20women's%20empowerment%2C%20we%20c%20annot,and%20gender%20bias%20and%20inequalities>

<https://femaleonezero.com/society/women-empowerment-in-india/#:~:text=History%20of%20Women's%20Empowerment%20in%20India&text=The%20Indian%20National%20Congress%2C%20one,effective%20in%20the%20year%201950>

<https://unglobalcompact.org/take-action/action/womens-principles/#:~:text=Principle%201%3A%20Establish%20high%2Dlevel,all%20women%20and%20men%20workers>

<https://advocateinjabalpur.wordpress.com/2023/07/23/50-current-legal-topics-in-india-current-legal-topics-for-article-writing-legal-topics-for-blog-writing/>

WHEN MEDIA PROVED: WHY THEY ARE THE FOURTH PILLAR OF DEMOCRACY

-Debasmita Kamiliya*

On April 29th, 1999, in the busy city of New Delhi, Jessica Lal, a lively model, was working at a popular bar. A customer named Manu Sharma, whose father was an important politician, got angry when Jessica refused to serve him a drink after closing time. He insulted her and then shot her when she stood up to him.

In court, Ram Jethmalani, the lawyer defending Manu Sharma, tried hard to make sure his client got away with the crime. He used clever arguments to confuse the case, making it difficult for Jessica's family to get justice. Even though there was a lot of evidence against Manu Sharma, the case dragged on with many delays and problems.

But amidst these troubles, there was hope. Ram Jethmalani's smart arguments were challenged by the media. Like a hidden observer, the media brought Jessica's story into people's homes, exposing the unfairness of the case. They didn't give in to threats or pressure and demanded fairness from those in power.

The media became the voice of the people, sharing Jessica's story and demanding justice. They made ordinary people stand up with Jessica's family and demand fairness. In the end, it was this pressure from the media and the public that made a difference. Despite Ram Jethmalani's tricks, justice prevailed, and Manu Sharma was held responsible for his actions.

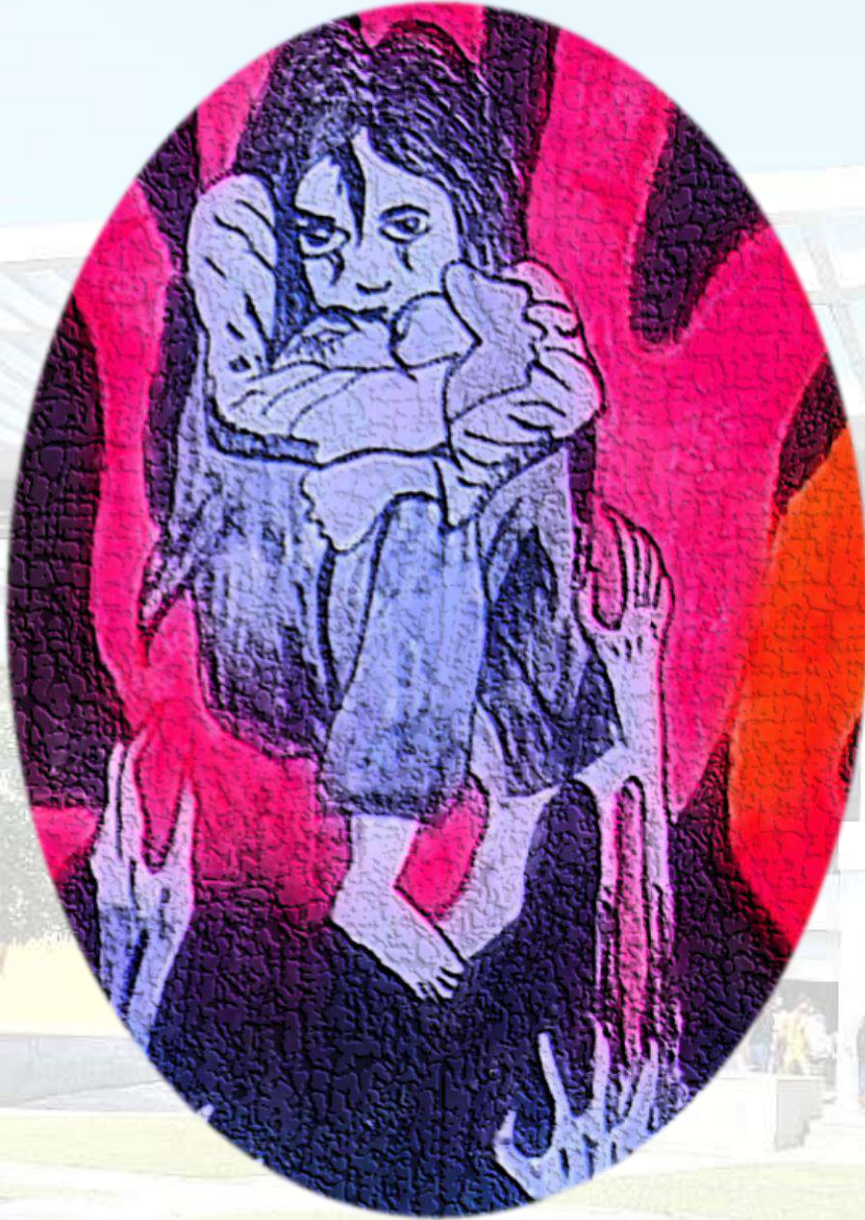
* BALLB (H), SOLS, TNU, 1st Year

The Jessica Lal case shows how important the media is in democracy. They challenge powerful people, share stories that need to be heard, and make sure everyone gets a fair chance. In a world where fairness can be hard to find, the media gives hope and fights for those who need it most.

Reference -

- <https://www.ndtv.com/india-news/jessica-lal-couldve-been-anybody-sabrina-lal-on-sisters-murder-2413507>
- <https://timesofindia.indiatimes.com/india/jessica-lal-murderer-manu-sharmas-life-term-ends-after-17-yrs/articleshow/76166298.cms>
- <https://economictimes.indiatimes.com/news/politics-and-nation/is-justice-served-by-premature-release-of-jessica-lals-killer/articleshow/76252372.cms?from=mdr>
- Film - No one killed Jessica directed by Raj kumar Gupta

Creatives



Art by Ms. Sangita Sau, 1st Year BALLB (H)



Art by Deboshree Mandal, 1st Year BALLB (H)

LEGAL ENLIGHTENMENT

*In the hall of justice, where truth is sought,
Words are wielded, battles fought.
With statutes as guides and precedent as light,
We navigate the maze of wrong and right.*

*In every case a story told,
Of truth upheld and truths unfold.
With knowledge as our guiding star,
We navigate the legal bar.
Equality, equity, justice for each,
Legal awareness within our reach.
Empowering the oppressed and uplift the weak,
In the realm of law, fairness we seek*

*In the courtroom's solemn air,
Justice prevails, fairness is fair.*

*Legal awareness, a shield so strong,
Empowering the weak, correcting the wrong
Laws, like rivers, flow and bend,
Navigating rights until the end.*

*With wisdom's sword and fairness' scale,
Justice prevails, without fail.*

*From the gavel's strike to the witness stand,
Legal awareness guides our hand.
With diligence and keen insight,*

*We navigate the maze of legal might.
A lesson learned, in statutes read and
And judgements earned.*

*Through education and advocacy,
We uphold justice, fair and free.
Know your rights, let them be heard,
In every action, every word.*

*For in the realm of legal might,
Awareness shines, dispelling plight.
Its not just words on paper's page.
But a tool for the oppressed to engage,
In the struggle for rights, its sage,
A force for change in every age.*

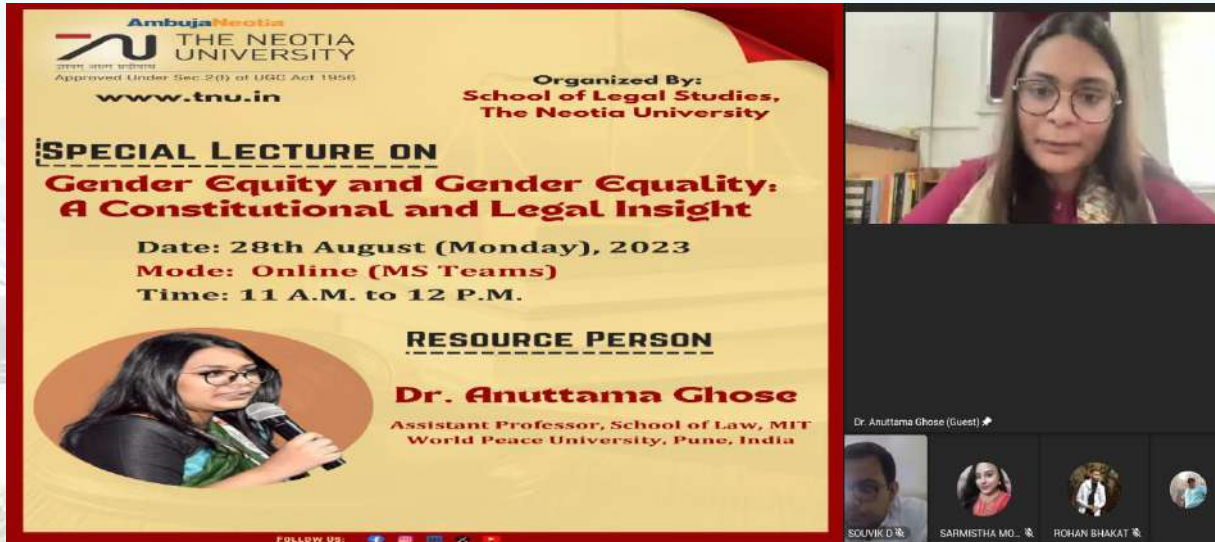
*So let us educate, the power of law,
The weight its bears,
For in its grasps, we find repair.
Legal awareness, our collective care.*

Pratima Kumari, BALLB (H) 3rd Year

Events of SOLS

Special Lecture: "Gender Equity and Gender Equality: A Constitutional and Legal Insight"

The SOLS organised a special lecture on Contracts of Guarantee vis-à-vis Banking Compliance on 28th August, 2023. This lecture aimed to provide students with a comprehensive understanding of the legal and constitutional frameworks surrounding gender equity and equality, delivered by renowned legal scholar, Dr. Anuttama Ghose.



Visit to National Lok Adalat, Diamond Harbour Court

18 Students of SOLS participated in the National Lok Adalat, organized by Diamond Harbour Sub-Divisional Legal Services Committee, on 9th September, 2023 (Saturday) at Diamond Harbour Sub Divisional Court, South 24 Parganas, West Bengal. Students witnessed settling of several Motor Accidents Claims Cases. Shri Jai Prakash Singh, Hon'ble ADJ, Diamond Harbour Sub-Divisional Court, Ld. Judicial Officers and Advocates interacted with our students.



International Lawyers' Conference

The staff and students of School of Legal Studies, TNU, attended a Two-Day International Lawyers' Conference on 23rd and 24th September 2023 conducted by the Bar Council of India in association with the Law Society of England and Wales, and the Bar Council of England and Wales. The conference was live streamed online for the benefit of the law students, teachers, practitioners, and researchers across India. It was themed on "Emerging Challenges in the Justice Delivery System".



Legal Awareness Programme

On 18th October 2023. The Legal Aid Committee, SOLS, conducted a Legal Awareness Programme for the students of Jadavpur N.K. Pal Adarsha Sikshayatan (H.S.), Jadavpur. Approximately 150 students with their parents of the school from class 4th – 8th attended the programme. The students were made aware of various socio-legal issues affecting their lives, including child abuse, Right to Education, child marriage, trafficking, etc.



National Legal Services Day

On the occasion of National Legal Services Day on 9th November '2023 the Legal Aid Cell, SOLS, TNU organised Legal aid Camp at the Legal Aid Cell, TNU and approximately 150 pieces of Leaflet were distributed (containing the provisions of Free Legal Services provided by DLSA, SLSA, NALSA) in the vicinity of the university. During the camp visit, students from the School of Legal Studies actively interacted with the local community, encouraging them to explore the free legal services offered at the Legal Aid Cell located at TNU.



Intra-Department Extempore Moot Court Competition

The Moot Court Society of the School of Legal Studies, TNU organised the 'Intra-Department Extempore Moot Court Competition' on 25th November 2023. The theme of the competition was "Removal of Article 370: Special Status of Jammu and Kashmir". The issue for arguments was provided to the participants on the spot. Each participant was required to choose a side and argue in favour or against the issues framed. The event witnessed participation of students from all the batches. The event was truly encouraging and enriching for the young legal minds whereby they were given a platform to present themselves as a professional.



Observance of Constitution Day, 2023- Poster Making Competition

As per the guidelines of UGC, The School of Legal Studies, The Neotia University, organized the Constitution Day on 25th and 26th November 2023, to provide awareness on constitutional rights and duties to its students. In order to inculcate the true spirit of the Constitution amongst the students a poster making competition was also organised.



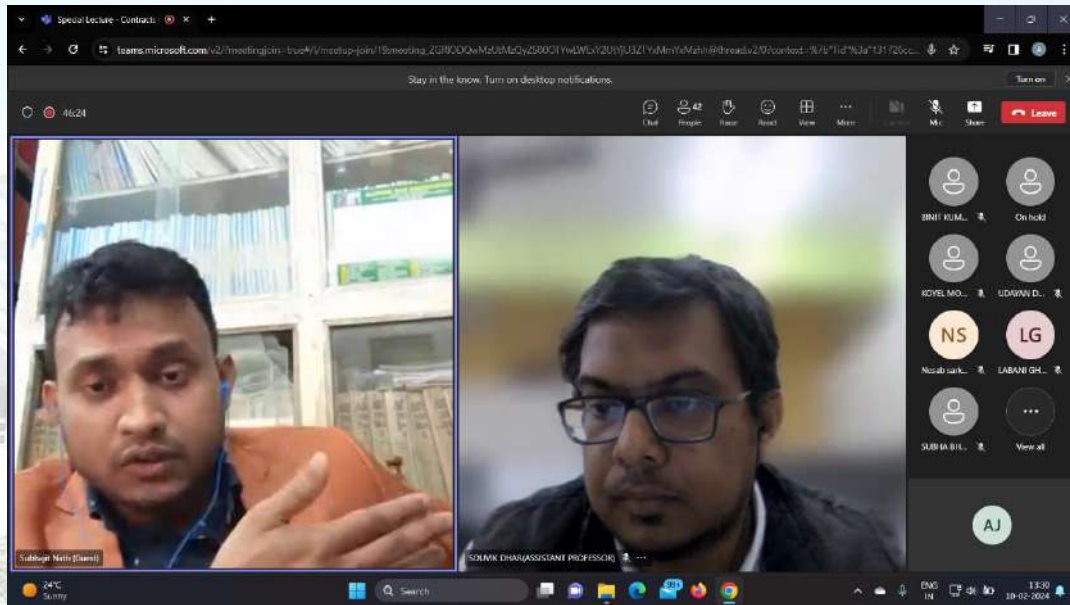
Workshop on “Mooting Skills”

A Workshop on “Mooting Skills” was conducted by the Faculty Coordinators of the Moot Court Society on 6th February 2024 for the students of the School of Legal Studies, TNU, to provide an overview of moot court competitions and develop the mooting skills of the students. The purpose of the workshop was to hone the necessary skills required in the lawyering profession by way of participation in Moot Courts.



Special Lecture: "Contracts of Guarantee vis-à-vis Banking Compliance"

The SOLS organised a special lecture on Contracts of Guarantee vis-à-vis Banking Compliance on 10th February 2024. This session aimed to provide students with insights into the intricate relationship between contracts of guarantee and banking regulations. The lecture was delivered by Advocate Subhajit Nath, a distinguished legal professional practicing at the Calcutta High Court and District & Sessions Judge's Court, South 24 – Parganas Alipore, West Bengal.



Observance of International Women's Day

On 7th March 2023, the SOLS organised the observance of International Women's day. A special lecture was delivered by Dr. Madhumita Dhar Sarkar, Associate Professor, Assam Univeristy. The event was attended by the staff and students of School of Legal Studies. The event was also graced by Dr. Ankur Srivastava, Associate Dean, SOLS. A debate was organised after the lecture on the Women's Reservation Bill.



Visit to National Lok Adalat, Diamond Harbour Court

Several students of SOLS participated in the National Lok Adalat, organized by Diamond Harbour Sub-Divisional Legal Services Committee, on 9th March, 2023 (Saturday) at Diamond Harbour Sub-Divisional Court, South 24 Parganas, West Bengal. Students witnessed settling of several Motor Accidents Claims Cases. This visit provided us with a clearer understanding of Lok Adalat's functioning and its assistance to the general public, highlighting both its advantages and the challenges certain parties faced due to court errors. Shri Jai Prakash Singh, Hon'ble ADJ, Diamond Harbour Sub-Divisional Court, Ld. Judicial Officers and Advocates interacted with the students.



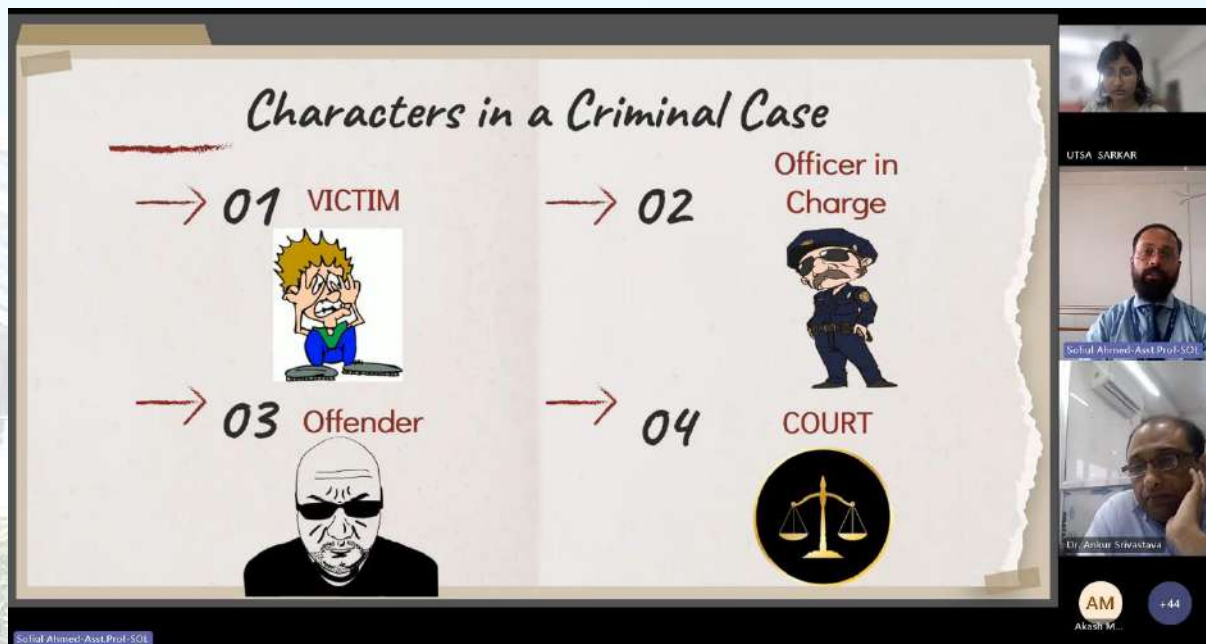
Special Lecture on "The Question of Statehood in the context of current Global Geo-Politics"

The SOLS organised a special lecture on The Question of Statehood in the context of current Global Geo-Politics on 12th March 2024. The lecture was delivered by Mr. S. Aditya, Assistant Professor of Law, VIT School of Law, Chennai. The event was attended by students and staff of the School of legal studies. The resource person delved into the fundamental nuances of statehood and recognition in the international law.



Special Lecture on "From incident to Verdict: Demystifying the process of criminal prosecution"

The SOLS organised a special lecture on the topic "From incident to Verdict: Demystifying the process of criminal prosecution" on 19th March 2024. The lecture was delivered by Mr. Sofiul Ahmed, Assistant Professor of Law, Presidency University, Bangalore. The resource person delved into the fundamentals of the process of criminal prosecution and explained the provisions of the new law in a simplified manner.



Student Achievements

2nd Runner Up in 2nd JIS National Moot Court Competition



Ms. Sunidhi Kumari of BBALLB (H) 2nd Year bagged 3rd prize in the Fit India Essay Competition organised jointly by Literary Club, Arts and Crafts Club and Health Clubs, The Neotia University

A team comprising of Chirojit Das, BBALLB (H), 3rd year; Shraddha Adhikari, BBALLB (H), 3rd year; Jaya Parveen, BBALLB (H), 3rd year; and Piyasha Banerjee, BBALLB (H), 3rd year; bagged 2nd position in the competition held on 7th March 2024 under the seminar on “Detailed Restudy of Existing Ventures in India”, organised by e-Cell of NITMAS and TNU.



Legal Bites

Guidelines for Designation of Senior Advocates

On 5th July 2023, the Hon'ble Supreme Court of India issued new guidelines pertaining to the designation of senior advocates. These guidelines have been introduced with the intent to streamline the procedure involved in conferring the prestigious 'senior advocate' designation to the practicing advocates.

Forest (Conservation) Amendment Bill, 2023

On 10th July 2023, Lok Sabha passed the Forest (Conservation) Amendment Bill, 2023 with the intent to increase the forest cover of India and create a carbon sink of approximately 2.5 to 3.0 billion tons of CO equivalent by the year 2030.

Exchange of Rs. 2,000 Notes

On 10th July 2023, Hon'ble Apex Court refused to entertain an appeal challenging the verdict passed by the Delhi High Court dismissing a PIL against the notification issued by RBI permitting the exchange of Rs. 2,000 currency notes without any requisition slip and ID proof. The Hon'ble Court considered the same as an executive policy decision.

Bill to Ensure Minimum Income

On 11th July 2023, Rajasthan Government introduced Rajasthan Minimum Guaranteed Income Bill, 2023 with an intent to provide entitlement-based social security with minimum guaranteed income to individuals or households. The Bill encompasses three components i.e., the Right to Minimum Guaranteed Income, the Right to Guaranteed Employment, and the Right to Guaranteed Social Security Pension.

Quality Control Orders for 'Potable water bottles' and 'Flame-Producing Lighter'

On 12th July 2023, the Department for Promotion of Industry and Internal Trade (DPIIT) notified two new Quality Control Orders (QCOs) on Potable Water Bottles and Flame-Producing Lighters, which includes certification mandates, comprehensive quality control regime, consumer safety etc.

Centralized Information Management System (CIMS)

On 13th July 2023, the Reserve Bank of India (RBI) launched its Centralized Information Management System (CIMS) reforming its information management framework with an intent to manage the massive data flow, aggregation, data analysis, public dissemination as well as data governance.

Use of Pavement Only for Walking

On 15th July 2023, Hon'ble Supreme Court while deciding an appeal filed by Delhi Development Authority, held that pavements and footpaths shall only be used for the purpose of allowing people to walk as the citizens have lost their valuable property by way of compulsory acquisition, taking exception to roadside space being encroached upon in the metro cities.

New Framework for Investors and Intermediaries

On 18th July 2023, the Securities and Exchange Board of India (SEBI) introduced a new framework for ensuring dispute resolution and grievance redressal which will arise between investors and intermediaries whether it be mutual funds, portfolio managers, investment advisors or brokerages. This mechanism will ensure timely redressal, auto-routing/auto-escalation of complaints and multiple review options.

Scheme to Support Pregnant Minor Rape Victims

On 19th July 2023, Union Ministry for Women and Child Development introduced a scheme for pregnant minor victims of sexual assault who are without family support. This scheme will ensure shelter, food, legal aid, and transportation for court hearings for minor girls abandoned due to forced pregnancy.

Heat Index Introduced

On 20th July 2023, the India Meteorological Department (IMD) launched the Heat Index on an experimental basis in order to provide directions specifically for those regions which experience high temperatures. The Index provides several colour codes in order to describe the heat conditions.

Card Network Portability from 1st October 2023

On 21st July 2023, the Reserve Bank of India (RBI) through its circular announced that Indian customers using credit, debit, and prepaid cards will be allowed to switch their card networks between Visa, MasterCard, RuPay, etc., and vice versa, similar to the portability of mobile network.

Contempt Cases should not be based on emotions: Supreme Court

On 1st August 2023, the Hon'ble Supreme Court of India through the bench comprising of Justices BR Gavai and S.K. Kaul, while setting aside the order passed by Calcutta High Court, held that the Court shall not act in a hypersensitive manner and must act judiciously while exercising their powers in contempt cases.

Rape accused should be protected from frivolous allegations: Supreme Court

On 9th August 2023, the Hon'ble Supreme Court through a Bench comprising of Justice BR Gavai and JB Pardiwala held that when a plea before this Court is filed by the rape accused on the grounds that such allegations are false, the Court is duty bound to consider such plea with utmost care since it causes distress and humiliation to an individual.

Appointment of CEC and ECs: Bill introduced in Rajya Sabha

On 9th August 2023, the Centre introduced a Bill in Rajya Sabha regarding the appointment of Chief Election Commissioner and Election Commissioners, which prescribes a selection committee comprising the Prime Minister (PM), Leader of the Opposition(LO), and a nominated minister of the cabinet by the Prime Minister. The said bill was moved to change the judgment passed by the Hon'ble Supreme Court through its constitution bench, wherein the Hon'ble Supreme Court held that the appointment shall be done by the President of India on

the recommendation made by the selection committee comprising of PM, LO and the Chief Justice of India.

Indira Gandhi Smartphone Yojana in Rajasthan

On 10th August 2023, the Rajasthan government launched the Indira Gandhi Smartphone Yojana. Under the scheme, at least 13 million women will receive smartphones with free data for internet and voice calls.

'SuSwagatam' Portal Launched

On 10th August 2023, the Chief Justice of India launched the "Suswagatam" portal. The said portal will allow the generation of e-passes to visit the Supreme Court premises without any hustle or queue.

Basic qualification of teachers for primary education unconstitutional: Supreme Court

On 11th August 2023, the Hon'ble Supreme Court of India quashed the notification issued by the National Council for Teachers Education (NCTE) which prescribed B. Ed as the qualification for school teachers and held that it is not a qualification for teaching at the primary level of classes as the said mandate has no congruity with the Right to Education Act.

Handbook for Setting Aside Patriarchal Stereotypes

On 17th August 2023, the Hon'ble Supreme Court of India released a handbook to be used by Judges for using the gender just language languages replacing words such as chaste woman, seductress, wanton woman, prostitute etc. The handbook has been prepared by Justices Pratibha Singh (Delhi High Court), Justice Moushumi Bhattacharya (Calcutta High Court) and Prof. Jhuma Sen.

Rs. 1 Crore penalty on Airtel

On 26th August 2023, the Competition Commission of India (CCI) imposed a penalty of ₹1 crore on Bharti Airtel for failure to comply with the provisions of Section 6(2) of the Competition Act, 2002. The penalty is with respect to the acquisition of a stake by the company in Bharti Tele media from Warburg Pincus affiliate entity Lion Meadow Investment Limited.

Bharat New Car Assessment Programme

On 27th August 2023, the Ministry of Road Transport & Highways intimated that it will launch the Bharat New Car Assessment Programme (Bharat NCAP) to improve road safety by raising the safety standards of motor vehicles up to 3.5 tons in India.

Children of "Invalid Marriages" are entitled to get Share

On 31st August 2023, the Hon'ble Supreme Court through a three-judge bench led by Chief Justice DY Chandrachud held that Children from "invalid marriages" are entitled to a share of their parents' property since they are conferred with legitimacy statutorily.

Declaration of 3rd September as 'Sanatani Dharma Day' in U.S. city

On 11th September 2023, it was declared that every year on 3rd September in the U.S. city of Kentucky, 'Sanatani Dharma' day shall be celebrated. Prior to this, July 20 was declared to be celebrated as the 'Encyclopedia of Hinduism' day in Kentucky by former Louisville mayor Greg Fisher.

Focus on 3 language formula in West Bengal's new education policy

On 11th September, in order to avoid centralization in the area of education, West Bengal launched its new education policy that would lay emphasis on the three-language formula. The State Education Policy 2023 involves a special focus on the Bengali language for the students of classes 5th-8th standard.

Introduction of PM-Vishwakarma Scheme by Prime Minister Narendra Modi

On 11th September 2023, the PM-Vishwakarma scheme was launched by the Prime Minister. The scheme has an initial outlay of Rs. 13, 000 crore. The aim is to provide a global market to the traditional crafts and products, in order to provide relevant aid to the local craftsmen and artisans in order to compete in the global supply chain. A specific identification has been given to 18 types of craftsmen such as carpenters, boat makers, blacksmiths, hammers and tool kit makers, locksmiths, goldsmiths, potters, sculptors, stone breakers, cobblers, shoemakers, masons, coir weavers, traditional toy makers, barber garland makers, washermen and tailors.

Introduction of new Aircraft Rules, 2023

On 11th September, 2023 the Ministry of Civil Aviation introduced new rules for aircraft security through a gazette notification bearing number G.S.R. 596 (E). The said rules have now superseded the previous rules of 2011 which were in force prior to this.

Launch of 'Mobile-Van Program' by Himachal Pradesh for promoting chemical-free farming

On 12th September 2023, the 'Mobile-Van Program' was launched by the Himachal Pradesh Agriculture Department. This has been introduced as a part of the 'Prakritik Kheti Khushhal Kisan Yojana' in order to further promote eco-friendly and natural farming. The five-year program also targets reducing the expenses of chemical farming and further increasing income from farming for all the farmers by way of putting to use natural farming methods.

Launch of 'Skill India Digital' by Dharmendra Pradhan

On 12th September 2023, the Hon'ble Education Minister of India, Shri Dharmendra Pradhan inaugurated the launch of 'Skill India Digital' which is aimed to be a comprehensive digital platform. The aim of the platform is to synergize and transform the skills, education, employment, and entrepreneurship landscape of India.

Formation of a new Working Group on Women Empowerment agreed to be formed by G20 New Delhi Leaders' Foundation

On 13th September, 2023, the said decision was made in order to incorporate the Chair's statement as was adopted at the G20 Ministerial Conference for Women Empowerment in Gandhinagar, Gujarat. It has been reinstated by the G20 that gender equality is of fundamental importance and investing in the empowerment of all women and girls, has a multiplier effect in implementing the 2030 Agenda.

Renaming the Old Parliament building as ‘Samvidhan Sadan’

On 15th September 2023, the Prime Minister of India Narendra Modi proposed that the old building of Parliament be named ‘Samvidhan Sadan’ after both the houses of the parliament are shifted to the new building. The name is aimed to be a tribute to the old leaders who made history in the parliament.

Inauguration of ‘Yasho Bhoomi Convention Centre’ by Prime Minister Narendra Modi

On 17th September 2023, the first phase of the YashoBhoomi Convention Centre which is an international convention expo centre was inaugurated by Prime Minister Narendra Modi in Dwarka, New Delhi. The Yashobhoomi Convention Centre houses 15 convention rooms, a grand ballroom and 13 meeting rooms, with a total seating capacity of more than 11,000 delegates.

Introduction of the ‘SHREYAS Scheme’

On 18th September 2023, the SHREYAS scheme which is an umbrella scheme comprising 4 sub-schemes which are namely: "Top Class Education for SCs", "Free Coaching Scheme for SCs and OBCs", "National Overseas Scheme for SCs" and "National Fellowship for SCs" was introduced. No state-wise data is to be maintained for these schemes as they are central sector schemes. The objective of the scheme is to provide free coaching to economically backward SC and OBC candidates.

Launch of ‘Hello UPI’ by India to increase ease of making payments

On 19th September, 2023, NPCI (National Payments Corporation of India) launched initiatives which are thereby aimed at increasing convenience in making payments. Payments can be made by users through communicating with their smartphones. There are two conversational payment initiatives have been introduced under this ambit by NPCI.

2026 G20 Summit to be held in the United States

On 26th September 2023, the United States affirmed that they shall be hosting the G20 summit. The same shall be done post Brazil hosting the G20 summit in 2024 and South Africa in the year 2025. The US has affirmed that it shall portray its ‘steadfast commitment’ to the g20 initiatives through its presidency in the year 2026.

Santiniketan added to the UNESCO’s World Heritage List

On 27th September 2023, Santiniketan which is a town established by Rabindranath Tagore who was a Nobel Laureate was added to UNESCO’s World Heritage List. The town is situated in West Bengal’s Birbhum district. It is the place where Visva-Bharati University’s foundation was laid down by Rabindranath Tagore.

MoU signed between India, and Saudi Arabia on grid connection and green hydrogen

On 8th October, India signed an MoU with Saudi Arabia on grid connection and green hydrogen. This has been done to establish a general framework for cooperation between the two countries in the field of electrical interconnection.

The difference between ‘common object’ and ‘common intention’ explained by the Supreme Court

On 9th October, the apex court in the case, **Chandra Pratap Singh v. State of MP**, Criminal Appeal No. 1209 of 2011 reiterated the much-debated topic of criminal law including the distinction between common object and common intention. The court said that common object and common intention mentioned in Section 34 and 149 respectively can be differentiated based on prior meeting of minds. Meaning to say, in common intention, there is a pre-decided plan among the parties to commit the criminal act, however in common object, there might not be any prior designing of a common plan but just that both parties in their capacity want to the same result of the criminal act.

Apex Court orders for timely completion of trial due to approximately 5 crore pending cases in courts all over India

On 10th October, the Supreme Court issued guidelines for assisting in the timely disposal of cases to speed up the process of completion of trial to eliminate the backlog of pending cases. Courts at taluka and district levels have been directed to ensure that there is timely completion of processes such as issue and execution of summons, and warrants to fasten the process of trials in courts.

Dismissal of plea Challenging Darwin’s theory of evolution by the Supreme Court

On 13th October, the Supreme Court rejected a plea that had challenged the evolution theory ($E=MC^2$) by Charles Darwin. While doing so, the apex court also remarked that ‘there is a need to re-educate yourself’. The court thereby refused to accept that there could be any claim under Article 32 of the Indian Constitution.

Hiring of district officers ordered by the Supreme Court for the implementation of the POSH Act

On 14th October, the apex court ordered that to detect and further eliminate the lacunae in the POSH (Prevention of Sexual Harassment) Act by various states, it is important to hire district officers for the said purpose. The appropriate government was asked to assist in the implementation of this order by appointing district officers in this regard. This would further help in smoothening the process of grievance redressal as well.

New RBI director appointed: Muneesh Kapur

On 17th October, a new RBI governor appointed that is Muneesh Kapur. The new director shall be overseeing the Department of Economic and Policy Research. Before this, he was Adviser-in-Charge of the Monetary Policy Department.

Two whole-time directors mandated by RBI in every private bank

On 22nd October, RBI took a step in the direction of strengthening governance in the private sector banks along with the wholly owned subsidiaries of foreign banks by introducing the mandate to maintain two full-time directors. This RBI circular is to be made applicable to small finance banks.

The Supreme Court remarked that divorce on the ground of 'irretrievable breakdown' is not always desirable in the Indian set-up

On 23rd October, the apex court stated that in Indian society marriages are considered pious and if divorces are granted on the ground of 'irretrievable breakdown' every time the same is filed and asked for, it would dilute the sanctity of the relationship and concept of marriages in India. Thus, it is important to scrutinize at all levels whether the same is viable or not.

SC directs state governments to provide counselling to child victims of sexual offenses

On 25th October, the Supreme Court directed that it is important to focus on the education of victims of child sexual offences. The apex court stated that such children must be counselled and special focus should be laid and emphasis should be made on the education of such children. As per the court, this is supposed to help such children to come out of the trauma that they have faced in their life.

Family planning is necessary for avoiding unplanned pregnancies as per the Supreme Court

On 29th October, the apex court remarked that it is becoming more and more important for couples to do thorough family planning to avoid unwanted pregnancies. It is crucial in light of the growing population of the country and also the fact that the rate of abortions can be decreased as a result of thorough planning.

Not allowed to claim EWS Quota in UPSC Examinations if certificate not uploaded timely

On 30th October, the apex court while dismissing 3 writ petitions stated that any reserved category candidates must upload their relevant certificates timely to enjoy the benefit of the said category. The petitions were filed by 3 civil servant aspirants whereby they had challenged the decision of the UPSC as per which they were held to be a part of the 'general category'.

A person's good reputation and education does not define his good character: Supreme Court

On 31 October, the apex court said that only because a person is well educated, or is God fearing, that does not imply that he has a good character. The court cannot and shall not form an opinion based on these factors to ascertain the goodness of the character of the person.

Supreme Court Upholds Murder Conviction Using Transferred Malice Doctrine: A Landmark Legal Ruling

The recent Supreme Court "judgment in the case of Nanhe vs. State of UP confirmed the murder conviction of Nanhe by employing the principle of transferred malice. Despite lacking the intention to cause death, Nanhe's actions led to the fatal shooting of Saddam Hussain during a dispute with Mahendra. The Court emphasized the concept of transferring the mental element

associated with committing a crime to another person, establishing Nanhe's responsibility for the unintended consequence of his actions. Nanhe's request for a reduction in charges under Section 304 IPC was denied due to insufficient evidence of incapacitation resulting from intoxication. The Court's decision, upheld by Hon'ble Justices Abhay S. Oka and Pankaj Mithal, highlights the significance of intent in establishing culpability, thereby affirming Nanhe's conviction under Section 302 IPC.

Supreme Court Sets Precedent: Collective Criminal Acts and Joint Liability Under Section 34 IPC

In a landmark decision, the Supreme Court has upheld the conviction of an individual in the case of *Ram Naresh vs. State of U.P.* The person had appealed a life imprisonment sentence under Section 302 and Section 34 of the Indian Penal Code (IPC). The Court rejected the appeal and affirmed the lower courts' decisions, emphasizing that Section 34 IPC applies to cases involving collective criminal acts. The appellant's argument that there was no evidence of "common intention" was dismissed by the Court, which clarified that common intention can be inferred from the circumstances of the crime and does not necessarily require premeditated conspiracy. The verdict establishes an important precedent in criminal law, emphasizing that collective criminal acts can lead to joint liability under Section 34 IPC.

Supreme Court Affirms Right to Privacy in Landmark Acquittal Case

In a groundbreaking decision, the Supreme Court acquitted a woman previously convicted of the murder of her newborn baby in the case of *Indrakunwar vs. State of Chhattisgarh*. The court emphasized the importance of the right to privacy and the need for a rigorous burden of proof in such cases. The appellant's conviction was overturned as the court concluded that it was based solely on assumptions and did not definitively prove her guilt. The court highlighted the fundamental significance of privacy rights in criminal proceedings, emphasizing the need for a cautious approach when dealing with circumstantial evidence and stressing that the prosecution bears a heavy burden of proof, requiring evidence beyond a reasonable doubt.

Supreme Court Issues Landmark Guidelines to Revamp District Judge Recruitment Process

The Supreme Court of India, led by Chief Justice DY Chandrachud and Justices JB Pardiwala and Manoj Misra, has released landmark guidelines for the recruitment of District Judges in various High Courts. The guidelines aim to address concerns related to the timely recruitment and infrastructural challenges faced in states such as Madhya Pradesh, Punjab, and Haryana. The Court has instructed the High Courts of these states to streamline their recruitment processes and has provided a comprehensive timeline for the completion of different stages of the selection process. This decision is a significant step towards expediting the recruitment of District Judges and ensuring transparency and efficiency in the recruitment procedures, ultimately strengthening the judicial system.

Supreme Court of India Upholds Gender-Specific Workplace Harassment Regulations: A Vital Step in Protecting Women's Rights

The Supreme Court of India has recently upheld regulations established in 2013 to address sexual harassment in the workplace. Justices B V Nagarathna and Ujjal Bhuyan emphasized the importance of these regulations in preventing harassment against women and rejected calls to make them gender-neutral to encompass LGBTQIA+ individuals. The bench stressed that the regulations are in line with constitutional rights of equality and protection, and making amendments could weaken their effectiveness. Despite arguments advocating for gender-neutral protection based on constitutional recognition of LGBTQIA+ rights, the court maintained its position of not requiring legislative changes.

Supreme Court Grants Unprecedented Permission for Life-saving Liver Transplant

In a remarkable act of compassion, the Supreme Court has made an exceptional decision to allow a distant relative from India to donate a liver to a critically ill three-year-old child from the United States. The child urgently needed a transplant, and the court prioritized saving the child's life over strict adherence to transplantation regulations. While this ruling doesn't set a precedent, it underscores the extraordinary circumstances of the case, where immediate action was crucial due to the child's worsening condition.

Challenging Recent Criminal Law Amendments in Indian Supreme Court

A public interest litigation has been filed in the Indian Supreme Court contesting three newly enacted criminal law amendments: Bharatiya Nyaya Samhita, Bharatiya Nagarik Suraksha Samhita, and Bharatiya 'Sakshya Adhiniyam. The petitioner has submitted a petition to the court, raising concerns about the amendments' implications. The case is set to be a focal point in the ongoing legal discourse, as it addresses significant changes to the criminal law landscape in India.

Upholding Justice: Supreme Court Rejects Early Release for Bilkis Bano's Rapists

The Supreme Court recently issued a significant ruling in the case of Bilkis Bano's gang rape. A two-judge bench of the apex court determined that the Gujarat government did not have the authority to grant early release to the 11 individuals convicted of raping Bano, a pregnant woman, and murdering 14 of her family members. The convicts had been sentenced to life imprisonment for their heinous crimes. This decision by the Supreme Court upholds the gravity of the offenses committed and reinforces the principle that justice must be served, even in the face of political or social pressures to prematurely release convicted criminals.

PepsiCo's Potato Patent Reinstated: Delhi High Court Overturns Revocation

In a significant win for PepsiCo, the Delhi High Court has reversed a previous decision that had revoked the company's patent for the FC5 potato variety, which is used to make their popular Lay's potato chips. The Indian Protection of Plant Varieties and Farmers' Rights Authority had initially revoked the patent in 2021, but PepsiCo appealed the decision in July 2023. The High Court's division bench, comprising Justices Yashwant Varma and Dharmesh Sharma, found that there was no evidence to support claims that PepsiCo had sued farmers in Gujarat to intimidate or pressure them. This ruling reinstates PepsiCo's exclusive rights over the FC5 potato variety, providing the company with continued control over a key ingredient for its snack food production.

Supreme Court Bans Caste and Religion Identification in Court Proceedings

In a landmark ruling, the Supreme Court has directed all high courts to immediately cease the practice of including the caste or religion of litigants in the memo of parties for any petition

filed before the courts. The case, titled "Shama Sharma v. Kishan Kumar," prompted the court to unequivocally state that such a practice must be shunned and ceased immediately. The court emphasized that the identification of a person's caste or religion has no relevance in legal proceedings and ordered that a copy of this directive be placed before the concerned Registrars to ensure compliance across the judiciary. This decision aims to promote equality and impartiality in the judicial system, moving away from the outdated practice of highlighting an individual's social or religious identity in court documents.

Delhi High Court Establishes Guidelines for Religious Conversions in Marriages

In a significant move, the Delhi High Court has issued new guidelines regarding religious conversions for the purpose of marriage. The primary objective of these guidelines is to ensure that individuals converting their faith make an informed and voluntary decision. The key requirements include submitting an affidavit acknowledging the legal implications, such as those related to divorce, child custody, and inheritance. The affidavit must also confirm that the conversion is being undertaken with full knowledge of the religious practices and obligations of the new faith. Furthermore, the authorities performing the conversion ceremony are mandated to obtain documentation proving the person's age, marital status, and consent. These guidelines aim to promote transparency and protect the rights of those choosing to change their religion for the sake of marriage.

Supreme Court Upholds Rights of Children in Void and Voidable Marriages to Ancestral Property

In a landmark ruling, the Supreme Court has held that children born out of void or voidable marriages are to be considered legitimate children and thus entitled to a share in the ancestral property of their common ancestor. This decision aims to protect the rights of children whose parents' marriages may have been legally invalid, ensuring they are treated as part of the extended family for the purpose of inheritance. The court's ruling reinforces the principle that a child's right to inheritance should not be contingent on the marital status of their parents, promoting fairness and equality in the distribution of ancestral wealth, regardless of the circumstances surrounding the child's birth.

Delhi High Court Reaffirms Ban on Incestuous 'Sapinda' Marriages

The Delhi High Court has recently upheld the validity of Section 5(v) of the Hindu Marriage Act, which prohibits marriages between "sapindas" - individuals related to each other through their ancestral lineage from the parental side, unless their specific custom or usage permits such marriages. This ruling serves to maintain the longstanding legal ban on incestuous marriages within the Hindu community. The court's decision reinforces the importance of preventing marriages between closely related parties, which can have adverse social and genetic implications. By reaffirming this provision of the Hindu Marriage Act, the High Court has affirmed its commitment to upholding the established norms and protecting the well-being of Indian families.

Supreme Court Stays Annulment of Forced Marriage over Lack of Saptapadi

In a significant development, the Supreme Court has stayed a Patna High Court judgment that had annulled a marriage on the grounds that the groom was forced to marry at gunpoint and the saptapadi ritual required under the Hindu Marriage Act, 1955 was not performed. The case involved a man who claimed he was abducted from a temple in 2013 and coerced to apply sindoor and marry a woman against his will. The Supreme Court recognized the coercive nature of the circumstances and has intervened to prevent the annulment of the marriage, emphasizing the need to protect individuals who are subjected to such duress, even if certain ceremonial requirements were not met. This ruling underscores the court's commitment to safeguarding the rights of those forced into marriages, regardless of the technical adherence to traditional rituals.

Supreme Court Acquits Man of Caste-Based Charges in Molestation Case

In a controversial ruling, the Supreme Court has set free a man accused of molesting his maid under the Scheduled Castes/ Scheduled Tribes (Prevention of Atrocities) Act, 1989. The court determined that the offenses were not committed on the basis of the victim's caste, as the maid had been hired for household chores, and the accused's actions were an attempt to outrage her modesty while she was performing her duties. The court clarified that the offence can only be punished under the SC/ST Act if it was committed due to the victim's caste. Although the man was found guilty of molestation under the Indian Penal Code, he was acquitted of the charges under the SC/ST Act, highlighting the court's interpretation of the law's application in this case.

Supreme Court Upholds Sanctity of Contracts, Rejects NCDRC's Reinterpretation

In a significant ruling, the Supreme Court has directed a builder to refund buyers for failing to deliver possession of apartments before the agreed date. The court observed that once a written contract is entered into by the parties, the terms of the agreement become binding, and it is not within the court's purview to rewrite or provide a new interpretation to the contract. The National Consumer Dispute Redressal Commission (NCDRC) had previously made a new interpretation of the contract, which the Supreme Court has now overturned. This decision emphasizes the importance of upholding the sanctity of contractual agreements and reaffirms that courts should not interfere with the terms mutually agreed upon by the contracting parties, unless there are exceptional circumstances warranting such intervention.

Uttarakhand Pioneers Implementation of Uniform Civil Code

The state of Uttarakhand has made a significant stride towards legal reform by implementing a Uniform Civil Code (UCC). The Uttarakhand Assembly passed this landmark bill on February 7, 2024, aiming to establish a common set of laws governing marriage, divorce, inheritance, and other personal matters for all residents, regardless of their religious background. Spearheaded by Chief Minister Pushkar Singh Dhami, the UCC includes a provision mandating the registration of live-in relationships within one month of their commencement. As the first state to take this step, Uttarakhand has set a precedent that could pave the way for a nationwide adoption of a Uniform Civil Code, a long-debated and controversial legal issue in India.

Supreme Court Clarifies Bail Guidelines Under Stringent Anti-Terror Law

In a significant development, the Supreme Court has provided clarity on the approach courts should take when considering bail applications under the Unlawful Activities (Prevention) Act (UAP Act). The court has outlined a two-pronged test for bail courts to follow: First, they must determine whether the grounds for rejecting bail, as stipulated in the law, are satisfied. Second, they must evaluate whether the accused deserves to be released on bail based on the general principles governing the grant of bail under Section 439 of the Criminal Procedure Code. This ruling aims to strike a balance between the stringent provisions of the anti-terror law and the

fundamental right to liberty, providing guidance to the judiciary on navigating bail decisions in cases involving national security concerns.

Supreme Court Declares Electoral Bond Scheme Unconstitutional

In a landmark ruling, the Supreme Court has deemed the electoral bonds scheme of 2018 unconstitutional, finding it to be a violation of the right to information under Article 19(1)(a) of the Constitution. The court has directed the State Bank of India to immediately cease the issuance of electoral bonds and submit details of all purchases and the names of recipient political parties from April 12, 2019, to the Election Commission of India within three weeks. The Election Commission is then required to publish this information on its website by March 13, 2024. Furthermore, any electoral bonds within the 15-day validity period that have not yet been encashed by political parties must be returned to the purchasers, with the issuing bank refunding the corresponding amounts. This decision is a significant blow to the controversial electoral bonds scheme, which has been a subject of intense debate around political funding transparency.

Supreme Court Upholds Property Rights of 'Enemy' Citizens in Landmark Ruling

In a significant ruling, the Supreme Court has affirmed that 'enemy property', or property belonging to individuals who are not citizens of India, is not the sole property of the Union government. The court emphasized that the expression 'property' under Article 300-A of the Constitution covers a wide scope, encompassing not only tangible and intangible assets but also all rights, titles, and interests related to a property. Importantly, the court reiterated that the right to property is a fundamental human right in India. This landmark decision establishes that even the property of non-citizen 'enemies' is not exempt from the protections guaranteed by the Constitution, and the government cannot arbitrarily deprive individuals of their lawful property rights.

Supreme Court Acquits Appellants in Mohammed Khalid Case, Cites Flawed Prosecution

In a significant reversal, the Supreme Court has acquitted the appellants in the Mohammed Khalid and Anr. Vs. State of Telangana case, citing substantial procedural flaws and a lack of

credible evidence presented by the prosecution. The court found that the prosecution failed to comply with proper sampling procedures and lacked adequate documentation on the custody of evidence samples, resulting in an inability to establish the guilt of the accused beyond a reasonable doubt. Emphasizing the importance of strict adherence to due process and the presumption of innocence, the Supreme Court's decision underscores the need for meticulous investigation and presentation of evidence in criminal cases to ensure fair and just outcomes.

Supreme Court Restores Pension Rights for Vinod Kanjibhai Bhagora

In a victory for Vinod Kanjibhai Bhagora, the Supreme Court has overturned a previous High Court decision and ordered the inclusion of his prior service with the Central Government in the calculation of his pension. The court's ruling recognizes the importance of accounting for an employee's full term of service when determining their retirement benefits, ensuring fair and comprehensive pension entitlements. This decision serves as a positive precedent for public sector employees seeking to have their complete service history considered in pension calculations, upholding the principles of equitable and transparent remuneration practices.

Supreme Court Upholds Murder Convictions, Rejects Appeals Against Common Intention Charges

In a decisive ruling, the Supreme Court has affirmed the convictions of four appellants in a murder case, dismissing their challenges to the applicability of Section 149 of the Indian Penal Code, which deals with the liability of members of an unlawful assembly. The court found that the ocular evidence from injured eyewitnesses, coupled with circumstantial evidence, firmly established that the appellants had assembled with the common intention to kill the deceased and his family members over a property dispute. Rejecting the appellants' arguments, the Supreme Court upheld the convictions and ordered the appellants to surrender and serve the remaining sentence, underscoring its commitment to ensuring justice and holding accountable those responsible for acts of violence.

Supreme Court Upholds POCSO Conviction, Orders Immediate Release After Sentence Reduction

In a judgment delivered on February 5, 2024, the Supreme Court has confirmed the conviction of an appellant under the Protection of Children from Sexual Offences (POCSO) Act. However,

the court has partially allowed the appeal by reducing the sentence to the period already served by the appellant. Considering the appellant's circumstances and the time served, the Supreme Court has directed the immediate release of the appellant, unless required in another pending case. This decision by Justices Vikram Nath and Satish Chandra Sharma underscores the court's commitment to upholding the principles of the POCSO Act while also exercising discretion in sentencing based on the individual merits of the case.

Lengthy Trial Leads Supreme Court to Modify Sentence, Order Release of Convicted Appellant

In a judgment delivered on February 5, 2024, the Supreme Court has upheld the conviction of an appellant but modified the sentence, taking into account the prolonged duration of the trial, which lasted nearly 13 years. Considering the nature of the offense and the extended trial period, the court has reduced the appellant's sentence to the time already served. The decision, rendered by Justices Vikram Nath and Satish Chandra Sharma, emphasizes the court's commitment to ensuring proportionate and fair sentencing, even in cases where the judicial process has been significantly delayed, resulting in the appellant's release after nearly 13 years of incarceration.

Supreme Court Upholds Pre-emption Ruling in Decades-Long Property Dispute

In a long-running property dispute that dates back to 1984, the Supreme Court has dismissed an appeal challenging the pre-emption suit verdict. The court upheld the lower courts' findings, ruling that a notification exempting pre-emption rights for municipal land did not apply to this case, as it involved urban immovable property. The Supreme Court, comprising Justices C.T. Ravikumar and Rajesh Bindal, affirmed the pre-emption suit verdict, concluding this decades-old property dispute and affirming the rights of the parties involved under the 1913 Act. The court's decision provides closure to this protracted legal battle, emphasizing the importance of upholding the letter of the law in complex property cases.

Supreme Court Restores Murder Conviction, Upholds Credibility of Eyewitness Accounts

In a significant ruling, the Supreme Court has partially allowed an appeal, setting aside the High Court's acquittal of Gurpreet Singh for murder and reinstating his conviction and life sentence. The court dismissed the appeals against the acquittal of two co-accused, Kashmira Singh and Jagdeep Singh, but upheld the acquittal of Harpreet Singh. The Supreme Court's decision was based on the credibility of eyewitness testimonies and the promptness of filing the initial police report. The court emphasized the importance of eyewitness accounts, particularly from family members who were present at the scene, and the swift police action in such cases, underscoring the crucial role of thorough investigation and credible evidence in upholding the integrity of the judicial process.

Supreme Court Denies Bail to Accused in 'Sikhs for Justice' Terrorism Case

In a decision upholding the strict provisions of the Unlawful Activities (Prevention) Act, the Supreme Court has rejected the bail application of Gurwinder Singh, a co-accused in a case involving terrorist activities linked to the "Sikhs for Justice" organization. The court's ruling was based on the prima facie evidence presented, including communication records and disclosure statements, which indicated Gurwinder Singh's involvement in the alleged terrorist activities. Emphasizing the gravity of the charges, the Supreme Court stated that bail can be denied if the accusation appears prima facie true and if there is a risk of the accused influencing witnesses or tampering with evidence. This decision underscores the court's commitment to combating terrorism and ensuring that the law's stringent provisions are applied appropriately.

Supreme Court Orders CBI to Investigate Alleged Rape and Murder Case, Overrules Delhi High Court

In a decision aimed at ensuring a credible and effective investigation, the Supreme Court has allowed the appeal of two cousins of the deceased and directed the Central Bureau of Investigation (CBI) to take over the probe into a case initially suspected to be a suicide, but claimed by the appellants to be a case of rape and murder. Overturning the Delhi High Court's dismissal of the appellant's plea, the Supreme Court emphasized the need to uphold the principles of ensuring complete justice and safeguarding fundamental rights. The court's order, based on precedents and its wide powers, underscores the importance of public trust in law enforcement institutions and the imperative for a thorough, unbiased investigation to bring the perpetrators to justice.

Supreme Court's Bombshell: Full Transparency for Political Candidates

In a controversial decision that pits the public's right to know against individual privacy, India's Supreme Court has ruled that all candidates running for elected office must fully disclose personal information including assets, criminal records, and educational qualifications. Upholding a High Court order, the apex court stated that citizens have a constitutional right to freely access details about those seeking to become public servants. This landmark verdict mandates the Election Commission to obtain and publicize background facts on every candidate's finance, legal violations, and academic credentials - raising concerns about violation of privacy but hailed by activists as a major win for voter transparency. The ruling sparks heated debate on striking the right balance between public interest and personal privacy rights.

RIGHTS EVERY INDIAN WOMAN SHOULD KNOW ABOUT

Right to equal pay:

- Equal Remuneration Act ensures equal pay for equal work.
- Prohibits gender-based discrimination in salary, pay, or wages.
- Dignity and decency in legal processes:
- Medical examinations of female accused conducted by or in presence of another woman.
- Upholds right to dignity and decency, ensuring respectful treatment.

Right against workplace harassment:

- Sexual Harassment of Women at Workplace Act allows filing complaints against harassment.
- Establishes Internal Complaints Committees at Workplace for addressing grievances.

Right against domestic violence:

- Section 498 of the Indian Constitution protects women from various forms of domestic violence.
- Offenders can face non-bailable imprisonment.

Right to anonymity for sexual assault victims:

- Allows recording statements alone before district magistrate or female police officer.
- Ensures anonymity during legal proceedings.

Right to free legal aid:

- Female rape victims entitled to free legal aid under the Legal Services Authorities Act.
- Ensures access to legal support and representation.

Right not to be arrested at night:

- Women cannot be arrested after sunset and before sunrise without magistrate's order.
- Interrogation must occur in presence of woman constable and family/friends.

Right to register virtual complaints:

- Women can file virtual complaints via email or written submissions to police stations.
- Facilitates reporting for those unable to physically visit.

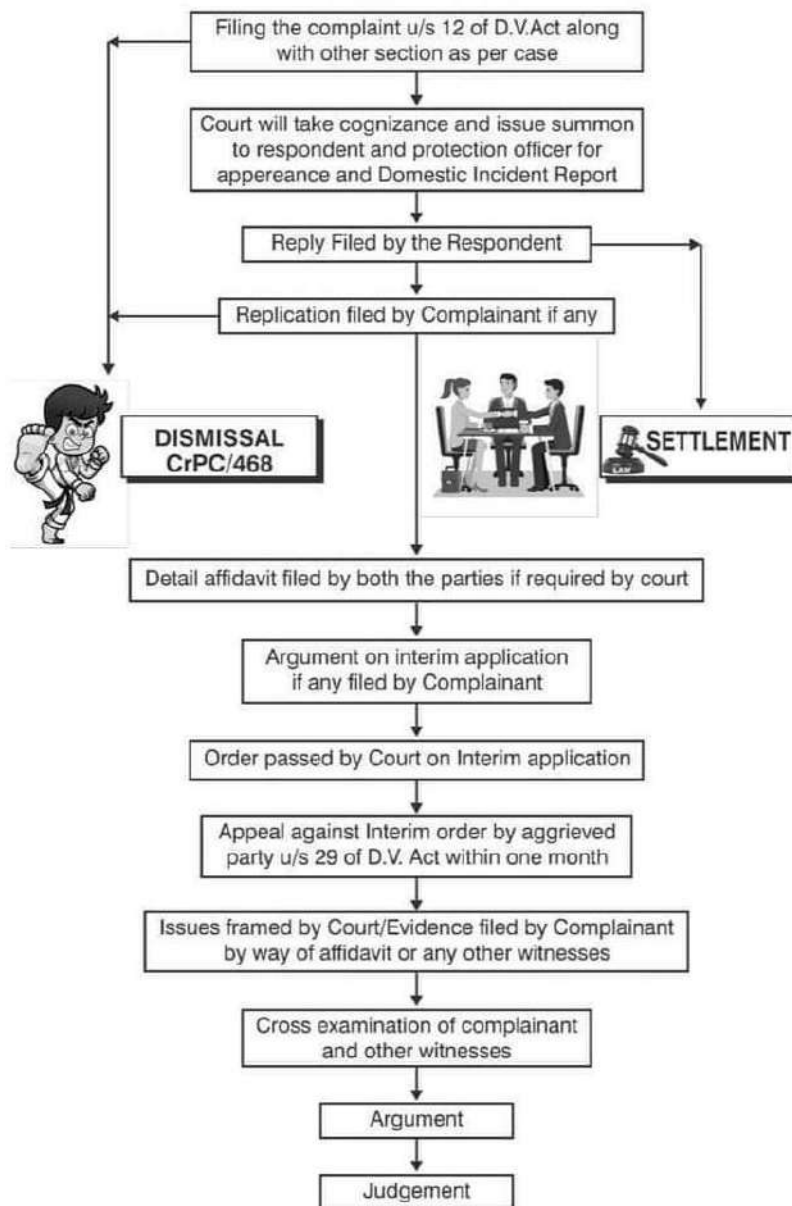
Right against indecent representation:

- Punishes indecent depiction of women's figures.
- Safeguards against derogatory representations.

Right against stalking:

- Section 354D of IPC enables legal action against stalkers.
- Addresses repeated personal interactions or electronic monitoring.

Procedure under Protection of Women from Domestic Violence Act, 2005



Awareness on Medical Termination of Pregnancy Act, 1971

Medical Termination of Pregnancy Act was passed in the year 1971 and it came into enforcement in the year 1972.

AIMS:

- 1) Legalize abortion services
- 2) To save mother and Child

CIRCUMSTANCES UNDER WHICH PREGNANCY MAY BE TERMINATED BY RMP

- 1) Risk to mother-The continuance of Pregnancy might endanger the mother's life or may cause great injury to her physical or mental health.
- 2) Eugene-Where there is a substantial risk of the child being born with serious handicapped due to physical or mental abnormalities.
- 3) Humanitarian-When pregnancy is the result of rape
- 4) Failure of contraceptive Devices-Unwanted pregnancy resulting from a failure of IOD or oral pills or any other devices

TIME PERIOD

The time period for MTP is up to **20 weeks**. However, it can be extended by approaching High Court or Supreme Court.

ELIGIBILITY OF REGISTERED MEDICAL PRACTITIONERS

- 1) The registered person must assess 25 cases of MTP
- 2) The registered person performing MTP must be a part of training for 6 months in a house surgeon
- 3) The registered person must have a diploma of OBS and GYNIEC

PLACES APPROVED FOR TERMINATION OF PREGNANCY

The place for termination of Pregnancy must be approved by the government if

- 1) The government satisfies that the termination of Pregnancy may be done under safe and hygienic conditions and following practices:
 - a) An operation table and instruments for performing abdominal or gynaecological surgery.
 - b) anaesthetic equipment, resuscitation equipment, sterilization equipment,
 - c) drugs and parenteral fluids for emergency use

OFFENCES AND PENALTIES UNDER MEDICAL TERMINATION OF PREGNANCY ACT

OFFENCES	PUNISHMENT
1.Termination of Pregnancy by a person who is not a RMP(registered Medical practitioner)	1.Imprisonment must not be less than 2 years which may extend to 7 years
2.whosoever terminates any Pregnancy in a place other than mentioned in	2.Rigorous imprisonment for a term which shall not less than 2 years extend to 8 years
3.Any person being owner of a place which is not approved	3.Imprisonment for a term which shall not less than 2 years 7 years