

LAW FOCUS

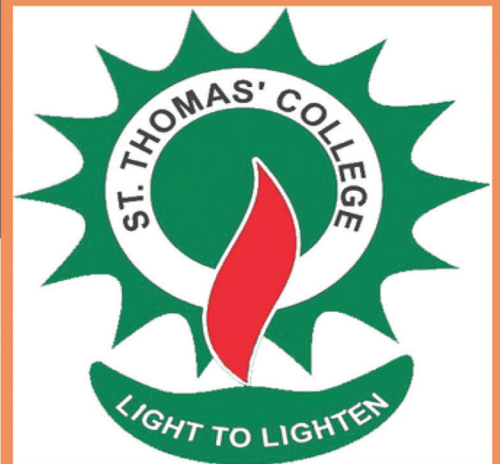
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ST. THOMAS' COLLEGE OF LAW

Greater Noida

(A Christian Minority Institution and Affiliated to
CCS University, Meerut)



Programmes Offered:

B.A. LL.B. (Five Years)

LL.B. (Three Years)

Editorial Board



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Editorial Message

It gives me immense pleasure to present to you the 5th edition of *Law Focus*, the official magazine of St. Thomas' College of Law, Greater Noida. Since its inception in 2017, our institution has proudly carried the torch of legal education, offering B.A.LL.B. & LL.B. programmes affiliated to Chaudhary Charan Singh University, Meerut. Over the years, the college has grown into a vibrant hub of legal learning, academic discourse and professional development and nurtured young minds into capable, ethical and socially conscious legal professionals. Legal education is not merely the study of statutes and case laws—it is the cornerstone of a just and equitable society. In India, a country founded on the principles of democracy and the rule of law, the legal profession plays an indispensable role in safeguarding constitutional values, protecting rights of citizens, resolving disputes, and ensuring that justice prevails over might. Our judiciary, legal institutions, and bar are critical in upholding the balance of power and providing a voice to the voiceless.

In a rapidly globalising world, the scope and importance of legal education have expanded beyond domestic borders. Issues such as climate change, cybercrime, cross-border trade, human rights and international arbitration demand a legal fraternity that is not only well-versed in national laws but also adept in international legal standards

and comparative jurisprudence. St. Thomas' College of Law remains committed to this holistic vision. Through a rigorous curriculum, committed faculty to excellence and platforms like *Law Focus*, the aim to foster dialogue, disseminate knowledge and spark intellectual curiosity have been realised. This magazine is a testament to the creativity and insight of our students and faculty members, showcasing legal writing, critical analysis and reflections on contemporary legal issues. As you turn these pages, may you be inspired by the voices of our legal fraternity. Let this not only be a record of thought but a call to action – to study deeply, to serve justly and to shape a future rooted in law and guided by justice.

The faculty at St. Thomas' College of Law have expertise in different socio legal aspects and they organise a number of events in the campus and also off the campus so that the students here get a holistic knowledge of law in connection with different aspects of society. Such events provide the students the practical aspects of law and inculcate in them the skills required for the industry.

Law Focus is a newsletter which focuses on highlighting all the events which happened in the past one year and also gives a chance to the faculty members along with the students to explore the new aspects of law and write articles on such issues.

Warm regards,

Ms. Riti Singh (Editor)

St. Thomas' College of Law

Greater Noida

News Articles

Supreme Court makes three years' legal practice mandatory to apply for judicial service

A Bench headed by Chief Justice of India B.R. Gavai, in a judgment, concluded that infusion of fresh law graduates with zero experience in litigation was found to be detrimental.

The Supreme Court restored a minimum of three years of legal practice as a mandatory condition to apply for entry-level judicial service.

“All the High Courts and the State governments in the country shall amend the relevant service rules to the effect that candidates desirous of appearing in the examination for the post of Civil Judge (Junior Division) must have practised for a minimum period of three years to be eligible for the said examination,” a Bench headed by Chief Justice of India B.R. Gavai directed in a judgment.

The court concluded that infusion of fresh law graduates with zero experience in litigation was found to be detrimental.

“From the affidavits of almost all the High Courts, it is seen that for the last 20 years during which the recruitment of fresh law graduates as judicial officers without a single day of practice at the Bar has been permitted, the said endeavour has not been a successful experience. The appointment of such fresh law graduates has led to many problems,” Chief Justice Gavai, who authored the judgment, observed.

Judges, from the very day when they assume office, deal with the issues of life, liberty, property and reputation of litigants. Neither knowledge based on law books nor pre-service training could be an adequate substitute to the first-hand experience of the working of the court system and administration of justice, Chief Justice Gavai observed.

The period of legal practice would be reckoned from the date of provisional enrollment.

Candidates must produce a certificate showing their professional experience as a lawyer, certified either by the Principal Judicial Officer of the court where he or she is practising or by an advocate with 10 years of experience duly endorsed by the Principal Judicial Officer.

The court said the experience of the candidates gained while working as law clerks with any judge or judicial officer would be considered while calculating their total number of years of practice.

The requirement for minimum years of practice would not be applicable in cases in which a High Court has already initiated the selection process for the post of Civil Judge (Junior Division) prior to the date of this judgment. The direction would however be applicable from the next recruitment process. **20 May 2025 The Hindu.**

B.R. Gavai sworn in as 52nd Chief Justice of India

Justice Bhushan Ramkrishna Gavai was sworn in by President Draupadi Murmu as the 52nd Chief Justice of India at the Rashtrapati Bhavan on 14 May 2025.

Justice Gavai is the first Buddhist Chief Justice of India. He took his oath of office, pledging his commitment to uphold the Constitution and faithfully discharge duties, in Hindi.

Chief Justice Gavai acknowledged the applause with folded hands, shook hands with Prime Minister Narendra Modi, Vice-President Jagdeep Dhankar, Law Minister Arjun Ram Meghwal, Home Minister Amit Shah, other dignitaries and family members sitting in the foremost row, including his immediate predecessor, Justice Sanjiv Khanna. The ceremony concluded with the rendering of the National Anthem.

Chief Justice Gavai has a tenure of over six months till 23 November 2025. He was elevated as a judge of the Supreme Court on 24 May 2019 from the Bombay High Court.

Born on 24 November 1960 at Amravati, Justice Gavai joined the Bar on 16 March 1985. Justice Gavai's father, Ramakrishna Suryabhan Gavai, also known as 'Dadasaheb', was a former Governor of Bihar and a prominent Dalit leader.

Known as a bold and decisive judge who speaks his mind, Chief Justice Gavai's tenure may see important hearings in the challenges to the Places of Worship Act and the Waqf (Amendment) Act of 2025.

Impactful Decisions

As a Supreme Court judge, he was part of many impactful decisions at the Supreme Court, including the upholding of abrogation of Article 370 of the Constitution and the striking down of the electoral bonds scheme. He was part of a Constitution Bench which held that States have a right to sub-classify Scheduled Castes notified in the Presidential List to provide them more preferential treatment in public employment and education.

Justice Gavai's judgment in the Manish Sisodia bail case had fortified the right to personal liberty. He headed the Bench which had ordered the release of Perarivalan, a convict in the Rajiv Gandhi assassination case.

As a lawyer, he had practised independently in the Bombay High Court from 1987 to 1990. After 1990, he appeared mainly before the Nagpur Bench of the Bombay High Court. He had practised in Constitutional and Administrative Law, and was a Standing Counsel for the Municipal Corporation of Nagpur, Amravati Municipal Corporation and Amravati University. He was elevated as Additional Judge of the Bombay High Court in 2003 and became a Permanent Judge in November 2005. **14 May 2025. The Hindu.**

Supreme Court Says Courts Have ‘Limited Power’ to Modify Arbitral Awards

The majority ruling by Chief Justice of India Sanjiv Khanna and Justices B. R. Gavai, Sanjay Kumar and A.G. Masih held that courts have “limited power” under Section 34 and 37 of the Act to modify arbitral awards. In a 4:1 decision, the Supreme Court on Wednesday held that appellate courts can modify arbitral awards while exercising powers under the Arbitration and Conciliation Act, 1996. The majority ruling by Chief Justice of India Sanjiv Khanna and Justices B.R. Gavai, Sanjay Kumar and A.G. Masih held that courts have “limited power” under Section 34 and 37 of the Act to modify arbitral awards. Justice K.V. Viswanathan delivered a dissenting opinion, disagreeing with the majority on certain aspects.

The CJI reading out the conclusions said, “this limited power may be exercised” when the award is severable by separating the invalid portion from the valid portion of the award, to correct any clerical, computational or typographical errors which appear erroneous on the face of the record, to modify post-award interest in some circumstances. The SC may also modify awards by exercising powers under Article 142 of the Constitution, the ruling said, adding, it “must be exercised with great care and caution and within the limits of Constitutional power”. Justice Viswanathan further said that “power to modify is not a lesser power than the power to set aside as the two operate in separate spheres. The inherent power under Section 151 CPC cannot be used to modify awards, as it is against the express provision of Section 34. Similarly, there is no scope to invoke the doctrine of implied powers to imply the power to modify the award. Article 142 of the Constitution cannot be exercised to modify an award, as it is well settled that Article 142 cannot be used to go by the substantive statutory provisions”. 1 May 2025. **The Indian Express.**

Events

Orientation Programme for New Batch in B.A. LL.B. & LL.B. Courses, 2024



St. Thomas' College of Law, Greater Noida, organised an Orientation Programme on 28 September 2024 for the new entrants to B.A. LL.B. & LL.B. programmes of academic session 2024-25. The event was held in the multipurpose hall and was attended by students, faculty members and academicians. The event was aimed at familiarizing the students with the institution's academic environment, faculty members, curriculum, and the prevailing academic culture towards fulfilment of their expectations from our Institution. The programme commenced with the lighting of the ceremonial lamp, symbolizing the pursuit of knowledge and wisdom. Following this, Revd Sandeep David, offered a prayer and sought the blessings for the academic success and well-being of the students.



Dr. M.K. Tyagi, Dean, St. Thomas' College, extended a warm and heartfelt welcome to the new students. In his speech, he emphasized the significance of legal education and urged the students to approach their studies with sincerity and dedication. Mrs. Riti Singh, Assistant Professor, St. Thomas' College of Law, introduced the faculty members to the new batch, giving the students an opportunity to become acquainted with their teachers who would guide them throughout their academic journey.

Dr. Anuradha Amos, Director, St. Thomas' College, shared her thoughts with the students and focused on the importance of character building in legal education. She stressed the need for discipline, integrity and ethical behaviour in the pursuit of a legal career. Dr. Amos also introduced the new annual distribution awards that the college has instituted this year. She has also elaborated on the importance of the awards and motivated the students to excel in both academics and extracurricular activities. Mr. S.P. Godiyal, a faculty member, hosted the awards distribution ceremony and also discussed the parameters that were used to select students for these honours.

The Chief Guest for the event, Dr. P. Kakra, a practicing advocate at the High Court of Delhi and the Supreme Court of India, shared his vast experience and insights from the legal profession. Dr. Kakra highlighted the practical aspects

of law and advised the students to stay updated with legal developments by actively participating in internships and visiting the courts. His address was both motivational and informative, providing the students with valuable perspectives on the legal profession. Dr. S.C. Panda, Vice Chairman of St. Thomas' Higher Education Society, delivered the concluding remarks, emphasizing the importance of discipline and hard work for a successful legal career. He proposed a vote of thanks, expressing gratitude to the dignitaries, faculty members and students for making the event a success. The programme was anchored by Mr. Mohd Zama, a faculty member, St. Thomas' College of Law.

The Orientation Programme marked the beginning of a new chapter for the students and offered them a glimpse into the academic and professional life ahead. With insightful speeches and faculty introductions, the event successfully set the tone for the students' journey towards becoming skilled legal professionals.

Celebration of Gandhi Jayanti

On the occasion of Gandhi Jayanti, on 2 October 2024, St. Thomas' College of Law, Greater Noida, organized a solemn event to honour the memory of Mahatma Gandhi, the Father of the Nation. The event was attended by the faculty, staff and students of the college. The ceremony was marked by a tribute to the teachings and contributions of Mahatma Gandhi to India's freedom struggle and his principles of



truth, non-violence and humanity. The event began with a floral tribute led by Dr. M.K. Tyagi, Dean, St. Thomas' College. Dr. Tyagi, accompanied by the teaching staff, paid homage to Mahatma Gandhi by offering flowers at his portrait. The act of reverence was a reflection of the institution's commitment to remembering and embracing the values for which Gandhi stood.

Following the floral tribute, Dr. Tyagi delivered an inspiring speech on the life and legacy of Mahatma Gandhi. He began by recounting Gandhi's crucial role in India's struggle for independence, emphasizing how his approach to peaceful resistance transformed the nation's fight against colonial rule. Dr. Tyagi highlighted key aspects of Gandhi's life, such as his commitment to truth (Satyagraha) and non-violence (Ahimsa), which continue to serve as guiding principles for society. In his speech, Dr. Tyagi also stressed the importance of remembering and celebrating the lives of great personalities who have made immense contributions to humanity.

A Documentary Screening in Memory of Late Ratan Tata

The Literary Society of St. Thomas' College of Law, Greater Noida organized a heartfelt tribute to the late Ratan Tata, the revered industrialist and philanthropist, through the screening of a documentary titled **"Mega Icon - Ratan Tata."** The



event took place from 10:00 A.M. to 11:00 A.M. on 24th October, 2025 and was coordinated by Dr. Harsh Kushwaha, a faculty member at the college.

The programme commenced with an introductory speech by Dr. M.K. Tyagi, Dean, St. Thomas' College of Law, who eloquently highlighted the enduring legacy of Ratan Tata. Dr. Tyagi spoke about Ratan Tata's significant contributions to India's industrial landscape and his ethical approach to business. Dr. Tyagi also motivated students to draw inspiration from Tata's humility, leadership, and vision.

The documentary, "Mega Icon - Ratan Tata" delved into the life and achievements of Ratan Tata and showcased his journey from the beginning of his career to transforming the Tata Group into a global powerhouse. The screening offered a detailed exploration of his business acumen, personal values and unwavering dedication to social welfare. The documentary also highlighted his role in pivotal moments, in the upliftment of the underprivileged class of the society.

Following the screening of the documentary, the session opened for a class room discussion. The students, encouraged by the insights from the documentary and presentation by Dr. Tyagi's address, actively participated in an insightful dialogue about the core lessons from Ratan Tata's life. The discussion focused on the balance between ethical leadership and business success, the importance of corporate social responsibility, and the role of personal values in shaping professional decisions. Dr. Harsh Kushwaha, Assistant Professor, concluded the session by acknowledging the students' enthusiastic participation and underlined the relevance of learning from iconic figures like Ratan Tata.

The documentary screening which is a part of our good institutional practices was a significant success, not only providing an in-depth understanding of Ratan Tata's contributions but also fostering a deeper connection between the students and the principles of ethical leadership.

St. Thomas' College of Law Organised an Intra Collegiate Moot Court Competition on 26 November 2024



In the Law Department of the College, on the occasion of Constitution Day, 26 November 2024, organised an Intra College Moot Court Competition. The event was aimed at enhancing the advocacy skills of the students and to honour the significance of Constitution Day. A total of four teams, each consisting of budding law students actively participated in the competition. Each team

members showcased their skills in legal research, argumentation, court etiquette and presented compelling arguments before the judges.

The competition was adjudicated by two esteemed faculty members: Mr. Mohd Zama & Mr. Amar Singh. Their expertise and critical evaluation were instrumental in guiding and assessing the performance of the participants. Both the judges have also provided valuable feedback and insights to help the participants improve their advocacy skills. The event was organized under the guidance of our faculty member Ms. Riti Singh, a faculty member. Her support and mentorship played a crucial role in the preparation of the teams. The event concluded with a prize



distribution ceremony where Dr. M. K. Tyagi, Dean, St. Thomas' College, handed out certificates to the participating students. Dr. Tyagi has also congratulated all the participants and acknowledged their efforts. The result of the event was on hands on experience, that generated enthusiasm, learning and a shared commitment to the legal profession.

Legal and General Awareness Quiz Competition Organised

Law Department organised a Legal and General Awareness Quiz Competition on 15 October 2024 from 11:00 A.M. to 12:30 P.M. The competition aimed to foster legal acumen and promote awareness of current affairs among the students. Students from both B.A. LLB. and LL.B. programs participated in the event and showcased their knowledge across a broad range of topics. Mr. Amar Singh, Assistant Professor of Law, was the convener of the quiz competition.

The quiz covered a variety of subjects, such as General Knowledge, Current Affairs, Constitutional Law of India, International Law, Human Rights, Law of Contract, Law of Torts, Law of Transfer of Property, Family Law, Jurisprudence and Criminal Laws. The competition was closely contested, with students from different semesters demonstrating their legal acumen.

Mr. S.P. Godiyal, a faculty member, graciously announced the results at the end of the event.



The winners of the quiz were:

- Ms. Martha Kahmei, LL.B. 3rd semester, secured the first position.
- Ms. Pinky Yadav, B.A. LL.B. 3rd semester, secured the second position.
- Ms. Prachi Saroj, B.A. LL.B. 7th semester, secured the third position.

The quiz provided a platform for the peers to interact in an intellectual environment with ease.

Odd Semester

As a matter of principle, the College conducts in- house exam to equip the students to face the final University Examination with commitment.

The Law Department, Greater Noida, successfully conducted internal examinations for the odd semester of the academic





year 2024-2025 on 5 December, 2024. The internal exams were conducted for all batches of the B.A. LL.B. & LL.B. The internal exam covered all subjects prescribed in the syllabus,

including Constitutional Law, Criminal Law, Law of Torts and International Law etc. All the faculty members timely completed the syllabus and equipped the students with the necessary knowledge and preparation for the exams. Each faculty member framed the question papers for their respective subjects in accordance with academic guidelines and standards.

Students appeared in the exams with enthusiasm and maintained discipline. It reflected their dedication to their studies. Faculty members have also ensured that the examination process was transparent, fair, and strictly monitored. Dr. Harsh Kushwaha and Ms. Arisha Azhar, faculty members, were the coordinators for the internal exam. The successful completion of these exams reflects the commitment of the faculty and administration to maintaining academic standards.

Even Semester

The same practice was followed during the Even Semester as well. The Law Department proudly announced the successful completion of the internal examinations for the B.A. LL.B. and LL.B. programmes for the academic session 2024-25. The examinations were held on 28 April 2025, catering to students from the 2nd, 4th, 6th, 8th, and 10th semesters.



The assessments were conducted smoothly in Room no. A24 on the second floor, with all necessary arrangements made to ensure a conducive and orderly examination environment. The session ran from 10:00 a.m. to 1:00 p.m., and witnessed full participation from students across the mentioned semesters.

Prior to the examinations, students had been duly informed and advised to prepare the complete syllabus for their respective papers. The dedication and discipline demonstrated by the students were commendable, reflecting the academic ethos of the institution.

The successful execution of the examinations was made possible under the able coordination of Dr. Harsh Kushwaha (Assistant Professor, Coordinator - LL.B.) and Ms. Arisha Azhar (Assistant Professor, Coordinator - B.A. LL.B.), whose meticulous planning and guidance were instrumental in ensuring the smooth conduct of the process.

The Law Department continues to uphold its commitment to academic excellence and rigorous evaluation, fostering an environment of integrity and scholarship alongwith post- examination classes addressing students' concern on various subjects/ topics.

Independence Day Celebration

Independence Day was celebrated with great enthusiasm at the Department of Law, on 15 August 2024. The ceremony commenced with the hoisting of the National Flag by Dr. M. K. Tyagi. Dr. Tyagi delivered an inspiring speech, highlighting the importance of the day and the values enshrined in the Constitution of India.



The event witnessed active participation from students, faculty members, and staff. Sweets were distributed to all present, marking the conclusion of the celebration in a joyful and patriotic atmosphere.

Visit to the Tis Hazari Court

As part of the practical learning component of the curriculum, students at St. Thomas' College of Law, undertook an educational visit to Tis Hazari Court, Delhi, on 10 March 2025. Students from LL.B. and B.A. LL.B. programmes of the Law Department had the opportunity to visit Tis Hazari Court, one of the oldest and most prominent district court complexes in Delhi. The visit was an integral part of the

college's academic calendar, aimed at bridging the gap between legal theory and its practical application.

The visit was organized by Mr. Aman Pandey, faculty member, to provide law students with direct exposure to the functioning of the Indian judicial system.

After the arrival of students at the court complex, a brief session was held where students were informed about the court's jurisdiction, history, and role in the judicial framework. Students were divided into smaller groups to ensure a better learning experience. Each group visited various courtrooms dealing with criminal trials, civil matters, bail hearings and evidence recordings and cross-examinations.





Students observed real-time proceedings and took notes on courtroom behaviour, the role of judges and lawyers, and how procedural laws are implemented in practice. Toward the end of the visit, students were given the opportunity to interact with a few legal professionals including advocates and court officials.

To sum up, the visit proved to be a valuable and educational experience for the students of St. Thomas' College of Law. It successfully achieved its goal of exposing budding legal professionals to the practical dimensions of legal practice. The college expressed its sincere thanks to the court authorities and staff for their cooperation and support.

Environment Day Celebration

The Law department, Greater Noida, celebrated World Environment Day with great enthusiasm and a strong sense of commitment towards environmental protection and sustainable development. The celebration, held on 5 June 2024, aligned with the global theme for the year as declared by the United Nations Environment Programme (UNEP). The event aimed to raise awareness among students about environmental issues and to inspire positive action for the protection of our planet.

The Literary and Cultural Societies of the college conducted engaging activities such as a speech competition and a poster-making contest based on the theme



“Restore Our Earth” and other contemporary environmental challenges such as climate change, plastic pollution, and water conservation. Students showcased their creativity and awareness through thought-provoking speeches and artistic posters. The celebration of World Environment Day at St. Thomas’ College of Law was not just an event but a movement towards fostering an environmentally conscious community. It served as a reminder to our collective responsibility in this endeavour and safeguarding the nature and work toward a greener, healthier planet.



Faculty Articles

A Judicial Perspective of the Right to Internet Access in India

Mohd Zama

Introduction

“The Internet is a global public good that should be accessible to all and respectful of the rights of others”

The Society of Jesus

The famous dictionary Merriam-Webster has defined the internet as “an electronic communications network that connects computer networks and organizational computer facilities around the world.” Therefore, the internet is an information system that connects computers and other electronic devices across the world. Today’s society is a knowledge society, and the notion of the fourth generation of human rights has also emerged, and the right to information and communication is part and parcel of the fourth generation of human rights. Therefore, without accessing internet the very purpose of four generation of human rights particularly right to information and communication will be defeated.

In India Internet was made publicly available first time on 15 August 1995. At that point in time, Videsh Sanchar Nigam Limited, a government-owned company, had the monopoly over communications, and the internet service was not available to private enterprises, and therefore a very few sections of society could have access to the internet. But now, due to privatization, globalization and liberalization of the economy, the state monopoly over the resources is very limited. Now the internet services are also available to private enterprises and private individuals. India has

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the second-highest number of internet users after China, with 451 million monthly active internet users by the end of financial year 2019, reports the Internet and Mobile Association of India. The government of India is also making all efforts to digitalize the country through different schemes being implemented in urban as well as rural areas, and therefore it would increase the dependency of the citizens on the internet.

1. Constitutional Perspective

The Constitution of India, which is the fundamental law of the land, was enacted way back in 1950, and the Constitution has not explicitly mentioned anything about the internet and, therefore, is completely silent on the issue of the internet. At the time the Indian Constitution was enacted, the society was completely different, and, in fact, the idea of the internet had not evolved. But there are certain provisions in the Indian Constitution that can be interpreted in relation to Internet access. Entire Chapter III of the Indian Constitution provides for fundamental rights. Article 19(1)(a) of the Indian Constitution deals with the right to freedom of speech and expression, and therefore everyone who is a citizen of India has a right to express his opinion and raise his voice verbally as well as through print or electronic media.

2. Judicial Perspective

The judiciary in India has played a very proactive role in the protection of democratic rights and civil liberties of the citizens. The Supreme Court of India in the case of *Sabu Mathew George v. Union of India* (2008) has observed that freedom of expression includes the right to be informed and the right to know and the feeling of protection of expensive connectivity. The Apex Court has further added, “At this juncture, it is necessary to state that volumes of literature under various heads come within the zone of the internet, and in this virtual world, the idea that is extremely significant is ‘only connect.’ Therefore, this Court has recorded the concession of the respondents so that the sanctity of the Act is maintained and

there is no grievance on any score or any count by anyone that his curiosity for his search for anything is not met with and scuttled.” This is probably the first case in India in which the Apex Court has recognized accessing the internet as a human right in relation to freedom of speech and expression.

The Kerala High Court in the case of *Faheema Shirin v. State of Kerala* (2019) has recognized accessing the internet as part of the right to privacy and the right to education. The Kerala High Court, speaking through Justice P. V. Asha, had struck down the rules and observed, “In view of the aforesaid reasons, I am of the view that imposing such restrictions is unreasonable, and therefore the respondent shall re-admit the petitioner in the hostel without any further delay. It is made clear that the petitioner or her parent shall not do any act in a manner humiliating any of the respondents or any other teacher or warden or matron in the hostel/college. The petitioner or any other inmate shall also see that no disturbance is caused to others by usage of mobile phones in the hostel.” Therefore, the court had struck down the restrictions imposed by hostel authorities, finding them unreasonable, and at the same time, the court had also directed the hostel authorities to re-admit the student.

Hon’ble High Court of Gauhati has, in the case of *Banashree Gogoi v. Union of India* (2019), directed the Central Government and Government of Assam to restore the mobile and internet services within a stipulated period of time and has observed as follows. “Having considered all the aspects of the case and, in particular, the dependence of the citizens on internet services, which on suspension has virtually resulted in serious disruption of the lives of the residents, we deem it just and proper to observe that the respondents, on considering inputs from various sources, may take a considered decision for restoration of mobile data and internet services during the afternoon hours of the day beyond 3’ o’clock. ” Therefore, the court, considering the need for and importance of internet services in the lives of individuals and the problems faced by the people due to the shutdown of internet

services, by passing the order, upheld the democratic rights of the citizens in the state of Assam.

The Supreme Court of India in *Anuradha Bhasin v. Union of India* (2020) has passed a historic judgment on Internet access. The top court has protected freedom of speech and expression and the freedom to practice any profession and carry trade through the medium of the internet under articles 19 (1) (a) and 19 (1) (g) of the Indian Constitution. The Supreme Court, speaking through Justice N. V. Ramana, has further observed, “In this context, we need to note that the internet is also a very important tool for trade and commerce. The globalization of the Indian economy and the rapid advances in information and technology have opened up vast business avenues and transformed India into a global IT hub. There is no doubt that there are certain trades that are completely dependent on the internet. Such a right to trade through the internet also fosters consumerism and availability of choice. Therefore, the freedom of trade and commerce through the medium of the internet is also constitutionally protected under Article 19 (1) (g) subject to the restrictions provided under Article 19 (6).” The apex court has recognized accessing the internet in relation to Article 19(1)(g), which is the right to freedom of trade and commerce. But the Apex Court has not yet recognized internet access as an independent or full-fledged right in India.

Conclusion

The Internet, being a global public good, must be easily accessible to all persons all over the world. While countries such as Sudan and Greece have recognized internet access explicitly in their own constitutions. The United Nations Organization also recognized internet access as a human right in 2016. The judiciary in India has recognized internet access in relation to other rights, such as the right to privacy, the right to education, the right to practice any profession or carry on trade, etc. As our dependency on internet is increasing day by day for different purpose therefore it is high time that internet access must be given legislative as well as judicial recognition separately and independently.

Intellectual Property Rights in Cyberspace

Shailendra Prasad Godiyal

Introduction

The advent of the internet has transformed the way we create, share, and consume information, ushering in an era where cyberspace serves as both a boundless playground and a battleground for intellectual property (IP) rights. Intellectual property encompassing copyrights, trademarks, patents and trade secrets has long been a cornerstone of innovation and economic growth in the physical world. However, the intangible, borderless nature of cyberspace poses unprecedented challenges to the enforcement and protection of these rights. This article delves into the complexities of intellectual property rights in cyberspace, examining their evolution, the legal frameworks governing them, the challenges they face, and the future implications for creators, businesses, and society at large.

1. The Evolution of Intellectual Property in the Digital Age

Intellectual property rights were originally designed for a tangible world think of books, mechanical inventions, or branded goods. Copyright protected an author's manuscript, patents safeguarded a physical invention and trademarks distinguished one merchant's wares from another. The digital revolution, however, turned this paradigm upside down. A song, once sold as a vinyl record, can now be infinitely replicated and distributed online with a single click. A patented design can be 3D-printed across continents and a trademarked logo can be hijacked by a phishing website in seconds.

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Cyberspace amplifies the scale and speed of IP creation and infringement. The World Intellectual Property Organization (WIPO) recognized this shift early on, noting that the internet's global reach demands a rethinking of traditional IP frameworks. For instance, the digitization of creative works, music, films, software and literature has democratized access but also fuelled piracy. Peer-to-peer file-sharing platforms like Napster in the late 1990's exemplified this tension, sparking debates about the balance between access and ownership that continue to resonate today.

2. Legal Frameworks Governing IP in Cyberspace

The protection of intellectual property in cyberspace relies on a patchwork of national laws, international treaties, and emerging digital regulations. At the international level, the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonographs Treaty (WPPT), both adopted in 1996, were landmark efforts to adapt copyright law to the digital environment. These treaties introduced concepts like the "right of communication to the public," addressing how works are transmitted online, and mandated protections against the circumvention of digital rights management (DRM) technologies.

Nationally, jurisdictions have tailored their approaches. In the United States, the Digital Millennium Copyright Act (DMCA) of 1998 remains a cornerstone, offering a "safe harbor" provision for internet service providers (ISP's) while enabling copyright holders to issue takedown notices for infringing content. The European Union's Directive on Copyright in the Digital Single Market (2019) takes a different tack, holding platforms like YouTube liable for user-uploaded content unless they actively prevent infringement, a move that has sparked fierce debate about censorship and innovation.

Trademarks and patents face their own cyberspace conundrums. The Uniform Domain Name Dispute Resolution Policy (UDRP), administered by ICANN, tackles cybersquatting—where individuals register domain names mimicking trademarks to extort money or confuse consumers. Patent law, meanwhile, grapples with software and business method patents, as seen in cases like *Alice Corp. v. CLS Bank* (2014), where the U.S. Supreme Court narrowed the scope of patentable digital innovations.

3. Challenges to IP Enforcement in Cyberspace

Enforcing intellectual property rights in cyberspace is akin to chasing shadows. The first hurdle is jurisdiction. Cyberspace knows no borders, yet IP laws are inherently territorial. If a website hosted in Country A infringes a copyright owned in Country B, whose laws is to be applied? Anonymity compounds the problem. Infringers can hide behind pseudonyms, VPNs, or the dark web, making identification and prosecution difficult. Take the case of The Pirate Bay, a torrent site that has evaded shutdown for years by shifting servers across jurisdictions and leveraging encrypted networks. For every site taken down, other springs up, fuelled by a cat-and-mouse game between rights holders and tech-savvy pirates.

The sheer volume of digital content is another obstacle. Billions of posts, videos and files are uploaded daily to platforms like X, YouTube and TikTok. Automated systems like YouTube's Content ID can flag copyrighted material, but false positives and negatives abound, frustrating both creators and users. Smaller artists, lacking resources to monitor or litigate, often lose out most.

Then there's the ethical grey zone. Is remixing a song on Sound Cloud a creative act or theft? Does scraping data for AI training violate trade secrets? Cyberspace blurs the line between inspiration and infringement, challenging the moral underpinnings of IP law.

4. The Role of Technology in IP Protection

Technology is both the problem and the solution. Block chain, for instance, offers a promising tool for IP management. By creating tamper-proof records of ownership and licensing, it could streamline copyright registration or track patent usage. Non-fungible tokens (NFTs) have already begun linking digital art to verifiable ownership, though their legal status remains murky.

Artificial intelligence (AI) is another double-edged sword. AI can detect infringement think of algorithms scanning for pirated movies but it can also generate content that mimics copyrighted works, raising questions about authorship. Who owns a song composed by an AI trained on Beethoven's symphonies? Courts are only beginning to wrestle with such dilemmas.

5. Societal and Economic Implications

The stakes of IP in cyberspace extend beyond law and tech to society itself. For creators, robust protection incentivizes innovation. A musician who knows their work won't be pirated is more likely to invest time and money in new projects. For businesses, trademarks and patents safeguard brand identity and R&D investments, driving economic growth. The global IP market, valued at trillions, hinges on trust in these systems.

Yet, overzealous enforcement risks stifling creativity and access. Developing nations argue that strict IP rules often shaped by Western power limit their ability to leverage technology for education or healthcare. The open-source movement and creative commons licenses reflect a counter current, advocating for a digital common where knowledge is shared, not hoarded. Consumers, too, are caught in the crossfire.

6. The Future of IP in Cyberspace

Looking ahead, intellectual property rights in cyberspace will evolve with technology and culture. Quantum computing could render current encryption obsolete, necessitating new DRM solutions. Virtual and augmented reality will raise fresh questions can you copyright a VR experience? International harmonization of IP laws, though elusive, may gain traction as global trade deepens. Policymakers must strike a delicate balance: protecting rights without choking innovation, ensuring access without undermining creators. Education will play a role, too teaching digital natives to respect IP as they remix, share and build in cyberspace.

Conclusion

The rapid expansion of the digital world has fundamentally reshaped how intellectual property (IP) is created, distributed and protected. As cyberspace becomes the primary medium for innovation, commerce and communication, the enforcement and recognition of Intellectual Property Rights (IPR's) face both unprecedented opportunities and complex challenges. This digital environment facilitates instant and borderless sharing of information, but it also makes unauthorized copying, distribution and modification of intellectual works alarmingly easy. Consequently, ensuring adequate protection for creators and rights holders has become more crucial than ever. In cyberspace, the traditional legal frameworks governing intellectual property such as copyright, trademarks, patents and trade secrets must adapt to a fluid and global digital context. Jurisdictional issues, anonymity and the speed at which content can be disseminated complicate enforcement efforts. This necessitates collaboration among governments, technology providers, legal experts, and users to create flexible, yet enforceable IP frameworks. Public awareness and digital literacy also play a key role in promoting respect for intellectual property online. Hence the digital age presents both a testing ground and an opportunity for intellectual property law. As cyberspace continues to evolve, so too must the legal tools and ethical standards that protect intellectual creations.

Lawyers without Robes: Alternative Career Paths for Law Graduates beyond Traditional Legal Practice

Joyson Tigga

Introduction

A law degree is often perceived as a pathway to becoming a lawyer, judge or legal consultant in corporate law and legal consultancy. However, in an evolving job market, law graduates are increasingly exploring diverse opportunities beyond conventional legal practice. From compliance and legal tech to policy-making, entrepreneurship and academia, alternative career paths offer fresh avenues for leveraging legal expertise in innovative ways. This shift reflects changing industry demands, the growing intersection of law with other sectors, and the desire for greater career flexibility. By examining these non-traditional options, law graduates can unlock new possibilities that align with their skills, interests and professional aspirations. So, through this article, let's explore different career opportunities where legal knowledge is valuable - even if the role doesn't involve traditional courtroom practice.

1. Corporate Sector & Business Management

A. Compliance Officer

- Ensures companies adhere to laws and regulations.
- Roles in banking, healthcare and tech industries.

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B. Contract Manager

- Drafts, reviews and negotiates business agreements.
- Common in procurement, real estate and IT firms.

C. Corporate Governance Advisor

- Helps companies follow ethical and legal standards.
- Works with boards of directors on regulatory compliance.

2. Government & Public Policy

A. Policy Analyst

- Researches and drafts legislation.
- Works with think tanks, NGOs, and government agencies.

B. Legislative Assistant

- Supports lawmakers in drafting bills and analysing policies.
- Employed in parliamentary and congressional offices.

C. Diplomat / Foreign Service Officer

- Negotiates international treaties and agreements.
- Represents a country's legal and political interests abroad.

3. Academia & Legal Education

A. Law Professor / Lecturer

- Teaches law students and conducts legal research.
- Works in universities and law schools.

B. Legal Researcher

- Conducts in-depth studies on legal theories and case laws.
- Hired by research institutions and policy organizations.

4. Human Rights & Social Work

A. Human Rights Advocate

- Works with NGOs like Amnesty International and UN agencies.
- Focuses on refugee law, gender rights and criminal justice reform.

B. Social Worker (Legal Advocacy)

- Helps vulnerable groups (e.g., domestic violence survivors) navigate legal systems.
- Collaborates with non-profits and community organizations.

5. Banking, Finance & Insurance

A. Risk Management Specialist

- Assesses legal and financial risks for businesses.
- Employed in banks, investment firms and insurance companies.

B. Fraud Investigator

- Examines financial crimes and regulatory violations.
- Works with law enforcement and corporate security teams.

6. Media, Publishing & Journalism

A. Legal Journalist / Analyst

- Reports on court cases, laws, and legal trends.
- Works for newspapers, TV networks or digital media.

B. Legal Content Writer / Editor

- Writes legal articles, blogs, or textbooks.
- Opportunities in legal tech companies and academic publishing.

7. Alternative Dispute Resolution (ADR)

A. Mediator / Arbitrator

- Helps resolve disputes outside court.
- Used in family law, business conflicts and labour disputes.

B. Ombudsman

- Investigates complaints against organizations.
- Works in corporations, universities and government bodies.

8. Legal Technology & Innovation

A. Legal Tech Consultant

- Develops AI-driven legal tools (e.g., contract review software).
- Works with start-ups and legal firms on digital transformation.

B. Data Privacy Officer

- Ensures compliance with GDPR and other privacy laws.
- High demand in tech companies and financial institutions.

Conclusions

Ultimately, a law degree opens doors far beyond the courtroom, offering a wealth of opportunities in an increasingly interdisciplinary world. A law degree teaches you how to think carefully, adapt to change and make smart decisions - skills that are valuable in any field. So whether you want to work in human rights, company compliance or legal tech, your legal training can take you where you want to go. In the end, a law degree isn't just about becoming a lawyer; it's a solid foundation for a career that suits your interests and strengths, well beyond the courtroom.

Analyzing the Role of MSME & Microfinance in Indian Economy

Riti Singh

Introduction

In accordance with the provision of Micro, Small & Medium Enterprises Development (MSMED) Act, 2006 the Micro, Small and Medium Enterprises (MSME) are classified in two Classes: (a) Manufacturing Enterprises – The enterprises engaged in the manufacture or production of goods pertaining to any industry specified in the first schedule to the industries (Development and regulation) Act, 1951 or employing plant and machinery in the process of value addition to the final product having a distinct name or character or use. The Manufacturing Enterprises are defined in terms of investment in Plant & Machinery. (b) Service Enterprises – The enterprises engaged in providing or rendering of services and are defined in terms of investment in equipment.¹

1. Need for Micro Finance and technology in the Development of Micro Small and Medium Enterprises

The major barrier to the development of Micro and Small Enterprises is access to credit. In identifying the market, Micro and Small Enterprises and MFIs consider whether to focus on already existing entrepreneurs or on potential entrepreneurs seeking for funds to start up a business venture. Working capital is the main hindrance in the development of already existing SMEs and to meet up this problem they borrow finance mostly from informal financial services which have

¹ MSMED Act, 2006.

high interest rates and services offered by the formal sector or not offered by these informal financial services².

Small and medium enterprises (SMEs) play a major role in economic development through creating employment, eradicating poverty and generating income. On the other hand, Microfinance is an important tool that promotes the business development and acts as a source of business growth through improving working capital. One of the primary reasons for the expansion of small business into medium and further to large is due to microfinance. Microfinance is a financial resource for low-income individuals and small medium enterprises for supplying loans, savings and other financial services to poor. In India microfinance operates through two channels:

a) Self-help group bank linkage program: where a small group of 10-20 women or men make small savings through contribution periodically and begin lending³. They even get linked to banks, banks lend to self-help group after checking their creditworthiness. b) Microfinance institutions: is an organization that provides microfinance services from small non-profit organization to larger banks. Access to finance is the major problem faced by Micro and Small Enterprises, to whom commercial banks have traditionally concentrated their lending mainly to large formal enterprises which have the expertise of doing business and possess collateral. They miss out small enterprises as they lack expertise and riskier investment⁴.

The key issue in agriculture and rural development during the 1960s and 1970s was agricultural production⁵. Later on agricultural credit became an important input along with improved seeds, fertilizers, pesticides, tools and machines and with the growing population increasing numbers of rural people could not live on agriculture alone. Agricultural credit had been exclusive to farmers only.

² <https://www.ibef.org/industry/financial-services-india.aspx>.

³ Mahanta, P. Panda, G and Sreekumar, (2022), 'Status Of Microfinance In India - A Review', International Journal of Marketing, Financial Services & Management Research., Vol.1 Issue 11.

⁴ Baxi, A. Bhandari, F. (2023), MSME Law and Practice: CS Tax Publishers.

⁵ Prof. Dr. Hans Dieter Seibel, The Role of Microfinance in Rural Micro-Enterprises Development, University of Cologne.

Therefore, many micro-entrepreneurs, traders and household business units were unsatisfied so the need of microfinance increased⁶.

The SHG bank linkage⁷, in spite of the optimism generated by the expansion of SHG credit and the high recovery rate there is a gap between actual per capita credit provided to the poor and the demand.

Lack of access to finance can be identified as one of the major constraints hindering the development of small businesses not just in India but in other developing countries also. Commercial banks have traditionally concentrated their lending mainly to large formal enterprises which have expertise of doing business and possess collateral and not on small enterprises as they lack expertise and are riskier investment⁸. Despite the potential of MSMEs to facilitate economic growth, many studies have highlighted lack of access to finance as a major problem which hinders the growth of MSMEs.

2. Ways in which MSME helps in achieving the goal of development

Rural economy forms the backbone of most developing countries. Lack of infrastructure is one of the problems which this sector faces along with shortage of finances. Microfinance institutions often provides help with regard to finance and infrastructure and thereby helps in poverty eradication and also helps in the growth of the economy and in doing so digitization helps a lot.

Small and medium enterprises (SMEs) have long been one of the more chief sources of employment and livelihood for the citizens in most developing countries, including India. So much so, that microfinance has been solely instrumental in catapulting many small businesses to the next league of augmented productivity and increased turnover. Listed below are some ways in which microfinance institutions can help fund SMEs based out of developing nations:

⁶ Microfinance for Micro-Enterprises: An Impact Evaluation of Self Help Groups of Department of Economic Analysis and Research, of National Bank for Agriculture and Rural Development.

⁷ NABARD 2003-04 Report on SHG Bank Linkage.

⁸ Pandey. P, and Chaudhary. A, (2024), 'The Role of Micro, Small, and Medium Enterprises in India's Economic Development: A Critical Analysis', 'Asian Journal of Economics Business and Accounting', pp. 366-384.

By providing easier access to credit facilities: Microfinance institutions serve as primary credit and lending facilities for both low-income individuals and small and medium enterprises that fall shy of accessing easy loans from the organized financial sectors. Moreover, most of these institutions provide micro loans and other financial services that attach affordable rates of interest and entail simpler procedures and minimal documentation. Here, the financial performance of SMEs, among other factors, depends on the ease with which they can avail loans from institutions of microfinance, essentially indicative of a symbiosis.

By implementing inclusive policies: SMEs often hire unskilled and semi-skilled laborers - many of whom belong to the economically deprived and marginalized categories - to carry out their routine operations. Microfinance lenders collectively target aspirations of these sections of people, thereby developing business models aimed at allaying poverty and improving their standard of living.

By aiding business expansion: Probably the most significant function of microfinancers is offering SMEs a blueprint for business expansion and assistance to expand their operational footprint beyond the traditional strongholds. This primarily happens by way of aid to SMEs to increase the number of outlets, access more uncharted business areas and eventually become formidable contenders in the market.

Moreover, a group of people, sharing common aspirations and interests, can avail credit facilities from microfinancing houses. What happens here is that should one of the participants default at the time of repayment, there is usually a chance that the share would be distributed and shouldered by the other members of the group.

Microfinance institutes tend to enjoy better credibility: You might attribute it to the cooperative attitude of microfinances, but SMEs have a tendency to trust microfinance houses more. Another reason behind this might be customized financial products that are in tune with the exact demands of SMEs and the nature of their businesses.

Developing nations have, beyond much doubt, embraced the concept of microfinance loans and microfinance institutions, and it is no surprise that these micro lending houses have come to be the lifeline of SMEs based out of these countries. It is with the help of micro loans, that many deprived sections of the society have been able to integrate with the mainstream.⁹

Microfinance is an effective tool for poverty eradication this was underlined by Mohd. Yunus also, he also once remarked that, “Maybe our great-grandchildren will go to museums to see what poverty was like”¹⁰. This remark shows his confidence in the technique of microfinance in poverty elevation.

Microfinance also saves people from the exploitation of the moneylenders who charge exorbitant rate of interest while providing the loans to the poor people and this exploitation makes the poor more poorer and later this turns into a vicious cycle. Hence, majorly low income people of the society are benefitted from microfinance schemes and these schemes help them in engaging in micro and small enterprises.¹¹ Effective collateral substitute for short-term and working capital loans to micro-entrepreneurs¹² is provided by micro finance institutions.

3. Benefits of MSME in poverty up-liftment

Traditionally, when a person wants to start a business venture, they go to a bank for a loan. But what should a budding entrepreneur do if he is too poor to obtain finance to start a profitable business? The answer lies in a relatively new branch of financial services called microfinance. Its purpose is to provide basic financial services such as loans, savings and insurance to underprivileged people. A microfinance institution (MFI) is simply one that offers such services to the poor; according to the Consultative Group to Assist the Poor (CGAP)¹³, it can be a credit

⁹. S.L. Shetty, Microfinance in India, Issues, Problems and Prospects: A Critical Review of Literature.

¹⁰. Id.

¹¹. Mark Schreiner, Aspects Of Outreach: A Framework for Discussion of the Social Benefits of Microfinance, JOURNAL OF INTERNATIONAL DEVELOPMENT, (2002).

¹². A. Hubka, R. Zaidi, Impact of Government Regulation on Microfinance, World Development Report: Improving the Investment Climate for Growth and Poverty Reduction, 1, (2005).

¹³. George, A. and Khan, T, (2022), Law Relating to Micro, Small and Medium Enterprises, Thomas Reuters.

union, commercial bank, financial non-governmental organization, or a credit cooperative.

Provide Access to Funds: Typically, the poor acquire financial services like loans through informal relationships. These loans, however, come at a high cost per dollar loaned and can be unreliable. MFIs dismiss such requirements and provide small loans at high interest rates, thus providing MFIs the funds they need to continue operation¹⁴.

Encourage Entrepreneurship and Self-Sufficiency: Underprivileged people may have potentially profitable business ideas, but they cannot put them into action because they lack sufficient capital for start-up costs. Microcredit loans give clients just enough money to get their idea off the ground so they can begin turning a profit. They can then pay off their micro-loan and continue to gain income from their venture indefinitely.¹⁵

Empower Women: Women make up a large proportion of microfinance beneficiaries. Traditionally, women (especially those in underdeveloped countries) have been unable to readily participate in economic activity. Microfinance provides women with the financial backing they need to start business ventures and actively participate in the economy.

Community-Wide Benefits: Generally speaking, microfinance institutions seek to reduce poverty worldwide. As they obtain funds and services from MFIs, recipients gain enormous financial benefits which trickle down to others in their families and communities. New business ventures can provide jobs, thereby increasing income among community members and improving their overall well-being. Microfinance services gives hope to people who previously had little or no opportunity to be self-sufficient.

¹⁴. Rupa, R. and Manoharan, P. (2021), 'A Study on Financial Performance of Microfinance Institutions', The International Journal of Business & Management (ISSN 2321 – 8916) Vol 2 Issue 10.

¹⁵. K. Pal Narwal, S. Pathneja & M. Kumar Yadav, Performance Analysis of Banks and Microfinance Institutions in India (2015).

Navigating Diversity: The Indian State & Minority Rights through Political Philosophy

Harsh Kushwaha

Introduction

The fabric of Indian Nation-State is one of the most complex in the world, woven together with multiple religions, languages, ethnicities, and cultures. Within this context, the question of how to accommodate and empower minority groups has been a prominent challenge for the Indian state. Political philosophy offers the tools to critically examine how India as a state has attempted to balance the ideals of liberty, equality, secularism, and justice with the complexities of group identities and historical marginalization. This article attempts to reflect on the philosophical underpinnings of India's minority rights framework, focusing upon the constitutional principles, the nature of secularism, and the role of minority institutions. Through the lens of political philosophy, this article tries to examine the evolving relationship between State and minority communities in India.

Political philosophy is known for asking fundamental questions about the idea of the state. Political theorists like John Locke, Jean-Jacques Rousseau, and John Rawls argue that a just state is one that protects the rights and liberties of its people while ensuring justice, equality, and freedom (Locke, 1689; Rousseau, 1762; Rawls, 1971). India is known as a post-colonial state born in the context of historical injustices and partition trauma (Pandey, 2001). The foundational concern for the Indian state was how to create a political system that could secure individual rights while respecting group identities (Béteille, 1999). Therefore, the Indian Constitution, drawing from both liberal and communitarian philosophies, tries to navigate between a strong

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individual-rights framework and the need to accommodate collective identities, especially those of religious, linguistic, and cultural minorities (Bhargava, 2000). In its approach to minorities, the Indian Constitution reflects a deep philosophical commitment to justice, pluralism, liberty, and equality (Ambedkar, 1949).

Key provisions in Indian Constitution concerning minorities include:

- **Article 15:** Prohibition of discrimination on grounds of religion, race, caste, sex, or place of birth.
- **Article 25-28:** Guarantee of freedom of religion.
- **Article 29-30:** Protection of cultural and educational rights of minorities, including the right to establish and administer educational institutions.

Dr. B.R. Ambedkar, known as the father of the Indian Constitution, has argued that protecting minority rights was essential for the survival of democracy in India. For him, democracy was not just about majority rule but it was about providing opportunities for minority people to be heard and respected. Given this context, it can be argued here that the Indian Constitution does not treat minority groups as merely passive recipients of state benevolence but empowers them to create and manage their own institutions- schools, colleges, religious institutions, recognizing their agency and self-determination. Indian model of secularism has allowed minority groups to preserve their identities and traditions within a democratic framework. However, it has also led to conflicts and accusations of “appeasement” or “neglect” depending on the political climate at a given time and space. Therefore minority institutions like schools, colleges, religious institutions, cultural organizations have a crucial role for maintaining and nurturing the distinctiveness of minority communities.

They perform several key functions:

1. **Preservation of culture and language:** Institutions ensure communities pass down traditions, languages, and beliefs across generations.

2. **Educational empowerment:** Minority-run educational institutions address the specific socio-economic needs of marginalized communities.
3. **Political representation:** Institutions act as spaces for political organization, advocacy, and leadership development.
4. **Social welfare:** Many minority institutions provide healthcare, housing, and employment support to their communities.

Several strands in political philosophy provide deep insights into the dynamics between the Indian state and minority institutions. Amartya Sen, in his *capability approach*, stresses the importance of actual freedom to achieve well-being, not just formal rights (Sen, 1999). Therefore, minority institutions play a crucial role in enhancing the real capabilities of marginalized groups. Charles Taylor argues that recognition of group identities is a basic human need; in multicultural societies, ignoring minority groups' distinctiveness leads to alienation and resentment (Taylor, 1994). Will Kymlicka extends liberal theory to argue that group-differentiated rights—such as the right to maintain cultural institutions—are compatible with liberal democracy (Kymlicka, 1995). India's minority rights framework fits well within this model, recognizing that substantive equality sometimes requires differentiated treatment. Bhikhu Parekh emphasizes that a plural society must allow communities a degree of autonomy to pursue their own visions of a good life (Parekh, 2000). This requires an inclusive state that is not culturally homogenizing but genuinely multicultural. The Indian state has sometimes struggled in this regard. It can be argued that minority institutions often have to negotiate their autonomy in the face of majoritarian pressures and homogenizing nationalist discourses (Hansen, 1999).

Conclusion

In conclusion, it is argued that the relationship between the Indian state and minority institutions or group is a microcosm of India's broader experiment with ideas like democracy, pluralism, and justice. Political philosophy helps us

appreciate the complexities and contradictions inherent in this relationship. India's constitutional founders envisioned a Nation State where minorities not merely survive but thrive, contributing to the nation's development while preserving their distinct identities. Upholding this vision requires vigilance, philosophical clarity, and political courage. Therefore, India must reaffirm its commitment to a pluralist democracy, one that sees diversity not as a threat but as a source of strength and creativity.

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The Right to Dissent in a Democracy: Constitutional Promise and Democratic Necessity

Arisha Azhar

Introduction

Democracy is not merely the rule of the majority but a system that guarantees the protection of individual rights and the expression of diverse viewpoints. At the heart of this democratic ethos lies the right to dissent – the ability to question, criticize and oppose the policies and actions of the government without fear of persecution. India's freedom movement itself was product of mass dissent against colonial rule, making the protection of dissent an ethical and historical necessity.

As India has matured into a constitutional democracy, the importance of dissent has become more pronounced. Freedom of speech and expression has become the cornerstone of our democracy and the fundamental rights being protected under the basic structure of the constitution¹ and the basic structure cannot be tampered with. However, dissent is increasingly being perceived as anti-national or seditious.

As Justice H.R. Khanna observed in the ADM Jabalpur case², "The greatest danger to liberty lies in the insidious encroachment by men of zeal, well-meaning but without understanding." Dissent serves as a bulwark against such encroachments.

¹. Golak Nath vs. State of Punjab, 1967 AIR 1643, 1967 SCR (2) 762.

². Additional District Magistrate, Jabalpur v. Shivkant Shukla AIR 1976 SC 1207.

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1. Meaning of Dissent in a Democracy

Dissent refers to the expression of opinions that are different from those officially held or generally accepted. It is not just protesting or a difference of opinion on a particular subject; it is an art of questioning and an attempt to challenge the conformism and blind complacency in a democracy; it is an invitation to awareness.

In a democracy, dissent acts as a mechanism of accountability and a means to uphold constitutional values. It allows individuals and groups to express disagreement, demand reform and bring attention to issues often overlooked by those in power. From religious to political spheres the only persons who are today remembered as the makers of history are no one other than the dissenters. India's struggle for independence from British colonial rule is one of the most powerful testimonies to the transformative power of dissent. The nationalist movement was essentially an organized form of mass dissent against an authoritarian and exploitative colonial regime. Freedom fighters like Raja Ram Mohan Roy, Bhagat Singh, Bal Gangadhar Tilak, Lala Lajpat Rai, Mahatma Gandhi and Subhas Chandra Bose raised their voice resisting colonial authority. Gandhi's philosophy of Satyagraha or non-violent resistance, was rooted in moral dissent against unjust laws, epitomized by campaigns such as the Salt March³ and the Quit India Movement⁴. Only their acts of dissent has brought the dawn of independence in this country. They themselves sacrificed themselves for our beautiful present.

2. Constitutional Framework Supporting the Right to Dissent

The spirit of dissent itself arises from the fundamental rights under Part III of the Indian Constitution. The Articles 14, 19 and 21 primarily provide equal rights to

³. 12 March 1930.

⁴. 8 August 1942.

everyone, the freedom to speak freely without persecution, to live their lives with dignity and respect. All these three protections, when working together set the ground for dissent.

2.1 Article 14: Equality before law

The Right to Equality as enshrined under Article 14 of the Constitution is the scale for measuring every citizen of this country equally. While not directly linked to dissent, Article 14 ensures that the State does not discriminate arbitrarily in penalizing dissenters. Selective targeting of critics can violate this guarantee, making equal protection of law an important consideration in the discourse on dissent.

2.2 Article 19: Freedom of Speech and Expression

Article 19 (1) (a), probably the touchstone of a free society provides every citizen of India the right to freedom of speech and expression i.e., to voice their ideas, their opinions, their words. The right to dissent primarily emanates from this article. This right includes the freedom to criticize the government, engage in protest and disseminate contrary views, as long as it does not transgress the “reasonable restrictions” imposed under Article 19(2), including public order, decency, and national security.

The term “reasonable” has been judicially interpreted to mean proportional and necessary, as seen in **Chintaman Rao v. State of Madhya Pradesh**⁵, where the Court held that restrictions should not be arbitrary or excessive. It also secures a constitutional right for people to assemble peacefully in groups and to form unions. The right to assemble peacefully is the root of the right to protest.

⁵. 1951 AIR 118, 1950 SCR 759 .

2.3 *Article 21: Right to Life and Personal Liberty*

Article 21 i.e. Right to life is as important as right to freedom as it preserves a person's right to live free from state actions. This article, when read with 14 and 19 ensures a person's right to protest. It has also been held up by the Supreme Court as a fundamental right. The court said, "Citizens have a fundamental right to assembly and peaceful protest which cannot be taken away by an arbitrary executive or legislative action".⁶

The Supreme Court has expansively interpreted Article 21, which guarantees the right to life and personal liberty, to encompass the right to individual autonomy and dignity, which includes the right to think freely and express divergent views. In **Justice K.S. Puttaswamy (Retd.) v. Union of India**⁷, the Court affirmed the intrinsic value of individual autonomy and privacy elements that are vital to dissent. The apex court has held that there exists a nexus between the three provisions of fundamental rights i.e. 14, 19, 21 and are not to be read in isolation but are dependent on each other.⁸

3. **Judicial Interpretation and Protection of Dissent**

A historic Supreme Court verdict⁹ which decriminalized a part of the colonial law-Section 377 of IPC, repeatedly used as a weapon against the LGBTQ community pointing out that it violated the right to equality guaranteed by the Constitution ensured that the 'safety valve' is still relevant. It was a culmination of years of collective dissent by a group of activists and public against not just the regressive law but the societal prejudice towards the LGBTQ community as well. The Court reiterated that the dynamic and democratic nature of the Indian Constitution allows dissent.

⁶ Ramlila Maidan Incident v. Home Secretary, Union of India & Ors. (2012) 5 SCC 1.

⁷ AIR 2017 SC 4161.

⁸ Maneka Gandhi v. Union of India, 1978 AIR 597, 1978 SCR (2) 621.

⁹ Navtej Singh Johar v. Union of India, (2018) 10 SCC 625.

Kedar Nath Singh v. State of Bihar¹⁰

In this landmark judgment, the Supreme Court upheld the constitutionality of Section 124A IPC (sedition), but narrowed its scope by ruling that only those acts which incite violence or public disorder fall within its ambit. Mere criticism of the government was held not to amount to sedition.

Shreya Singhal v. Union of India¹¹

The apex court struck down Section 66A of the Information Technology Act, 2000, which criminalized offensive messages online, holding that vague and arbitrary restrictions on online speech were unconstitutional. The Court ruled that vague and overbroad restrictions on speech violated Article 19(1)(a) and emphasized the importance of dissent in cyberspace reaffirming that dissent and criticism, even if harsh, are protected under Article 19(1)(a).

Romila Thapar v. Union of India¹²

Justice D.Y. Chandrachud, in his dissenting opinion, emphasized the significance of dissent in a democracy, terming it the “safety valve” in a democracy. He warned against the use of state machinery to silence critical voices under the guise of national security. Silencing dissent, he warned, leads to authoritarianism.

Balwant Singh v. State of Punjab¹³

Here, the Supreme Court acquitted two individuals who raised pro-Khalistan slogans, holding that casual slogans without incitement to violence do not constitute sedition. This case reaffirmed that mere expression of unpopular views is not a crime.

^{10.} AIR 1962 SC 955, 1962 SCR SUPL. (2) 769.

^{11.} AIR 2015 SC 1523.

^{12.} AIR 2018 SC 4683.

^{13.} AIR 1995 SC 1785.

Anuradha Bhasin v. Union of India¹⁴

The Court held that access to the internet is integral to freedom of speech and expression under Article 19. While the verdict fell short of full relief in the Kashmir internet shutdown case, it established that restrictions must be proportionate and reviewed periodically.

Conclusion

The right to dissent is not a privilege granted by the State but a foundational pillar of a vibrant democracy. The right to dissent is indispensable for the health of a democracy. A truly democratic society must encourage dialogue, tolerate criticism and protect the rights of individuals to express differing opinions. A nation that discourages dissent fails to honor the constitutional vision of pluralism, liberty and justice.

While the Indian Constitution provides robust safeguards, the increasing criminalization of dissenting voices poses a serious challenge. The courts have repeatedly emphasized the value of dissent, but legislative and executive action must align with this constitutional vision. Only through the preservation of dissent can India uphold its commitment to liberty, justice and equality. The journey from colonial suppression to democratic expression must not be reversed. Upholding the right to dissent is not just a legal necessity it is a moral and democratic imperative. It is essential for sustaining democratic health and institutional integrity.

¹⁴. AIR 2020 SC 1308.

Landmark Cases on Evolution of PIL in India

Amar Singh

Introduction

Public Interest Litigation (PIL) signifies a prime instrument through which the concept of judicial activism is established. PIL allows individuals or groups to approach the courts on behalf of marginalized sections, addressing matters of public concern such as human rights, environmental protection and governance. The concept of PIL emerged in the United States of America for the first time. But in India, it emerged in the 1980's and its pathfinders are Justice P.N. Bhagwati and Justice Krishna Iyer. The evolution of PIL in India is marked by several landmark cases that have shaped its scope, principles and impact.

Evolution of PIL and its Importance in India

PIL is a procedural concept, which cannot be limited to subjective discussion only. Therefore, to understand the origin and growth of PIL in India a look to be made towards judicial decisions.

Mumbai Kamgar Sabha v. Abdulbhai Faizullbha, (1979) AIR SC 1455, this case is considered to be one of the most significant cases of PIL. In 1960's there was a union of workers in Maharashtra known as Mumbai Kamgar Sabha. From 1965 the business organisation stopped the yearly bonus of the workers. The Mumbai Kamgar Sabha filed a petition on behalf of the workers. Justice Krishna Iyer had held that as the matter affected number of people from the weaker section, the

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Union was eligible to file a petition on behalf of the aggrieved parties. Hence, the principle of locus standi was relaxed for the first time thereby to the origin of PIL in this country.

Hussainara Khatoon v. Home secretary Bihar, (1979) AIR SC 1369, One of the earliest and most significant PIL cases, spotlighted the plight of undertrial prisoners languishing in Bihar's jails for periods exceeding potential sentences. Initiated through a petition by advocate Kapila Hingorani, based on a newspaper report, the Supreme Court, under Justice P.N. Bhagwati, took suo motu cognizance. The Court ruled that the right to a speedy trial is implicit in Article 21 (right to life and liberty) of the Constitution, ordering the release of over 40,000 under trials. This case marked a turning point by expanding access to justice for the voiceless and establishing PIL as a tool to enforce fundamental rights, setting a precedent for future interventions.

S.P. Gupta v. Union of India, (1981) AIR SC 149, Known as the "Judges' Transfer Case," this case strengthened PIL's foundation by broadening the concept of locus standi. The Supreme Court, led by Justice Bhagwati, held that any public-spirited individual or group acting in good faith could file a petition to address public wrongs or enforce rights of those unable to approach the judiciary. This ruling arose from a challenge to the transfer of judges, raising questions of judicial independence. By relaxing procedural barriers, the Court opened the doors for lawyers, activists, and citizens to champion collective causes, cementing PIL's role as a democratic instrument.

Bandhua Mukti Morcha v. Union of India, (1984) AIR SC 802. In this particular case an NGO filed a PIL to address the exploitation of bonded labourers in Uttar Pradesh's stone quarries. The Supreme Court, under Justice Bhagwati, treated a

letter as a writ petition, showcasing PIL's flexibility. The judgment ordered the identification, release and rehabilitation of bonded labourers, interpreting Article 21 to include the right to live with dignity. This case highlighted PIL's potential to tackle systemic socio-economic injustices, reinforcing the judiciary's proactive role in protecting marginalized communities.

M.C. Mehta v. Union of India, (1987) AIR SC 1086. The M.C. Mehta series of cases revolutionized environmental jurisprudence through PIL. In one notable instance, advocate M.C. Mehta challenged pollution of the Ganga River by tanneries in Kanpur. The Supreme Court ordered the closure of polluting units, introduced the "polluter pays" principle and mandated civic authorities to establish sewage treatment plants. This judgment underscored PIL's efficacy in addressing ecological concerns, balancing development with conservation and affirming the right to a clean environment as part of Article 21. It remains a cornerstone of India's environmental legal framework.

Vishaka v. State of Rajasthan, (1997) AIR SC 3011 The Vishaka case addressed workplace sexual harassment following the gang rape of Bhanwari Devi, a social worker in Rajasthan. Filed by women's groups, this PIL prompted the Supreme Court to issue the Vishaka Guidelines, defining sexual harassment and mandating preventive measures in workplaces. The Court invoked Articles 14 (equality), 19 (freedom), and 21, filling a legislative void until the Sexual Harassment of Women at Workplace Act, 2013, was enacted. This landmark ruling demonstrated PIL's power to drive gender justice and establish binding norms, amplifying women's rights nationwide.

National Legal Services Authority (NALSA) v. Union of India (2014) 5 SCC 438. A modern milestone, the NALSA case recognized transgender individuals as a

“third gender” through a PIL filed by the National Legal Services Authority. The Supreme Court affirmed their fundamental rights under Articles 14, 15, 19, and 21, granting them self-identification rights and access to reservations in education and employment. This judgment exemplified PIL’s evolving scope, addressing contemporary issues of identity and inclusion and marking a progressive step toward equality.

Conclusion

PIL in India, through these pivotal cases, has redefined the judiciary’s role as a catalyst for social change. From Hussainara Khatoon to NALSA, it has bridged the gap between constitutional ideals and lived realities, offering a voice to the marginalized. While its evolution reflects judicial ingenuity, its future hinges on balancing activism with restraint to preserve its integrity as a tool for justice. One of the recent examples on 25 March 2025 Supreme Court took suo motu cognizance of Allahabad High Court order which conclude that “mere” grabbing the breasts and breaking the string of her pyjama is not attempt to rape. There are many factors which clear why PIL introduced in India but the primary goal is to provide justice to the people who are poor and marginalized. It has become a very important tool as it provides justice to those who are unable to file petitions on their own because of many factors like poverty, illiteracy, illegal detention etc. PIL has also increased the interdependence of the judiciary because even the courts can also suo moto initiate a matter in the court of law.

Idea of the Uniform Civil Code under the Indian Constitution

Aman Pandey

Introduction

India is a country of multiple religions and multiple languages. A number of people is governed by their personal laws. It leads to different treatment meted out to different classes of people in their personal laws. There are various communities' lives in India and every community has its own personal laws. To India goes the distinction of being a home for all the major religions of the world. It is for this reason that it is often described as "Land of Religious Toleration". The Indian Constitution passed in 1950 guaranteed to every person subject to necessary limitations the right to profess, practice and propagate religion. It must, however, be stressed here that although the theme that underlines the constitutional provisions, takes into account the western ideas, it is essentially Indian, being the product of history and tradition.

On 26 November, 1949, we the people of India through our Constituent Assembly solemnly resolved to secure to all its citizen Justice, Liberty, Equality and Fraternity. In order to achieve ideals, the concepts of Fundamental Rights and the Directive Principles of State Policy were put in the chapter 3 and 4 of the Constitution of India. The founding Fathers, adopted a unique federal system having a strong center. Founding fathers again saw a Uniform Civil Code as an important means

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to achieve national integration. In the beginning, the efforts were made to put UCC in Fundamental Right Chapter, but, in view of the conflicting opinion among the framers of the constitution it was put in the Directive principles chapter. But the goal was to define the UCC a new in the light of new experience and in terms of the integrative factors of the nation and new needs of the modern society.

The current Article 44 of the Constitution of India was the Draft Article 35. Article 44 of the Constitution legislates a commitment to the gradual establishment of legal uniformity in India, the aim being that the state “shall endeavour to secure for the citizens a uniform civil code throughout the territory of India”. The Constitution of India, under its one of the directives, provides for Uniform Civil Code directs the state to secure for the citizens a Uniform Civil Code throughout the territory of India. By implication, it can be made applicable to all citizens irrespective of their caste, creed, religion, colour and place of birth, which indeed remains source of controversy since its very inception.

1. Idea of Uniform Civil Code

Uniform Civil Code is an idea to achieve the goal of the preamble of the Constitution. Uniform Civil Code is collection of codified laws that are distinguished from public law and cover marriage, divorce, inheritance, adoption and maintenance. In India, these personal laws differ from each major religious communities on the basis of customs and scriptures. The object of this Article 44 is to introduce a uniform personal law for the purpose of national consolidation. Article 44 does not define the uniform civil code. The word civil is used in various senses. In the present context of, it refers to what is known by the expression civil law which means the law (substantive as well as procedural) relating to the private rights of citizen in relation to each other and is to be distinguished from public law, such as

international law or Revenue law and even Criminal law, where one of the parties is the state. This meaning of the Civil Code is given by Alladi Krishna Ayyar in the constituent Assembly. Simply uniform civil code means the codification of personal laws relating to contracts, property, marriage, divorce, inheritance and maintenance, uniformly applicable to all citizens of India.

2. Suggestions of the Supreme Court

In verdict of the Supreme Court in Sarla Mudgal Case (1955) 3 SCC 635, wherein the honourable Supreme Court preferred to deal with the Uniform Civil Code. In this case honourable Supreme Court felt need of uniform civil code. Justice Kuldeep Singh observed : “One words have long will it take for the government of the day to implement the mandate of the framers of the Constitution under Article 44 of the Constitution of India. A unanimous five-judge Bench of the Supreme Court has also regretted in Shah Bano Begum (1985) AIR SC 945 that Article 44 of our constitution has remained a dead letter and that a beginning has to be made if the constitution has to be any meaning”. In this case the honourable Supreme Court of India felt the need of Uniform Civil Code. In yet a latter decision in Jordan Diengdeh (1985) AIR SC 935, a two Judge Bench of the honourable Supreme Court has reiterated that “the time has come for the intervention of the legislature in there matters to provide for a uniform code of marriage and divorce and to provide by law for a way but of the unhappy situations in which the couples like the present have found themselves.” The Court directed that a copy of this order may be forwarded to the Ministry of Law and Justice for early action as they deem fit to take. The Honorable Supreme Court of India time to time gives valuable suggestions to reform of family laws and also felt the need of Uniform Civil Code through the implementation of Article 44 of the Constitution of India.

Conclusion

Article 44 states that the State shall endeavor to secure for the citizens a uniform civil code throughout the territory of India. This provision was made to promote unity and integrity which is the cherished goal enshrined in the preamble to our constitution. The Hindu laws of marriage, succession, etc., have been drastically changed in the first decade of the commencement of the constitution but there has been resistance from Muslim community in this respect and for avoiding any resentment on their part political parties in power remained reluctant to enforce a Uniform Civil Code. It can be said that the mere three words and the nation breaks into hysterical jubilation and frantic wailing. This uniform civil code has social, political, and religious aspect. The UCC would carve a balance between protection of fundamental rights and religious dogmas of individuals. It should be a code, which is just and proper according to a man of ordinary prudence, without any bias with regards to religious and political considerations.

Understanding the Right to Life and Personal Liberty under Article 21 of the Indian Constitution

Sanjana Kapoor Trehan

Article 21 of the Indian Constitution reads as, “No person shall be deprived of his life or personal liberty except according to procedure established by law.” Article 21 is one of the most significant and extensively interpreted provisions of the Indian Constitution. It guarantees the protection of life and personal liberty to every individual and acts as a bulwark against arbitrary state action.

1. Historical Background

Originally, the scope of Article 21 was very narrow. The phrase “procedure established by law” was interpreted literally in *A.K. Gopalan v. State of Madras* in 1950 where the Supreme Court held that if a law was duly enacted, even if it was harsh or unjust, it satisfied Article 21. However, this interpretation changed drastically in later years, especially after the *Maneka Gandhi v. Union of India* in 1978 which gave Article 21 a broader and more liberal interpretation. The Court ruled that the “procedure established by law” must be “just, fair and reasonable,” and Indian jurisprudence closer to the American concept of “due process of law.”

2. Two Key Rights under Article 21

2.1 *Right to Life*

The “right to life” under Article 21 is not merely confined to physical survival. It encompasses a wide range of rights that make life meaningful, complete, and worth living. The Supreme Court has interpreted this right to include the right to live

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with human dignity in *Francis Coralie Mullin v. Administrator, Union Territory of Delhi* in 1981, right to livelihood in *Olga Tellis v. Bombay Municipal Corporation* in 1985, right to health and medical care in *Paschim Banga Khet Mazdoor Samity v. State of West Bengal* in 1996, right to clean environment and pollution-free water and air in *Subhash Kumar v. State of Bihar* in 1991 and right to privacy in *Justice K.S. Puttaswamy v. Union of India* in 2017.

2.2 *Right to Personal Liberty*

The term “personal liberty” covers a variety of rights that ensure freedom from arbitrary arrest, detention, or interference by the State. The top court has added various dimensions to the term personal liberty including freedom from unlawful detention in *Hussainara Khatoon v. State of Bihar* in 1979, protection against custodial violence in *D.K. Basu v. State of West Bengal* in 1997, right against solitary confinement, handcuffing or delayed execution in *Sunil Batra v. Delhi Administration*.

3. Expanding Horizons through Judicial Activism

The Indian judiciary has played a crucial role in interpreting Article 21 in a dynamic and expansive manner through Public Interest Litigation (PIL) and activist judgments. The “Golden Triangle” of Articles 14 (equality), 19 (freedoms) and 21 has been invoked to strike down arbitrary laws and executive actions. The concept of “life with dignity” has allowed the courts to read into Article 21 various socio-economic rights even when not explicitly stated in the Constitution.

Conclusion

Article 21 has emerged as the cornerstone of human rights in India and its expansive interpretation by the judiciary reflects the evolving needs of society. It has transformed from a procedural safeguard to a source of substantive rights, touching nearly every aspect of human life. The inclusive and liberal interpretation ensures that the Constitution remains a living document, responsive to the rights and dignity of every individual.

Independence of Judiciary in India

Utkarsh Rathi

Introduction

The independence of the judiciary is a cornerstone of the Indian democratic system. It ensures the impartial administration of justice and protects the rule of law, fundamental rights and the doctrine of separation of powers. An independent judiciary is vital for maintaining the balance between the executive, legislature and judiciary – the three pillars of Indian democracy.

1. Meaning of Judicial Independence

Judicial independence means that judges should be free to decide cases impartially, without any pressure or influence from the executive, legislature, private interests or even from within the judiciary. It encompasses both individual independence (of judges) and institutional independence (of the judiciary as an organ).

2. Constitutional Provisions Ensuring Judicial Independence

The Constitution of India provides a comprehensive framework to ensure the independence of the judiciary. Some of the significant provisions include:

2.1 *Separation of Powers*

Article 50 (Directive Principles of State Policy) mandates the separation of the judiciary from the executive in the public services of the state.

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2.2 Security of Tenure

Judges of the Supreme Court and High Courts cannot be removed from office except through a rigorous impeachment process under **Articles 124(4) and 217**, which requires a special majority in both Houses of Parliament.

2.3 Fixed Service Conditions

Salaries, allowances and pensions of judges are charged upon the Consolidated Fund of India and are not subject to the whims of the executive (Articles 112, 125 and 221).

2.4 Prohibition on Practice after Retirement

Under Article 124(7), judges of the Supreme Court are prohibited from practicing in any court or before any authority in India after retirement, preventing undue influence or lobbying.

2.5 Power of Judicial Review

Articles 32 and 226 empower the Supreme Court and High Courts, respectively, to review the legality of executive and legislative actions, strengthening their role as guardians of the Constitution.

2.6 Appointment of Judges

Originally, appointments were made by the President in consultation with the Chief Justice of India. However, after the **Three Judges Cases**, the **Collegium System** evolved, which gives primacy to the judiciary in judicial appointments.

3. Judicial Pronouncements Supporting Independence

Indian judiciary has zealously guarded its independence through various landmark judgments:

3.1 *S.P. Gupta v. Union of India (1981) – First Judges Case*

The Court held that the executive had primacy in judicial appointments, but this view was later reversed.

3.2 *Supreme Court Advocates-on-Record Association v. Union of India (1993)*

In this case the top court has established the Collegium System, giving primacy to the judiciary in appointments.

3.3 *National Judicial Appointments Commission (NJAC) Case (2015)*

The Supreme Court struck down the 99th Constitutional Amendment and NJAC Act, asserting that it violated the basic structure of the Constitution, particularly judicial independence.

4. Challenges to Judicial Independence in India

Despite constitutional safeguards, certain challenges persist which are as follows.

- **Political Pressure:** Though subtle, political influence can be exerted in appointments, transfers, and promotions.
- **Lack of Transparency in the Collegium System:** The Collegium System has often been criticized for being opaque and lacking accountability.

- **Judicial Delays and Pendency:** Overburdened courts and long delays can impact the quality and perception of judicial independence.
- **Post-Retirement Appointments:** Judges accepting governmental posts after retirement raises concerns over neutrality and conflict of interest.
- **Media Trials and Public Pressure:** Intense media scrutiny and public opinion can sometimes impact judicial decision-making.

Conclusion

An independent judiciary is essential for upholding constitutional values, protecting individual rights, and ensuring good governance. While India has a robust judicial system with strong constitutional safeguards, reforms are necessary to enhance transparency, accountability and public confidence. The balance between independence and accountability must be maintained to preserve the sanctity of the judiciary – the guardian of justice and the Constitution.

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(Managed by St. Thomas' Higher Education Society)

The Paradox of Reverence and Reality: The Status of Women in Indian Society

Ananya Sehgal

Introduction

In Indian society, women have traditionally held a position of honor and reverence. Ancient Indian scriptures, particularly the Vedas, exalted women as the creators of life and revered them as divine embodiments – goddesses or Devis. In philosophical and spiritual thought, a woman was not only a source of life but also a symbol of purity, strength and wisdom. Concepts like Shakti (power) personify divine feminine energy as central to the functioning of the universe. The woman, in this context, was not only respected but even worshipped. However, this reverence was often confined to idealistic or mythical realms. The glorification of women, in reality was paradoxical and contradictory. While scriptures preached reverence, society often failed to reflect these ideals in practice. Women in India were, and in many ways still are, subjected to systematic oppression, subjugation and marginalization. This is particularly stark in a society deeply rooted in patriarchal norms and traditionalist values.

1. The Myth Versus Reality

The glorification of women in mythology and religious texts did not translate into actual empowerment or equality in everyday life. Throughout history, Indian society has been dominantly patriarchal, where men hold primary power and influence. Women, on the other hand, have been historically denied basic rights

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and their roles were largely confined to domestic responsibilities. Their voices were silenced and decisions about their lives were often made by male relatives. This subjugation was reinforced through cultural traditions and societal expectations. Practices such as dowry, child marriage and purdah (female seclusion) were not just prevalent but socially accepted for centuries. These customs limited women's autonomy and placed them in vulnerable positions, often at the mercy of their families or husbands. Despite the apparent reverence, the average Indian woman faced a life marked by restrictions and inequalities. Even today, the cultural hold of these outdated beliefs continues to impact women across urban and rural landscapes.

2. Present-Day Challenges: The Continuation of Patriarchy

In modern India, while we've seen significant progress in women's education, employment and representation in public life, these achievements are still overshadowed by the challenges many women face every day. Women continue to be viewed, by many, as inferior to men and are often reduced to objects of sexual desire rather than respected as equals. The capital city of Delhi, for example, has earned the unfortunate title of being one of the most unsafe cities in India for women. Among cities with populations exceeding one million, Delhi consistently ranks highest in crimes against women. These include rape, molestation, domestic violence, dowry deaths, acid attacks and trafficking.

What's even more disturbing is the growing number of crimes committed against young girls aged between 11 years to 18 years. These girls are often assaulted at the very onset of their lives, leaving psychological scars that last a lifetime. The trauma of abuse and violence deprives them of the chance to grow, learn and live freely. In rural India, the situation is often grimmer. Wife-beating, honor killings, dowry-related violence and emotional abuse remain commonplace. Many women,

particularly those in economically weaker sections, have limited access to legal aid, healthcare and protection. Unmarried daughters, sisters and female relatives may face torture, control, and restrictions under the pretence of family honour or tradition.

3. The Social Burden of Gender

Girls are still considered a burden in many families, primarily due to the high costs associated with their weddings and dowries. The pressure to save for a girl's marriage often results in neglecting her education and health. In some cases, this burden leads to sex-selective abortions, despite being illegal, showing how deep this mindset runs. Even in urban, educated households, gender bias often manifests in subtler forms—daughters are asked to prioritize family over career, to avoid certain professions, or to maintain “modesty” in how they speak, dress, and move in public spaces. These double standards are so ingrained that many women internalize them, often passing them down to the next generation.

4. Inadequate Enforcement of Rights

India has a comprehensive legal framework that grants women equal rights in education, employment, property and protection against abuse. The Constitution promises equality and prohibits discrimination based on sex. Numerous laws—like the Domestic Violence Act, Dowry Prohibition Act and Protection of Children from Sexual Offences (POCSO) Act—exist to protect and empower women. However, the implementation of these laws is often slow, inconsistent, and riddled with loopholes. Police apathy, victim-blaming, social stigma, and lengthy court proceedings discourage many women from seeking justice. As a result, legal rights remain more theoretical than practical for a large section of India's female population.

Political representation of women also remains inadequate. Despite the growing number of female leaders at the local level due to reservation policies, women's participation in Parliament and higher decision-making roles continues to lag. This underrepresentation further delays meaningful reforms and policy changes necessary to address women's issues effectively.

5. The Path Forward: Restructuring Power

The struggle for women's rights in India is, at its core, a struggle against the unequal distribution of power – physical, economic, political and cultural. For true change to happen, several steps must be taken:

- **Education and Awareness:** Gender-sensitive education from an early age can help dismantle stereotypes and promote respect for women and girls.
- **Legal Reform and Enforcement:** Laws need to be simplified, made accessible and implemented effectively. Police and judicial systems must be trained to handle gender-sensitive cases with empathy.
- **Economic Empowerment:** Women must be given equal access to jobs, financial independence and leadership roles in both public and private sectors.
- **Healthcare and Nutrition:** Focused policies must ensure that women and girls, especially in rural areas, receive proper medical attention and nutrition.
- **Representation and Leadership:** Political parties and institutions must actively promote women's participation and leadership in decision-making roles.

6. Legal Frameworks and Implementation Gaps

India has enacted numerous progressive laws aimed at protecting and empowering women. These include:

- The Protection of Women from Domestic Violence Act (2005)
- The Dowry Prohibition Act (1961)
- The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act (2013)
- The Prohibition of Child Marriage Act (2006)
- The Maternity Benefit (Amendment) Act (2017)

While these laws exist on paper, their implementation is often slow, lopsided and riddled with loopholes. Law enforcement agencies frequently display apathy or bias, discouraging women from filing complaints. Court procedures are often lengthy, expensive and emotionally draining, making justice inaccessible to many. Moreover, social stigma, victim-blaming, and fear of retaliation further discourage women from seeking legal recourse. For laws to be truly effective, they must be supported by robust implementation mechanisms, gender-sensitive policing, fast-track courts and widespread legal awareness campaigns.

Conclusion

India's women are its strength, its pride, and its potential. While mythology and culture may revere them, society still has a long way to go in truly respecting and uplifting them. The contradictions between symbolic reverence and everyday reality are glaring and painful. The change must begin not just with laws or policies but with a shift in mindset – a collective realization that empowering women is not just a moral duty but a necessary foundation for a just and prosperous India.

Students' Corner

Academic Excellence Award for Academic Year 2023-24

List of Toppers for the Session 2023-24

On the bases on Annual Assessment Index (Comprising 50% Internal Marks and 50% External Marks) the following students were declared toppers for the session 2023-24 and were awarded by the Hon'ble dignitaries with the Academic Excellence Award at the Orientation day program of the 20025-26 Batch.





S.NO	NAME OF THE STUDENT	ROLL NO.	COURSE
1.	Ms. Gunjan Rani	231060000060	B.A.LL.B. 1st Year
2.	Ms. Ritu Kumari	221060103005	B.A.LL.B. 2nd Year
3.	Ms. Prachi Saroj	211060103007	B.A.LL.B. 3rd Year
4.	Ms. Saumya Shubham	201060103013	B.A.LL.B. 4th Year
5.	Ms. Chanchal Sharma	191060103004	B.A.LL.B. 5th Year
6.	Ms. Shruti Singh	231060000047	LL.B. 1st Year
7.	Mr. Hasrat Ali	221060153020	LL.B. 2nd Year
8.	Ms. A S Jamuna	211060153001	LL.B. 3rd Year

Our students, Deepak Kumar, of B.A. LL.B. fourth Semester have participated in the Inter University Tennis Tournament (3 January, 2024- 6 January, 2024) at Manipal University, Jaipur and bagged third position there.



Deepak have also participated in many other prestigious tournaments like Khelo India University Games (20 February, 2024- 26 February, 2024) organised at Chachal Sports Complex, Guwahati, Assam.

