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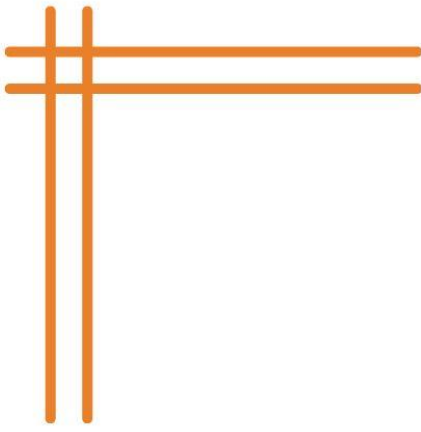
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International Law Cell



INDIA AND THE WORLD IN A SYMBIOTIC RELATIONSHIP

Firstly, when discussing and deliberating on monetary policy and fixing inflation, the G20, under India's presidency, has directed central banks to maintain transparency with the general public and avoid significant price swings. Moreover, an effort has been made to refrain from competitive devaluation. Secondly, on the trade policy, supply chain and protectionism facet of the macro economy, it has been deliberated that immense efforts have to be initiated as far as trade restrictions are concerned, and the Russia-Ukraine conflict will lead to supply chain turmoil along with the burden on countries to prevent another round of inflation. Moreover, the contemporary world can be witnessed constantly stating the ways to upgrade the services sector across the globe. India's presidency is just an excellent platform for removing barriers to financial inclusion like identity verification and financial protection.

The Y20 (Youth20) India Summit 2023 will happen at various levels in India alongside the G20 Summit and will mainly focus on industry, innovation, sustainability, peacebuilding, youth in democracy and youth's well-being. The Y-20 India summit gives India a chance to showcase the skills of its youth to the world through various seminars and discussions that will be held throughout the country. W20 is the official G20 engagement group focused on gender equity centered on women's entrepreneurship, grassroots women leadership, education, bridging the gender digital divide and climate change. Its objective is to create a world where women are treated with equality and equity, without obstacles to women's development. It also ensures that gender considerations are mainstreamed into G20 discussions and translated into the G20 Leaders' declaration as policies and commitments that foster gender equality and women's economic empowerment.

In the first Environment and Climate Sustainability Working Group (ECSWG) meeting held in Delhi, special emphasis was given to wildlife protection and ecosystem restoration, portrayed by a visit to Bannerghatta National Park and Kalkere Arboretum, Kolkata. The deliberations also concerned restoring land-based ecosystems affected by anthropogenic causes and enhancing the Global Biodiversity Framework.

Source: <http://surl.li/iqwir>



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ONE EARTH • ONE FAMILY • ONE FUTURE

Efforts towards creating a sustainable and circular economy are expected to be taken by the G20 countries. The theme of ECSWG this year is 'Sustainable and Climate Resilient Blue Economy'. The focused discussion on this theme was marine plastic litter and its adverse effects. The Presidency presented the inception report of the technical study on 'Accelerating the transition to Sustainable & Climate Resilient Blue Economy' that would cover all G20 Countries and provide inputs for developing the high-level principles of 'Sustainable and Climate Resilient Blue Economy'. It has also been mentioned that Indian Presidency would publish the 5th report on actions against marine plastic litter under the G20 Framework for Marine Plastic Litter in collaboration with Japan. Moreover, the importance of LIFE (Lifestyles for Environment) Principles was highlighted. It was mentioned that behaviour changes to encourage sustainable alternatives to single-use plastics, preventing littering, etc., would contribute to clean and healthy oceans.

For India, the G20 Presidency also marks the beginning of "Amritkaal," the 25 years beginning from the 75th anniversary of its independence on 15 August 2022, leading up to the centenary of its independence, towards a futuristic, prosperous, inclusive, and developed society, distinguished by a human-centric approach at its core.

A nation deeply committed to democracy and multilateralism, India's G20 Presidency would be a watershed moment in her history as it seeks to play an essential role by finding pragmatic global solutions for the well-being of all and, in doing so, manifest the true spirit of 'Vasudhaiva Kutumbakam,' or the 'World is One Family'.

This article talks about the G20, or Group of Twenty, was founded in 1999 after the Asian financial crisis as a forum for the Finance Ministers and Central Bank Governors to discuss global economic and financial issues. The G20 comprises 19 countries and the European Union. The G20 members represent around 85% of the worldwide GDP, over 75% of the global trade, and about two-thirds of the world population. The G20 Summit is held annually under the leadership of a rotating Presidency. India assumed the G20 Presidency from Indonesia on December 1, 2022, and will convene the G20 Leaders' Summit for the first time in the country in 2023.

THE 2023 CHINESE “SPY-BALLOON”

INCIDENT

The balloon entered Canadian airspace over the Yukon and Northwest Territories on January 30, 2023, after crossing Alaska on January 28 and the Aleutian Islands on January 30, 2023. The balloon entered the United States in northern Idaho on January 31 and Montana on February 1 after travelling southeast across British Columbia.

Violation of the Convention on International Civil Aviation:

This convention is also known as the Chicago Convention, which established the International Civil Aviation Organisation or ICAO, an agency under the United Nations responsible for coordinating international air travel. This convention was signed on December 7 1944, in Chicago and came into effect on April 4, 1947, and has 193 signatory states. The US action in this scenario may be justified as Article 1 of this convention states that every state has complete authority over its territorial airspace.

According to various reports, China has released five spy balloons spotted on over five continents, including India and Japan. Thus, this is an issue which needs to be taken seriously and is an aspect which requires thorough investigation. An interesting question may arise at this juncture: Why would China use balloons for surveillance if they possess much more advanced surveillance systems?

One of the earliest types of surveillance technology is the use of balloons. During World War Two, the Japanese military employed them to drop incendiary bombs on the US, and during the Cold War, the US and the Soviet Union extensively used them. Moreover, manufacturing and operating these balloons is relatively cost-effective, making them an appealing option.

Furthermore, the USA has its air defence identification zone, which gives it the right to shoot down any foreign object in the interest of national security. For national security, a government may attempt to identify, locate, and control any civil aircraft in its airspace and a larger area over land and ocean, known as an air defence identification zone (ADIZ). They are unilaterally declared and may extend outside a country's borders to give that nation extra time to react to a potentially hostile aircraft.



Source: <http://surl.li/irgwxw>

This event is a significant turning point in the already soured US-China relationship. In the end, both countries need to be vigilant, and they must cooperate. This is also a wake-up call for other contemporary world nations to use the requisite technology to improve their Aerial security. This event has explicitly highlighted the communication gap between US and China. It is an essential reminder to the US and all the other contemporary nations to step up their aerial security using the advanced technology readily available today. Furthermore, all the countries, including China, should work in unison to ensure that such an event does not occur again. This can only be done if these nations meet with clean hands to discuss and deliberate upon their existing diplomatic relations. While taking such vital steps, the leaders and the representatives should keep the citizen's welfare and security at the forefront.

This piece talks about a Chinese-operated high-altitude balloon was sighted over North American airspace from January 28 to February 4; this included Alaska, western Canada, and the contiguous United States. After a lengthy discussion and deliberation with the competent authorities, President Biden ordered the destruction of the alleged spy balloon. Subsequently, the American Air Force destroyed the balloon on February 4 above American territorial seas off the coast of South Carolina. The Chinese government claimed the balloon was blown off course due to the weather.

PAKISTAN ECONOMIC CRISIS

Pakistan is currently facing multiple crises, including fuel, food, power, and financial problems. The conflict between Russia and Ukraine had caused a rise in fuel prices, resulting in fuel shortages and long queues at petrol pumps. Additionally, the country is experiencing an acute food shortage, with many people unable to afford bare essentials like flour. The power outages in major cities like Lahore, Islamabad, and Karachi have been the longest. Furthermore, the central bank of Pakistan is left with only \$3 million reserves, while the country's external debt is over \$130 billion, indicating a severe financial crisis. These crises have significantly impacted people's daily lives, and the government is struggling to find solutions to alleviate the suffering.

Pakistan's economic crisis has several political reasons. Firstly, Pakistan did not have proper democracy until 1970, more than two decades after its independence in 1947. The instability in the prime ministership is another contributing factor. The country has had 29 prime ministers, none of whom completed a five-year term due to corruption charges. The introduction of different financial policies during the tenure of various prime ministers led to a lack of stability and continuous changes in monetary policies in the country, contributing to the economic crisis.

Furthermore, the military's excessive power has weakened the government institution. Pakistan's army is stronger than the government, and several military coups have taken over the governance and thrown off the prime minister, indicating a lack of robust democracy. Corruption is another factor with a long history in the country and has negatively impacted economic growth. The government must take adequate measures to curb corruption, further eroding public trust in the legal system. The Bangladesh Liberation War in 1971 proved to be the worst in Pakistan's political history, leaving significant implications on their economy. These political factors have combined to create an economic crisis in Pakistan.

Pakistan's economic and financial crisis has various causes. The country's trade deficit is a significant concern, as it has exports worth only \$30 billion and imports worth over \$90 billion. Pakistan's GDP is \$376 billion, but its debt is over \$274 billion. One-third of the budget goes towards loan repayment, indicating that the nation has fallen into a debt trap. Flaws in the tax system have resulted in a low tax-to-GDP ratio, with many exemptions and loopholes allowing people to evade taxes. This has resulted in a culture of tax evasion that has further weakened the government's revenue generation.



Source: <http://surl.li/irfyb>

. The financial sector is highly unregulated, leading to a proliferation of Ponzi schemes and fraudulent activities that erode public trust in the financial system. Pakistan's currency has fallen in the past few months, and the country needs help to increase the efficiency of its financial sector. Lastly, Pakistan's inclusion in FATF's grey list raises questions about its involvement in terrorist financing and money laundering activities, further affecting its economic growth. Pakistan's government must address these economic and financial issues to restore stability and promote development in the country.

Pakistan's weak legal infrastructure has significantly impacted the country's economic growth and social development. The legal system is complex, inefficient, and often poorly enforced, which has resulted in a lack of investor confidence. The outdated and ineffective laws have further worsened the economic situation. Moreover, the legal framework surrounding property rights is weak, leading to a lack of transparency in property transactions and a significant backlog of court cases. The inability of the legal system to resolve property disputes has resulted in an increasing number of conflicts over land and property. The culture of impunity due to ineffective law enforcement has contributed to a sense of lawlessness in many parts of the country, making investors hesitant to invest in Pakistan. Overall, the weak legal infrastructure in Pakistan has harmed economic growth, social development, and public trust in the legal system.

Protests in Pakistan-occupied Kashmir (PoK) show that people are unhappy with the country's economic situation, and some even seek to become part of India. Meanwhile, India is already struggling with a population surge, and whether the country can afford to take in more refugees remains unclear. The economic crisis in Pakistan is not solely due to macroeconomic factors but also weak legal infrastructure. Pakistan needs urgent reforms in the legal system to simplify laws and regulations, improve legal professionals' capacity, strengthen property rights, curb corruption, and improve the tax system. The country can attract the investment it needs for sustainable growth by doing so.

The economic situation in Pakistan has been deteriorating for a while now. Several crises have plagued the nation, including an energy crisis, a fiscal deficit, and a high inflation rate. These crises have had a substantial negative impact on the nation's economy and have presented considerable difficulties for its legal system. In this article, we will examine the reasons for the deterioration of Pakistan's economy and how the inefficient and complex legal system has contributed to this economic crisis, concluding with how the present financial crisis can impact India.

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ANTI HIJAB PROTESTS IN IRAN

Anti-Hijab protest in Iran is seen as one of the greatest challenges that the Iranian clerical leadership has faced since the 1979 revolution. The Hijab controversy was seen as an issue that was considered to be fought by women, it was believed that in a country where for women to take decisions in crucial areas of their lives, including marriage, divorce, employment, and culture, they are either restricted or need permission from their husbands or paternal guardians, depriving them of their autonomy and human dignity, women won't be supported by men to fight for their rights, but did that happen?

Iran has been engulfed in unrest for the past four months, and these rallies have been unusually long-lasting and predominately led by women. The protests got started after a young woman died while in police custody but swiftly turned into a plea to transform Iranian society's destiny.

Amini, also known by her Kurdish name Jina or Zhina, was detained on September 13 at a metro station in Tehran by the Guidance Patrol, Iran's purported morality police. According to Reuters, the police claimed she was donning her hijab inappropriately and detaining her to "teach" her. She went into a coma sometime between her arrest and her death on September 16 in Tehran's Kasa hospital. Authorities stated that a heart condition was to blame, but Amini's family denied that she had any heart issues, and her father insisted that he had seen bruises on Mahsa's legs. Azadeh Moaveni, an Iranian-American journalist and former director of the Women and Conflict Program at the International Crisis Group, said on a November episode of the London Review of Books podcast, "There was nothing wrong with what she was wearing. She was entirely covered when she passed away, and I believe that is what is unsettling. That daughter could have been anyone's mother, from any religious background or family, which is why many religious families support the demonstrators. The death took place on September 16 and since then, the Iranian public has been out in the streets and protesting to bring about a change.

Iran does a good job portraying it as the Islamic Republic, but is it anything far from a dictatorship? Like most modern secular constitutions, it calls for rights for its citizens, equal rights for women (article 20), and protection of their rights (article 21), even freedom of expression (article 23) has been made a part of the same, but are people being able to



Source: <http://surl.li/istpq>

access their rights? On 27 December 2017, pictures and videos of Movahed waving her scarf went viral through the hashtag "دختر_خیابان_انقلاب_کجاست", meaning "Where is the girl of Enghelab Street" in Persian on social media. While at first, she was unknown, days later, Nasrin Sotoudeh, the human rights activist and lawyer who has also been arrested, found out that the woman is 31 years old and was arrested on the spot with her 19-month-old baby. All these rights are subject to whether it is detrimental to the fundamental principles of Islam, but even forcing non-Muslim women to be compulsorily in hijab and imposing punishments like imprisonment from ten days to two months, and/or required to pay fines from Rls.50,000 to Rls.500,000 or even getting lashed up to 148 times fair? Non-Muslim women are not doing anything detrimental to the principles of Islam, but even Muslim women are being suppressed in the name of religion by suppressing their right to peaceful protest. No sooner did the 'peaceful' protests begin across the country, the Iranian authorities termed these demonstrations as "riots". The excess force used by the Iranian authorities led to the deaths of several people mostly protesters.

As we can see, many of these early conflicts between the government and its people have persisted into the post-Revolutionary age, impacted subsequent Iranian generations, and ultimately limited people's freedom of choice. Hence, Mahsa Amini's passing revealed the public's general problems in Iran. Women burned their headscarves as a sign of their opposition to the government's control over their personal decisions during protests that quickly spread across the nation. Women wear the hijab as a matter of personal religious conviction all across the world. But it became a representation of repression and marginalization in Iran. So, the current opposition to the hijab by Iranian demonstrators does not automatically imply opposition to Islam or Islamic principles. Instead, it symbolizes the rage and anguish of those who, particularly women, have spent years being denied even the most fundamental freedom of choice.

The anti-hijab protest in Iran has emerged as a significant challenge to the Iranian clerical leadership since the 1979 revolution. Women in Iran have been rallying against the mandatory hijab and restrictions imposed on their personal choices. These demonstrations symbolize the frustration and anguish of individuals, particularly women, who have been deprived of their fundamental freedom of choice. The opposition to the hijab in Iran does not necessarily reflect a rejection of Islam or its principles but rather a rejection of the government's control over personal decisions and a demand for greater autonomy and freedom.

IMPORTANCE OF INTERNATIONAL COMMUNITY

DURING CATASTROPHE CENTRIC VIEW

Historically, India's foreign policy has been that of cooperation and consideration, the aim of fostering strong relationships with other states being the centre of our philosophy making India a thriving part of the international community. The community refers to the total of all states, representatives of states, and other actors who are bound by International Law.

Although, there are many democratic, political, and military roles that this community carries out the most important function that is a feather on its hat is: its role in providing foreign aid during international catastrophes. From a theoretical point of view, the law of nations does not specifically prescribe the amount or the form of aid a nation must provide but through various treaties, it forms guidelines as to the nature of such aid having its roots in mutual respect, non-discrimination, accountability, welfare, and transparency. The United Nations has established various such treaties, from describing the importance and necessity of international aid in its charter through Article 1(3). Millennium Development Goals as adopted in the year 2000, emphasized on mutual-cooperation amongst nation-states to battle poverty, inequality, and other threats to human survival; setting eight goals and making aid an important aspect of such strategy. Lastly, the Sustainable Development Goals (2015), The Official Development Assistance Guidelines (ODA), and the Paris Declaration of Aid Effectiveness (2005) also represent the broad framework for the provision of Foreign Aid that the UN, as the centre of the international community, has established.

India has internalized the spirit of international aid as perpetrated by the UN by pioneering the act of a strategic yet humanitarian attempt to foster peace, security, and stability in the neighbouring states in need. In recent years it has also extended its goodwill to other international states. India, not very long after its freedom struggle aided Bangladesh with its. India has enthusiastically provided medical, technological, material, and diplomatic aid to Nepal after the devastating earthquakes of 2015, to Bhutan in culminating what is a major hydropower project, has been in constant coordination with Afghanistan since 2001 and has provided major help in fostering food security, has tied a strong bond with the African nations vested in the humanitarian values of welfare and equality. Recently, India was seen extending a much-needed helping hand to Turkey after a devastating earthquake that struck its land on 6th February 2023. The disaster resulted in a massive catastrophe with insurmountable loss of both life and property, India launched "Operation Dost" aimed at assisting in the relief and rescue operations with the help of our National Disaster Relief Force.

Apart from disaster relief, India has also proved its sheer dedication to the spirit of international unity by



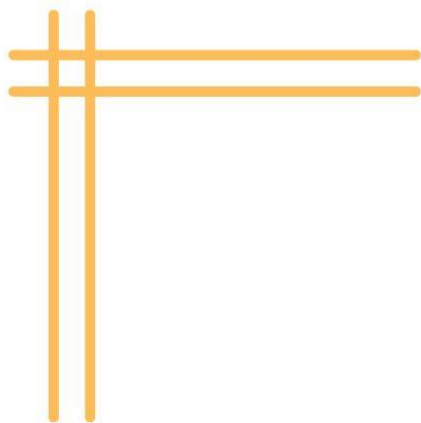
Source: <http://surl.li/istmr>

commissioning aids aimed at all spheres of the social and political spectrum, pioneering the movement for vaccine diplomacy and the fight against communicable diseases. India has also been on the receiving end, time and again the community has proved its dedication to the guidelines of the UN Charter by helping India in dire times of need. India's international aid policy aims to advance sustainable development and foster alliances with other nations to advance world cooperation, peace, and prosperity. Throughout the past few decades, engagements between India, Israel, and the United Arab Emirates (UAE) have changed from non-relationships to covert engagements to the establishment of cooperation. One instance which supports this statement is the global pandemic of COVID-19. Back in 2021, Israel needed much support from India through the delivery of an extensive aid package that included numerous oxygen generators, respirators, and pharmaceuticals.

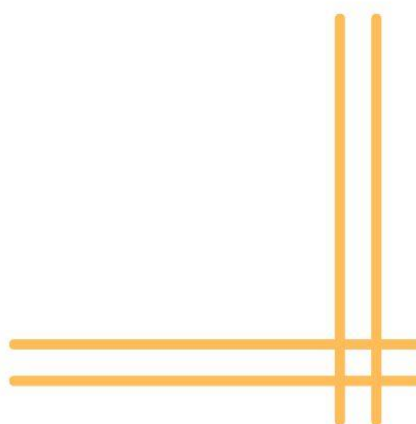
India has received foreign assistance for development projects and programs over the years, particularly in fields like education, health, and infrastructure, in addition to relief for catastrophes and disasters. Multilateral agencies like the World Bank, the Asian Development Bank, and the United Nations Development Programme (UNDP), as well as individual nations like the United States, the United Kingdom, Japan, and Germany, have historically been India's primary suppliers of foreign aid.

Deriving from the scenarios mentioned above, it will be malicious to say that foreign aid is solely strategized by the international community for political gain, entrenched in its core there is something deeply humanitarian about the spirit of unity displayed by the community. Despite political animosity, India has provided aid to Pakistan both during the recent floods and during the 2005 earthquake. The community plays a crucial role in providing resources, lending expertise, and long-term support during catastrophes. With the advent of the new world vested in the values of democracy and international coordination, it is impossible to exist in a vacuum. The foreign aid system proves that the core values of International Law are both relevant and thriving. Conclusively, it can be said that countries should cooperate and support one another amid disastrous catastrophes. A foundation for such cooperation is provided by international law, and nations need to respect their commitments and responsibilities to make sure that the global community can respond to situations and safeguard the lives and welfare of people as a whole.

This article summarizes the main points of the provided text on India's foreign aid and its role within the international community. India has historically pursued a foreign policy based on cooperation and fostering relationships with other states. The international community comprises states and other actors bound by International Law, and plays a crucial role in providing foreign aid during global catastrophes. Various treaties and guidelines established by the United Nations form the framework for foreign aid provision, emphasizing cooperation, accountability, welfare, and transparency.



Gender Justice and Feminist Jurisprudence Cell



TALIBAN BAN

On August 15, 2021, the capital city of Kabul was captured by the Taliban, effectively ending the country's resistance movement and giving the Taliban complete control of Afghanistan. As the Taliban advanced deeper into Afghanistan using a blend of military strategy, discussions with local leaders, and propaganda, the Afghan government and military tried to preserve order.

The Taliban's treatment of women is well-known for being harsh and oppressive. Under their 1990s dictatorship, women were not allowed to work outside the house or attend school past the age of eight. They could only leave their homes with a male relative and could not expose their faces. Recently, Taliban chief Haibatullah Akhunzada issued an order mandating that women wear a chador (head-to-toe burqa) as it is "traditional and respectful." This is proof that the Taliban is interpreting the Quran and Islamic traditions in a way that further increases the hardships of women and strips them of their basic human rights.

Another devastating blow to Afghan women's and girls' rights, and a continuation of the Taliban's deliberately discriminatory policies, is the Taliban's prohibition on women attending universities. This will have a disastrous effect on Afghanistan, a nation where 97% of the population lives in poverty, and it will move the world further away from reaching UN Global Goal 5 for gender equality. According to estimates from the UN Development Program (UNDP), limiting women's employment might cost Afghanistan's GDP up to 5%. According to Amnesty International, there has been a sharp rise in the number of women detained for disobeying discriminatory laws, such as those mandating women to wear full-body coverings and to only appear in public with male chaperones. Moreover, the number of child marriages has grown. All of these are only leading to the downfall of the country.

A woman named Shabnam Nasimi, a lecturer in Afghanistan, tweeted a video of a group of female students crying in agony in her office, as they were told they could no longer continue their education. The video is exceptionally heart-wrenching and appalling. In response to this, many male students walked out of their exams leaving their papers blank, and many other male professors also quit their jobs. The citizens have thus united against the unjust policies of the regime, targeted at degrading the position of women. These protests, however, are quickly shut down by the security forces of the Taliban, and the people of Afghanistan are again pushed into their dark and despairing fate. This will not change unless the world's leading countries come together to fight the regime and establish a government in the country. Chris Lu, the UN's representative for UN management and reform, criticized the restriction and encouraged the Taliban to abolish it.



Source: <http://surl.li/igeok>

The Organization of Islamic Cooperation (OIC) and several other Islamic nations and organizations have also denounced the restriction on women's and girls' access to employment and education as a breach of Islamic law. However, these condemnations have not been enough to force the Taliban to change their minds and have thus been ineffective.

After fighting an insurgency against the Kabul-based government that is supported by the United States since 2001, the Islamic fundamentalist organization returned to power in Afghanistan in 2021. The Taliban pose a danger to Afghans' civil and political rights, which are codified in the constitution drafted by the government with U.S. support. The Taliban have acted in a manner reminiscent of their ruthless rule in the late 1990s since reclaiming power. They have oppressed women's rights and ignored essential services throughout their brutal rule. Nothing has changed much between their last and present takeover, as women are still the ones to suffer the most under the ruthless regime.

As a result of this intense tyranny, Afghan women's mental health has suffered tremendously. Following the Taliban's takeover, women students in Afghanistan have been found to exhibit severe PTSD symptoms. Additionally, depression, suicidal ideation, and a lack of positive mental health and social support were reported. The study that reported the aforementioned findings surveyed a group of highly educated female Afghans. This implies that one of the primary reasons why the mental health of women students deteriorated was because they were denied the opportunity to pursue higher education.

This article discusses the Taliban's recent ban on women's education and employment in Afghanistan. The article highlights the devastating effects the ban will have on Afghanistan's economy, as well as the mental health of women students who are denied the opportunity to pursue higher education. The role of a free press in exposing human rights violations is also discussed.

WOMEN IN CRICKET- CONSTRAINTS AND CHALLENGES

The Ladies in Blue, commonly known as the Indian women's national cricket team, represents India internationally in women's cricket. The team is currently ranked fourth in the ICC Women's ODI & T20I Rankings. The Indian squad is one of the best in Asia and the world, having made significant strides in recent years and proving their mettle on multiple occasions. It reached the ICC World Cup finals twice, in 2005 and 2017, but unfortunately, they could not clinch the championship on both occasions. Additionally, India has made it to the T20I World Cup semi-finals four times (2009, 2010, 2018, and 2023) and the finals once (2020). In the 2022 Commonwealth Games, India took home a silver medal.

In India, men's cricket is given significantly more prestige and prominence than women's, resulting in significant differences in terms of opportunities and recognition. Consequently, women's cricket occupies a relatively modest and almost undetectable space, while men's cricket has a substantial influence on Indian nationalism.

Several points can be highlighted when comparing the men's cricket team with the women's cricket team. Women play fewer matches compared to the men's cricket team, which limits their opportunities. Women's cricket associations often struggle financially and operate at a loss. Women's cricket events and tournaments receive substantially less attention in terms of viewership than their male counterparts. In India, cricket is not just a sport but also a symbol of nationalism. However, this nationalism is typically limited to the men's cricket team, and the women's cricket team is not seen as an integral part of the nationalism that cricket generates. As a result, if the country experiences success at the national level in cricket, women's contributions are not adequately acknowledged, and it is believed that women have little to do with India's successes.

They are denied access to the political and public realms that cricket frequently inhabits. This is ironic because, despite men's cricket supporting a "unity in diversity" worldview by embracing regional and theological diversity, women are effectively shut out of the forums that foster such a paradigm.



Source: <http://surl.li/>

The lack of parental support, the absence of high-quality cricket grounds and other options for female players are some of the leading causes of gender inequality in cricket. The prevalent social impression of cricket as a sport for men and the general atmosphere of gender inequality in Indian society, which supports stereotypes, contribute to this situation. Jhulan Goswami, one of India's top cricketers, has admitted that convincing her parents to allow her to pursue cricket as her mainstream profession was an arduous task. Indian society often perceives cricket as a sport for men, failing to comprehend how changing these ideas can impact the number of girls and women participating in sports. Men's cricket is able to maintain its hegemonic position due to the widespread subordination of women and its connection to Indian nationalism, which allows men to rule over women and dominate masculinity over femininity.

In summary, women in cricket face various limitations and challenges, including a lack of prospects, salary discrepancies, and infrastructural deficiencies. However, women's cricket has recently gained more recognition and opportunities, and female cricketers have achieved several significant milestones. To ensure the sustained growth and increased visibility of women's cricket, it is essential to address the barriers faced by women in the sport and provide equal opportunities.

This article sheds light on the current state of women's cricket in India and the challenges and limitations that female cricketers face. Despite being one of the best teams in the world and having made significant progress in recent years, women's cricket still receives significantly less recognition and support than men's. The article highlights the disparities in opportunities, viewership, pay, and societal attitudes towards women in cricket. It also explores the impact of gender inequality and Indian nationalism on the status of women in cricket. The article emphasizes the need to address the obstacles experienced by women in the sport.

CONTEMPORARY SOCIAL NARRATIVE ON

MEN'S RIGHT: HELPFUL?

In recent years, we have seen a rising trend on social media platforms and, in general, people talking about how women are misusing the laws created to empower them, harassing men knowing that the law is backing them. One cannot forget Andrew Tate, who recently announced that he would donate \$100 Million to support men's rights. Tate has made many statements that no one can deny are extremely misogynistic, even going as far as accusing women of creating false allegations against men to serve their ulterior motives. We cannot deny that this doesn't happen, but the problem with Andrew Tate (and many of us) is that he talks like this is the norm, basing his claims on anecdotes and his own experiences instead of accurate statistics and data. More and more men tend to feel like feminist progression is stripping them from their masculinity and rights, which is a wrong notion. Talking about the men's rights movement in India, Karuna Nundy, a women's rights advocate in the Supreme Court of India, talks about how the men at the forefront of these movements project a sense of victimhood and lack thereof understanding of the concept of feminism.

The perception of this general/normative misuse of laws created to protect women is a myth. A 2014 report conducted in Delhi by the Delhi Commission of Women showed that up to 50% rape charges against men were false, as opposed to the report by our National Crimes Record Bureau that tells us that around 7 to 8% of such allegations are not valid. The huge problem in the Delhi Commission of Women report is that their report equated any dropped charge or any charge that didn't go to trial as a false accusation, which is not true at all. A dropped charge does not equate to a false accusation. There are several factors like intimidation, intense scrutiny by police on the plaintiff's personal life, etc., so many charges are dropped mid-trial in India, which is unfortunate.

Many people think that many women file for divorce and siphon money off of their ex-husband after divorce, which is not the case; Stephen Jenkins, professor at the London School of Economics, tells us that working women see a 20% decline in their income when their marriage ends. There is a historical pattern of discrediting the female voice in our country, and worldwide for that matter; our society is such that we find it very convenient to doubt women's claims and



Source: <https://pin.it/7LZN8ip>

testimonies because we would like the man to be innocent. The least we can do when a woman comes forward against abuse is listen to her seriously. The notion that women commonly accuse men of sexual abuse for personal gains is entirely wrong because we cannot undermine what is at stake for the woman who goes through such a trial. They risk losing their jobs, careers, and reputation, so women don't have many incentives to falsely accuse men of personal gains. However, even though false accusations are rare, they still significantly impact the lives of those accused; we cannot deny that. In addition, such allegations severely undermine the credibility of genuine victims of sexual assault, as we can see happening in our country. Anybody, including men, can be a victim. The recent sexual assault allegations against renowned football player Achraf Hakimi were later found to be false, and the woman was charged with making a false statement to the police. Men also have struggles; they aren't doing well lately—suicide, substance abuse, risky jobs, and addictions; men are more likely to get murdered and more likely to get a wrongful conviction. Men usually tend to lose custody battles, and non-custodial fathers are more likely to suicide; India needs to improve supplemental child support policies. Men often feel unheard about mental health, and men are less likely to get outside help; we need deep work on social support systems for men. We need considerable reforms in our Criminal Justice System so that no man gets falsely accused of sexually assaulting a woman and loses his career, reputation and life. Overall, there is a long way to go to achieve true gender equality in our country. We need to honestly critique and ask for a change in law reforms and free-market solutions for the problems men face, but that doesn't equate to asking and advocating for a misogynistic narrative, which we see so commonly happening, is in no way going to help this issue.

The article discusses the myth of women misusing laws created to empower them, which has gained popularity on social media and among some men's rights activists. The author argues that statistical data does not support this myth, which indicates that false allegations of rape and abuse are relatively rare. The author acknowledges that men face their unique challenges, such as high rates of suicide and substance abuse, and calls for reforms in the criminal justice system to prevent false accusations. However, the article cautions against promoting a misogynistic narrative and emphasises the need for true gender equality.

BREAKING BARRIERS: THE STRUGGLE FOR LEGAL RECOGNITION OF GAY MARRIAGES IN INDIA

When the phrase "LGBTQIA+" is spoken, it is met with criticism, love, acceptance, and perplexity. The LGBTQIA+ group includes, as the name implies, Lesbian, Gay, Bisexual, Trans, Queer, Intersex, and Asexual/Aromatic persons, with the plus signifying a myriad of other identities that do not fall under these umbrella terms. Over the last decade, there has been an increase in people becoming more open and public with the part of their identities that rests in this particular community. More individuals are stepping up, desiring to change the socio-legal status of persons identifying with this group. Contemporary Indian historians have tackled these societal ideas, citing various instances when homosexuality is proven to be a part of the culture and is deemed perfectly natural. For example- The Mahabharata, one of two Indian Subcontinental Sanskrit epics that described the great conflict between the Pandavas and Kauravas, is the account of Princess Amba, who became Shikhandi in another life. Shikhandi, through rebirth, later cross-dressing, and 'sex change', plays a pivotal role in the conclusion of that great war and marks a turning point in the epic. During the British administration in India in 1860, gay activity was deemed unnatural and a crime under Chapter 16, Section 377 of the Indian Criminal Code (IPC). Upon independence, on Nov 26, 1949, the "Right to Equality was enshrined in Article 14, although homosexuality remained a crime. Decades later, following the numerous protests for LGBT rights, the landmark Delhi High Court" judgement" in the Naz Foundation v. Govt. of NCT of Delhi 2009 SCC OnLine Del 1762 declared that criminalising consensual homosexual consummation between adults violates fundamental rights guaranteed by India's Constitution. Nevertheless, in Suresh Kumar Koushal and Ors. v. NAZ Foundation and ors. 2014 1 SCC 1, the Supreme Court overturned the Delhi High Court's Naz Foundation v. Government. of NCT of Delhi decision in 2013, and Section 377 of the Indian Criminal Code was re-introduced. MP Shashi Tharoor later submitted a measure to decriminalise homosexuality in late 2015, but the Lok Sabha rejected it.



On Sept 6, 2018, the Supreme Court unanimously decided that Section 377 was unconstitutional "insofar as it criminalises consensual sexual conduct between adults of the same sex," which was a massive victory for the LGBTQIA+ community. Yet, Indian LGBT citizens confront societal and legal challenges that non-LGBT people do not. The law does not prohibit gay intercourse and gay expression. According to a landmark decision by the Supreme Court of India in Deepika Singh v. Central Administrative Tribunal 2022 SCC Online SC 1088, which permits "unregistered cohabitation for same-sex couples on par with heterosexual couples, gay couples have protections and advantages equivalent to married couples as live-in couples (comparable to cohabitation)." Law specialists have asked the government to introduce legislation and develop laws permitting same-sex marriage, same-sex couples' adoption of children, and inheritance rights. The plight continues for the LGBTQIA+ community as they now stand together in the Supreme Court for the constitutional right to marry. Four gay and lesbian couples have filed a petition in India's Supreme Court seeking the legalisation of same-sex marriages. The nation's highest court will consider three other gay couples' similar applications on March 13, 2023, without a deadline for a decision. The court will consider as to if "gay marriage would be legally allowed under the Hindu Marriage Act, the Indian Christian Marriage Act, the Parsi Marriage and Divorce Act, and Muslim personal laws, in addition to the secular law recognised as the Special Marriage Act, which governs unions between inter-religious couples, non-believers, and others" (that are majorly uncoded). Several couples think legalising same-sex unions will encourage more people to come out as gays and improve their connection to the government. Homosexuality has largely been stigmatised in India's traditional society, despite recent changes in attitudes towards same-sex relationships. There are now openly gay celebrities in India, and several important Bollywood movies feature LGBT themes. worldwide. Same-sex marriage is currently recognised as legal in 25 nations. What is known as a sacrament has divine roles as its core component. The correct action in this situation is for Indian personal marriage legislation to accept same-sex unions.

This article highlights the ongoing struggle for LGBTQIA+ rights and acceptance in India, focusing on legalising same-sex marriage. It provides historical context, including decriminalising homosexuality in 2018, and discusses current efforts to change laws and societal attitudes towards same-sex relationships. The article argues that legalising same-sex marriage is necessary to provide equal rights and benefits to LGBTQIA+ individuals and promote societal acceptance and support for their relationships. The article suggests that acknowledging same-sex marriage would be a positive step for India's LGBTQIA+ community and society.

WHY CAN'T EVERYONE HAVE EQUAL RIGHTS?

A QUESTION FROM LGBTQ+ COMMUNITY

If I ask you, what are you expecting from life? What would be your response? The ultimate answer would be happiness. Now, please tell me how you would feel if someone placed arbitrary constraints on your happiness. Unfair, saddened, right? That's precisely what all those LGBTQ+ couples out there are experiencing. They have to fight for every basic need; where is the equality now? Where is democracy now? The blindfold on Lady Justice symbolises impartial justice without any prejudices, biases or discrimination, just equality before the law; she is renowned for her ability to uphold equality. Then why is there a blind spot towards all those people who have done nothing wrong and are simply seeking happiness, the same as everyone else? Now tell me, are they any different? No. Then why aren't they given equal rights? Children, replicas of gods themselves, deserve to receive parental love still, there are more than 29.6 million orphaned and abandoned children in need of adoption (According to Section 2/2) of the Juvenile Justice (Care and Protection of Children) Act, 2015 ("Act"): "Adoption means the process through which the adopted child is permanently separated from his biological parents and becomes the lawful child of the adoptive parents with all the rights, privileges and responsibilities that are attached to a biological child.") This figure would not have been this high if the LGBTQ+ community had the right to adoption too. With parental love, they can provide kids with a better life. Why are we preventing these couples from their fundamental yet priceless source of happiness when they also deserve the chance to be called parents? ADOPTION LAWS OF INDIA The laws governing adoption in India include the Hindu Adoptions and Maintenance Act (HAMA), 1956 and the JJ Act. HAMA allows adoption for individuals belonging to Hindu, Buddhist, Jain, Sikh, and other religions under Hindu Law.

The JJ Act extends adoption options to individuals of any religion if they meet the Central Adoption Resource Authority (CARA) criteria. The eligibility of prospective adoptive parents is determined by Section 57 of the JJ Act and Regulation 5 of AR, which require a stable marital relationship of at least two years. However, same-sex couples are currently ineligible to be prospective adoptive parents ("PAPS") due to the lack of recognition of same-sex marriages in India. They deserve to have a family too.

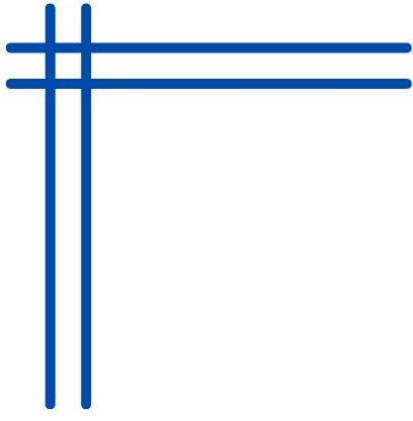


Source: <https://pin.it/5u4FAa5>

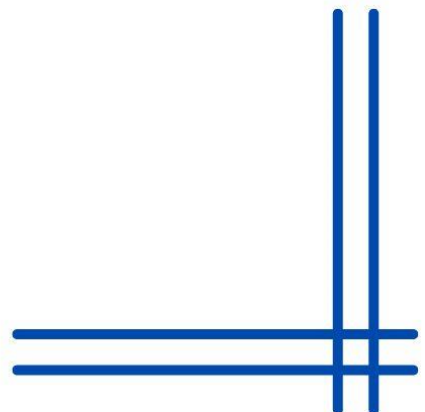
How can society accept them when even the law is disregarding them? This world will be a much better and happier heaven if we become less judgmental.

Recall the day when openly gay people were hounded; if they came out, they were forced to quit their jobs, stripped of their fundamental rights, and even penalised for advocating for them. Pardon another question: How many queers do you observe working in jobs that are legally recognised? Even now, some five years after the decriminalisation of Article 377, when the LGBTQ+ community's oppressions were finally acknowledged, and their sexuality was made lawful, they continue to fight for their fundamental liberties". "Section 377 in The Indian Penal Code: Unnatural Offences-Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with 1[imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine. Explanation-Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section." From 1861 to 2018, being queer in India meant risking ten years in jail for "carnal intercourse against the order of nature." In 2001, the Naz Foundation filed a Public Interest Lawsuit Challenging Section 377 as a violation of the Indian Constitution's fundamental right against discrimination. In 2009, the Delhi High Court ruled in Naz Foundation vs NCT of Delhi that Section 377 was unconstitutional, decriminalising homosexuality in India for the first time. In 2013, the Supreme Court reversed the Delhi HC's decision in Suresh Koushal and Anr vs Naz Foundation and Others, stating that it was up to the Centre to legislate on the issue. The Supreme Court partially decriminalised Section 377 in the Navtej Singh Johar v. Union of India (AIR 2018 SC 4321), a victory for LGBTQ+ rights in India. In this decision, the Supreme Court addressed the problems that the LGBTQ+ community was having in defending their fundamental rights. In the KS Puttuwamy case, the Apex Court determined that Article 21 included the right to privacy. Then finally, on September 6, 2018, the SC read the clause's contents as they relate to consenting same-sex relationships. The LGBTQ+ community is keeping its faith in the Indian constitution; please let the veil from your eyes slip away and pay attention to them.

The article discusses the struggles of the LGBTQ+ community in India in their fight for fundamental human rights, including the right to adopt children. Despite laws such as the Hindu Adoptions and Maintenance Act and the JJ Act, same-sex couples are currently ineligible to be prospective adoptive parents due to the lack of recognition of same-sex marriages in India. The article concludes by emphasising the importance of understanding and accepting the LGBTQ+ community, as they are no different from anyone else in their pursuit of happiness and fundamental rights. The denial of these basic rights hinders the progress and happiness of society as a whole.



Intellectual Property Rights Cell



ADIDAS V. THOM BROWNE

Adidas began the use of its "three-quadrilateral" pattern on footwear in 1952 and has since defended its trademark rights to it. Adidas has 24 trademark registrations for stripes in various forms, which also cover a range of clothing. The "Three-Bar Signature" was introduced by the Browne brand in 2005 and the company agreed to stop using the pattern when Adidas asked them to do so. Thereafter the Browne Company introduced a "Four-Bar Signature" which they started using from 2008 and 2009. However, Adidas claimed that Thom Browne's decision to use stripes on sportswear was likely to cause confusion among customers and would mislead the general public.

In a stateside opposition submitted in December 2020, Adidas urged that the "Trademark Trial and Appeal Board" of the United States Patent and Trademark Office repudiate the three pending trademark applications for white, red, and blue stripe trademarks for use on footwear submitted by Thom Browne earlier that year. In 2021, Adidas sued Thom Browne's business, alleging that the New York designer's four-bar and "Grosgrain" stripe designs on the company's primary sportswear and shoes infringed on its three-stripe trademark rights. Adidas filed a lawsuit against Thom Browne in June 2021, accusing trademark infringement and dilution, which started the current trademark dispute.

Adidas filed two claims in the current action against the defendant Thom Browne: a trademark infringement claims and a trademark dilution claim. The case was decided based on several grounds, the first of which was the mark's strength. The jury evaluated whether the Adidas mark is strong enough to cause consumers to associate its products with a particular brand.

The jury determined that the "Identifiability aspect" of the Adidas mark helped people relate to it more, so using a similar mark by another party will undoubtedly cause confusion among consumers. To determine whether resemblance or lack of similarity between the two marks will lead to public confusion, they also took in the degree of similarity between them. If both marks compete for the same group of customers was another consideration in determining whether there was infringement. Thom Browne made the case that they do business in several markets, cater to various clientele, and provide their goods at glaringly different pricing points. The jury considered the possibility of consumer base confusion, and for the same reason, proof of actual confusion was sufficient to establish the likelihood element.



Similarly, to this, it may turn out that there is no evidence of genuine perplexity. If both marks compete for the same group of customers was another consideration in determining whether there was infringement. Thom Browne made the case that they do business in several markets, cater to various clientele, and provide their goods at glaringly different pricing points. The jury considered the possibility of consumer base confusion, and for the same reason, proof of actual confusion was sufficient to establish the likelihood element. Similarly, to this, it may turn out that there is no evidence of genuine perplexity.

They also considered the intention behind Browne's use of the mark and analysed whether it acted in bad faith or took proper due care and attention without turning blind eye to it.

The jury determined the arguments of trademark dilution by Adidas by taking into account the following three factors:

1. How prevalent is the Adidas Three Stripe Mark
2. Was it well-known before Thom Browne began selling any of the goods bearing the mark in question
3. Will Thom Browne's adoption of the "Four Bar and Grosgrain" design weaken the distinctiveness of the Adidas logo?

The jury of eight members determined that Thom Browne Inc. is not responsible for the trademark infringement or dilution of the Adidas mark after about three hours of discussion. Also, Thom Browne Inc. was not held accountable for losses or earnings from the sale of goods with the four-stripe pattern and its signature red, white, and blue grosgrain ribbon motif. As a result, the complaint was completely dismissed by the court's decision. This ruling has effectively ended Adidas' monopoly over the "three-stripe" logo and will undoubtedly have an impact on other nations, particularly India.

Adidas was dissatisfied with the decision and would go forward with vigilantly enforcing its intellectual property rights in accordance with the law, by filing necessary lawsuits.

This judgment has generated a plethora of discussions on famous marks and their degree of identifiability. So, we anticipate that this decision will lead to an increase in trademark litigation cases in India.

The case discussed herein is related to intellectual property rights and the infringement of the same. Adidas sued Thom Browne for using the renowned "three-stripe" logo design without prior permission, but the defendant company ultimately prevailed in the case. Due to the similarity between the two logos, Adidas initiated legal proceedings against Thom Browne for trademark infringement. What prevailed was one of the most interesting legal battles between two companies with a similar vision.

ESTABLISHMENTS AND DISTINCTIONS ON GRANT OF AD-INTERIM AND OMNIBUS INJUNCTIONS

Corza International & Ors. Vs Future Bath Products Pvt Ltd & Anr.

The Delhi high court, on 12th January 2023, through the division bench comprising of Hon'ble Justice Manmohan and Hon'ble Justice Saurabh Banerjee, presented a judgment mentioning the powers of the courts to provide ad-interim injunction in cases of trademark violation. The present petition was filed by the appellants, challenging the order passed by the single learned judge, Justice Navin Chawla, on 4th November 2022, granting an ad-interim injunction to the respondents. The learned counsel of the appellants contended that the decision is erred as both the trademarks in question, namely CORZA and CORSA, are not of distinct similarity, and their area of physical operation is also different. They argued that there is no question of loss of share of market customers. The learned counsel for appellants further submitted that the single judge committed a grave error by implementing section 28(3) and 32(2)(e) of the Trademark Act, 1999, as their mark CORZA is registered under class 19 category goods.

The Delhi HC delivered its judgment in agreement with the single learned judge and appreciated the structural, phonetic, and visual similarity of the two marks in question. They agreed with the prima facie discoveries of the single learned judge for every matter in question. The grounds of the initial suit, as filed by the current respondents before the court, were hence, proved to be true, and the decision of the single learned judge was recapitulated. The HC, lastly, citing the judgment of Raj Kumar Prasad and Another. V Abbott Healthcare (P) Ltd. 2014 stated that the courts are competent to grant an ad-interim injunction restraining the marketing of such mark in question. The appeal was hence dismissed, and no interference with the impugned order was presented.

GoDaddy.com LLC and Anr. In Bundl Technologies Pvt. Ltd. vs. Aanit Awattam and Ors.

On 4th February 2023, the single judge bench comprising Hon'ble Justice Manish Pitale of Bombay high court recalled the ad-interim injunction on the order dated 29th November 2022.



source: <http://surl.li/hwwni>

The order was a result of a suit filed by the plaintiff, i.e., "Swiggy," for infringing their registered trademark by defendant No.'s 1 to 13.

They further moved an application against GoDaddy.com LLC (defendant no. 15) and GoDaddy India Web Services Private Limited (defendant no. 16), both being the registrars of impugned domain names, to further suspend any impugned domain names and also not to register any domain with the mark "Swiggy" on it and with this pressing the demand to grant an ad-interim relief in terms of prayer mentioned in clause(e) and (g), the court then passed the order saying that the information sought by the plaintiff is already mentioned in the order dated 24th august which gave ex-parte ad-interim injunction to the plaintiff. The learned counsel from the applicant's side argued that as the registration of a domain name is a fully automated process with no human intervention, it is not possible that the registration of a domain name similar to plaintiffs can be prevented, the most that the defendant can do is to suspend an existing registration. On this, counsel from the plaintiff's side submitted that initiating a procedure that can detect the names that would infringe a registered trademark can definitely be done by the defendant, and they further argued that the only reason defendants were seeking recall of the order as they would falter on profit that will be generated by such infringements. The court considered this case from two aspects, one from technology, where it observed from the case of Snapdeal private limited Vs. GoDaddy.com LLC and others that an alternative algorithm needs to be used by the defendant to ensure compliance and other aspect being concerned to law where from the case HUL Vs. Endurance Domains Technology LLP and Others court observed that every time there is an infringement plaintiff has to get specific orders from the court. Thus the court recalled the order as it would have amounted to omnibus and global injunction.

The article expands on the topic by analysing two important judgements in which distinctions between interim injunctions and omnibus injunctions are stated. Injunctions in the case of trademark infringement in India, are granted in order to prevent violation of a legal right. Ad interim injunctions are legal orders issued by a court that are meant to provide temporary relief or preserve the status quo until a final decision can be made on a matter. On the other hand, Omnibus injunctions are legal orders issued by a court that are typically used to prohibit or require certain behaviours or actions from a party in a comprehensive

In the latest trademark infringement complaint, the Delhi High Court declined to grant an interim order prohibiting a condiment maker from utilizing Chings Secret's "Schezwan Chutney" trademark. In the January 11 decision by a single judge bench of Justice Navin Chawla, it was observed that the plaintiff's trademark 'Schezwan chutney' was only an expressive term and not something exclusive created by the plaintiff.

The case involved a dispute between Chings and a small food company called Capital Foods Pvt Ltd. The latter had been selling a similar product as the plaintiff under the name "Smith & Jones Schezwan Chutney," which the plaintiff submitted was a violation of its trademark for "Chings Secret Schezwan Chutney." The plaintiff claimed that "Schezwan" was an essential term of their product and that the use of the same by the respondent company was likely to cause confusion amongst their targeted audience.

Contrary to Chings' claims, the court determined that the name "Schezwan" was purely evocative and did not meet the requirements for trademark protection. The Sichuan province of China is home to a cuisine known as "Schezwan," which the court noted has recently gained popularity in India. The said phrase is frequently used to describe hot sauces and other condiments used in Schezwan-style foods.

The HC concluded that the combination of the two words did not change the words' descriptive nature because they continued to convey the nature and quality of the in-question product. They actually become descriptive when combined.

The court also recognized that Chings was not the first company to refer to Indian cuisine goods as "Schezwan" in marketing terms. There are other companies that market sauces and chutneys in the Schezwan style, some of which have been doing so for decades. The Hon'ble judge came to the conclusion that no one brand could monopolize the term because it had become a popular descriptor for a particular kind of hot sauce.

According to the HC, "Tamarind Chutney" or "Tomato Chutney" should likewise receive similar protection if the plaintiff's mark receives protection because they are also made up of English and Hindi words.



Source: <http://surl.li/hwvee>

The court's decision is noteworthy because it defines the boundaries of descriptive phrases' trademark protection. The goal of trademark law is to safeguard distinctive marks that attract and enables customers to trace the origin of a certain good or service to its founding company. On the other hand, descriptive phrases are not eligible for trademark protection because they do not set one product apart from another.

The court's decision emphasizes the need to select distinctive and unique trademarks. A company may have trouble protecting its rights from rivals that use similar names if it picks a generic or descriptive term as its trademark.

With its Schezwan Chutney product, Chings had established a solid reputation, but the company chose a trademark that was too generic to be upheld. As a result of the court's decision, Chings will need to use additional marketing strategies, such as branding and advertising, to set its product apart from that of its rivals.

The Delhi High Court's decision, in this case, serves as a general reminder that trademarks should be carefully chosen and should be distinctive enough to be legally protectable. The court's ruling also emphasizes the necessity for companies to stay up-to-date on modifications to trademark law and to consult experts when selecting and enforcing the same in such a way that no discrepancies arise in the furtherance of these businesses.

The Delhi High Court's decision, in this case, serves as a general reminder that trademarks should be carefully chosen and should be distinctive enough to be legally protected. The court's ruling also emphasizes the necessity for companies to stay up to date on modifications to trademark law and to consult experts when selecting and enforcing the same in such a way that no discrepancies arise in the furtherance of these businesses.

This particular article analyses a trademark infringement case filed by the reputed company "Schezwan" against a condiment maker. A trademark is a legally registered symbol, word, phrase, design, or combination of these that distinguishes and identifies the goods or services of one firm or corporation from those of another. It is a type of intellectual property that grants the owner the exclusive right to use the mark in connection with their goods or services, as well as the right to prevent others from using a similar mark in a way that may cause consumer confusion and offers the ability to enforce those rights through legal action against others who may infringe upon the mark.

THE TWO PERSPECTIVES ON THE TRADEMARK

ISSUE OF BRAND NAMES

The First Aspect:

The Delhi High Court issued an order on February 10th, 2023, prohibiting Parle Products Pvt. Ltd. from selling its Fabio/Fab!o vanilla cream-filled chocolate biscuits due to their "resemblance and deceptive similarity" to Oreo biscuits. This decision came after a lawsuit filed by Intercontinental Great Brands, which owns the Oreo brand, claiming that the two marks are phonetically similar. The court found that a consumer of average intelligence and imperfect recollection who had previously purchased and enjoyed an Oreo cookie would associate the Fab!o cookie with the Oreo cookie.

As a result, the court ruled that Parle had infringed on Oreo's registered trademarks by passing off its Fab!o cookies and issued an interim injunction prohibiting Parle from using the mark until the case was resolved. However, the court did not agree with Oreo's argument that the design of the two cookies was also similar.

Parle argued that their Fab!o mark was visually, phonetically, and structurally different from Oreo's mark, except for the shared letter "O," and pointed out that the embossing on the surface of the biscuits was dissimilar. Despite this argument, the court ruled in favour of Oreo and issued an interim injunction preventing Parle from using the mark until the case was resolved. According to the complaint, Parle had used the Fab brand for its biscuits before 2020 but launched cream-filled chocolate sandwich biscuits under "Fab!o" after 2020, which were allegedly deceptively similar to the Oreo mark.

The second aspect of a similar issue:

On Friday (17th January 2023), the High Court in Delhi declined to prevent the sale of sandwiches labelled 'Suberb' by a local outlet and stated that the multinational restaurant franchise Subway cannot assert exclusive rights to all two-syllable words. In response to Subway IP LLC's lawsuit, Justice C Hari Shankar affirmed that 'Subway' and 'Suberb' were not "confusingly similar" when applied to restaurants serving submarine sandwiches and that their lettering, font, and appearance were distinguishable from one another in the current scenario. This ruling means that the sale of sandwiches under the 'Suberb' name can continue, at least for now. The judge denied the plaintiff's request for a temporary injunction and noted that 'sub' was a shortened form of 'Submarine,' a widely recognized type of elongated sandwich. As a result, it was determined that the defendant's use of the 'Suberb' trademark did not violate the 'Subway' wordmark.



Source: <http://surl.li/hwybn>

According to the court's ruling, 'Subway' and 'Suberb' are not misleadingly similar when applied to restaurants serving submarine sandwiches. The court explained that 'Sub' was a term of everyday use in the industry and, therefore, not subject to exclusive ownership, while 'way' and 'erb' were not phonetically or visually similar. The court stated that the petitioner could not assert an absolute right of the first syllable of their registered Subway trademark, 'Sub.' The court also noted that the defendant had changed their red and white brand, distinguishing it from the plaintiff's mark. The court also stated that the plaintiff did not possess any registration for the 'S' logo, so they could not claim infringement in that regard.

Specifically, in the context of eateries serving sandwiches and comparable food items, the plaintiff could not assert a monopoly over all two-syllable words that begin with 'Sub.' Additionally, the court recognized the defendant's argument that the Subway brand was well-established. It was unlikely that someone intending to eat at a Subway restaurant would accidentally go to a Suberb outlet.

Moreover, the court rejected the plaintiff's assertion of infringement of their registered trademarks, namely 'Subway Club' and 'Veggie Delite'. The court highlighted that the defendant had rebranded their sandwiches as 'Veg Loaded Regular' and 'Torta Club,' which were evidently distinct from the plaintiff's marks. Additionally, the court observed that the defendant had taken significant measures to remove any semblance with the plaintiff, such as modifying the interior design, layout, wall decorations, menu cards, and employee uniforms in their outlets.

These two cases help us to get an overview of how the courts decide in cases of companies having issues with trademark infringement.

The article aims to understand the 2 varied perspectives on the trademark issue of brand names. In the first aspect a prohibition imposed on Parle Products is discussed whereas in the second aspect a suit filed by Subway Inc. is analysed. A trademark is a legally registered symbol, word, phrase, design, or combination thereof that distinguishes and identifies goods or services of a particular company or business from those of others. It is a form of intellectual property that provides exclusive rights to the owner to use the mark in connection with their goods or services, and to prevent others from using a similar mark in a way that may cause confusion among consumers.

US CHAMBER ASKS INDIA TO TWEAK IPR

The National Intellectual Property Rights (IPR) Policy was adopted in 2016 by the Ministry of Commerce's Directorate for Promotion of Industry and Internal Trade (DPIIT). "Creative India; Innovative India" is the core objective of the policy. The policy covers all types of intellectual property, which establishes an administrative framework for implementation and assessment and aims to foster collaboration with other agencies. The Cell for IPR Promotion & Management (CIPAM) within DPIIT is the single point of reference for carrying out the policy.

DPIIT is the focal department for IPR development in India. When it was formed, The US Chamber of Commerce applauded India's new IPR policy and expressed the hope that it would serve as a "precursor" to the "concrete, structural" adjustments needed to implement a potent innovation model.

The Global Innovation Policy Centre of the US Chamber of Commerce created the IPR index, which is closely watched by the Indian government. According to the index's findings, a slew of domestic and foreign proposals threatens to weaken intellectual property (IP) rights. The yearly international IP index rates the level of IP rights protection in 55 of the most developed nations, which together account for almost 90% of the world's GDP.

Everything from copyright and patent restrictions to the report's capacity to monetize is covered. The paper covers a wide range of topics, including international agreement ratification, patent and copyright regulations, as well as the capacity to monetize IP assets. By examining the IP landscape in international markets, the index aims to direct countries toward an economic future that is more promising and characterized by increased innovation, creativity, and competitiveness.



Source: <http://surl.li/hwyhy>

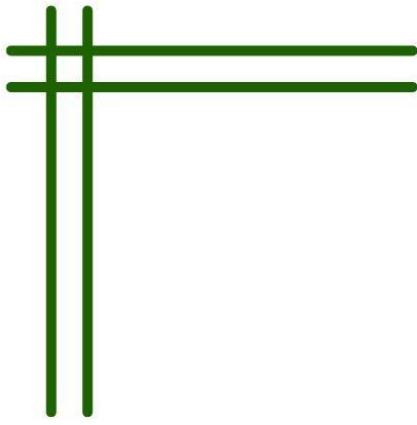
According to Patrick Kilbride, senior vice president of the US Chamber of Commerce's Global Innovation Policy Centre, which produces the annual report, "India is ripe to become a leader for emerging markets seeking to transform their economies through IP-driven innovation" as its size and economic influence on the global level increase. "India has taken steps to improve enforcement against copyright-infringing content and provides a best-in-class framework to promote better understanding and utilization of IP assets. However, addressing long-standing gaps in its IP framework will be critical to India's ability to create a new model for the region and India's continued economic growth," said Kilbride.

Getting back to the news, we see that the ranking of India in the IPR ranking is deteriorating. To know the reason, we will have to look at the flaws in the IPR laws of India- Some of these flaws include:

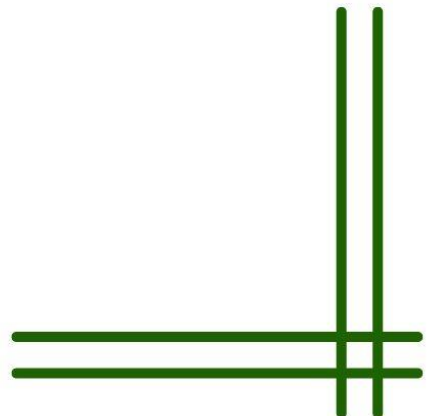
1. Lengthy and complex legal procedures:
2. Lack of awareness and education
3. Weak enforcement mechanisms
4. Inadequate protection for traditional knowledge
5. Ambiguity in patent laws
6. Overlapping of jurisdictions

These are just some of the flaws which can be worked upon to make IPR laws better in India. As the laws are daily being amended, scope of improvement in laws and subsequently in rankings are high.

This article is on the most recent International Intellectual Property Rights ranking published by the US Chamber of Commerce. Out of 55 nations, India is placed in 43rd position for 2022. In 2021, it held the 40th spot on the index. In the fast-growing world, people are developing and transforming things around them and their intellectual thoughts and ideas started having monetary value. As the need for innovation and ideas arose, the number of people in this field of employment grew. And when different people get into creating bases in one industry, conflicts may arise. These conflicts can be about credits of creating big or even small things. To protect the original creators and innovators from breach of their rights to use their innovation just by someone who they would want them to use, IPR laws were created.



Environmental Law Cell



GREEN HYDROGEN CHALLENGE

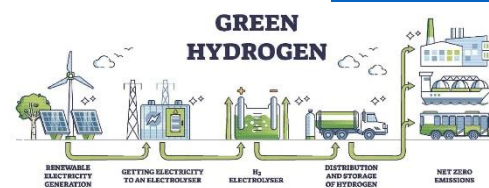
Various challenges are present in the pathway to realizing the vision of making India energy-independent and decarbonizing major sectors of the economy, and the role of green hydrogen and the National Hydrogen Mission is crucial in achieving this vision. The most important aspect of the hydrogen ecosystem is generation. Hydrogen can be produced in various ways, including grey (from fossil fuels with CO₂ released into the air), blue, and green (from fossil materials with CO₂ released into the air). The emphasis on clean hydrogen is critical for fuel technology to truly be a game changer. Because it addresses our most pressing national concerns. The Green Hydrogen Mission is expected to add renewable energy capacity, invest \$100 billion, create 6 lakh jobs, save \$12.5 billion, and reduce GHG emissions.

Green hydrogen has wide benefits, such as export opportunities, decarbonisation, and the development of indigenous manufacturing capabilities.

Challenges associated with green hydrogen production. Green hydrogen production costs are higher than fossil fuels due to high electricity costs. Lack of infrastructure in India for green hydrogen production, storage, and distribution. Limited adoption of green hydrogen in India due to a lack of awareness and incentives. Hydrogen must be cost-competitive with conventional fuels and technologies to be commercially viable. India needs 60–100 GW of electrolyser capacity to meet its 2030 target; however, the availability of critical minerals like nickel, platinum-based metals, and uncommon metals is largely confined due to limited processing technology. Efficient electrolysis requires 39 kWh of electricity to produce 1 kg of hydrogen, but India has only reached 119 GW of the targeted 175 GW capacity. Green hydrogen's conversion efficiency will determine its applicability in end-use applications. Desalination has the potential to increase infrastructure's physical footprint, increase land use competition, have quite an effect on ecology, and create difficulties and constraints in the place of electrolyzers.

The most important idea is to find a way to overcome roadblocks. Increase capacity to generate renewable electricity in India to reduce the cost of green hydrogen production. Developing hydrogen infrastructure to make green hydrogen more accessible. The government can promote green hydrogen adoption through regulatory incentives such as tax credits and subsidies. Raise awareness and understanding of green hydrogen to reduce greenhouse gas emissions.

Source: <http://surl.li/hwgro>



This can be done through public awareness campaigns and educational initiatives. The electrolyser challenge would require India to establish large-scale manufacturing, build expertise, and secure geopolitical partnerships for critical mineral procurement. It also requires ongoing initiatives aimed at enhancing electrolyzers' overall technical proficiency and financial viability while still being able to compete with other international players. To address the energy source challenge, India would have to add nearly 100 GW of cumulative energy production from renewable sources per year in the following seven years, in addition to providing shipment corridors and mechanisms. Safety standards for storage and transportation must be established to meet the end-use challenge, which is to produce and store green hydrogen in various forms for later use. Because hydrogen is a highly flammable and volatile element, its potential in other types, like ammonia or methanol, is just fractionally reduced. This, however, may raise the cost of hydrogen as a fuel. Due to the endogenous resource challenge, the proposed green hydrogen hubs would have to maintain a delicate equilibrium between renewable energy and abundant water resources. It will also be necessary to be near the hydrogen demand (end-use) centre throughout for them to be financially feasible while minimizing additional costs.

According to the International Renewable Energy Agency (IRENA), by 2050, hydrogen and its derived products will contribute 12% of the total global final consumption of energy (IEA estimate: 530 MMT), with green hydrogen accounting for two-thirds. The world produced approximately 90 MMT of hydrogen in 2020; currently, the worldwide levelized cost of generating hydrogen ranges around Rs 250–650/kg (\$ 3–8/kg). India will have to address all of the hurdles listed above in order to generate green hydrogen at a price of Rs 100–150/kg (\$ 1–2/kg) by 2030 while also coordinating across multiple public and private institutional bodies in record time.

This piece explores the obstacles India faces in achieving energy independence and decarbonisation through green hydrogen. The article emphasizes the benefits of green hydrogen and highlights challenges such as high production costs, lack of infrastructure, and limited adoption. Proposed solutions include increasing renewable electricity capacity, developing hydrogen infrastructure, promoting adoption through incentives, and raising awareness.

THE GREEN PIPELINE PROJECT

The Green Pipeline Project is a ground-breaking initiative in Portugal that will integrate green hydrogen into the natural gas network for the first time. Over 80 residential, non-residential, and industrial customers in the residential, non-residential, and industrial sectors will get a blend of hydrogen and natural gas through this closed network in Seixal. The mix will initially contain 2% hydrogen and subsequently expand to 20% hydrogen within two years, with injection scheduled to commence at the beginning of 2023. It will have a growingly positive effect on energy independence, economic growth, and environmental protection. It is the first step in bringing the energy of the future into our present.

India may benefit from the Green Pipeline Project in several ways since it has lofty goals for renewable energy and suffers from several energy-related difficulties.

Reduced Carbon Emissions: India is the third-largest producer of greenhouse gases globally, with the energy sector accounting for a sizable amount of these emissions. The Green Pipeline Project can assist India in lowering its carbon emissions by switching to renewable energy for its power instead of fossil fuels.

India is highly dependent on imported fossil fuels to cover its energy demands, which puts it at risk of fluctuating prices and supply shortages. By lowering India's reliance on imported fossil fuels and diversifying its energy sources, the Green Pipeline Project can increase the country's energy security.

Air Quality Improvement: The severe air pollution in India's cities negatively influences the populace's health. Renewable energy sources, which emit little or no air pollution, can raise the nation's air quality.

In general, the Green Pipeline Project can assist India in achieving its goals for renewable energy, enhancing energy security, promoting rural electrification, supporting job creation, enhancing air quality, and conserving water resources. Infrastructure design, regulatory frameworks, and finance are other project-related issues that must be resolved to be effective.

Indian environmental regulations, particularly those on renewable energy and infrastructure development, are likely to be impacted by the Green Pipeline Project.

Climate Change Laws: The Green Pipeline Project is projected to support India's attempts to combat climate change by lowering carbon emissions. The National Action Plan on Climate Change, the National Adaptation Fund for Climate Change, and the National Clean Energy Fund are just a few of the climate change-related pieces of legislation India passed and offer a legal framework for climate change mitigation and adaptation.

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Rules governing coastal development: The Green Pipeline Project may entail building pipes down the coast, which might affect coastal populations and ecosystems. The Coastal Regulation Zone Notification, 2011, which governs development activities in the coastal zone, is likely to apply to the project.

Regulations about forests and wildlife: The Green Pipeline Project may call for the purchase of land, which may entail the destruction of forests or wildlife habitats. The Forest Conservation Act of 1980 and the Wildlife (Protection) Act of 1972, which control forest clearing and preserve animal habitats, will likely apply to the project.

Hydrogen is a crucial part of many promising new technologies. There may be a pre-existing body of scientific knowledge, but the market mechanisms and economic factors may not. Also, the current technology may be affected by the ongoing attempts to turn hydrogen into an economically viable alternative fuel. As a result, technological progress will prompt new rules and laws to be enacted. It's too soon to tell what kind of changes may be needed to the legal framework to keep up with the developments in hydrogen technology, but some potential questions include the following: Are both sets of regulations applicable to a pipeline carrying, say, 80% hydrogen and 20% natural gas? To what extent do you favor a 50/50 split? Some solutions to these issues will emerge in the next few years as a result of policy directives and legal or regulatory rules. Stakeholders in the outcomes of others' cases will bring such cases to court. For legislators, policymakers, and lawyers to account for potential future shifts, it is generally a good idea to implement what is now accepted practice.

From a legal and regulatory perspective, repurposing a pipeline is not as simple as switching the fuel entering the pipeline, as the previous explanation shows. Although many questions remain unanswered, it is important to discuss how the law may and should regulate hydrogen pipeline transport given the widespread interest in and optimism about hydrogen as a key alternative fuel and the fact that pipeline transport is the most economically viable mode of carrying hydrogen.

The Green Pipeline Project is a pioneering initiative in Portugal that integrates green hydrogen into the natural gas network. This article highlights the potential benefits of the project for India, including reduced carbon emissions, enhanced energy security, and improved air quality. By transitioning to renewable energy sources, India can mitigate greenhouse gas emissions and decrease dependence on imported fossil fuels.

MARINE LITTER - CHALLENGES?

Marine litter, as defined by UNEP, is any persistent, manufactured, or processed solid material discarded, disposed of, or abandoned in the marine and coastal environment. This litter can be categorized under two headings: microplastics and macroplastics. The former includes plastic of >5 mm, and the latter is larger than that. Now the question comes: why do we need protection rules and laws for marine life, and are we doing something against the environment? The answer to this question is a big "yes." In the present scenario, the concern should not be just for providing safe drinking water to humans but also for the fact that the plastic waste discharged into marine bodies is a kill pill for marine life.

The consequences of marine litter can be felt not only on the environment and the health of living beings but also have an economic impact as they affect a country's tourism and fishing industries. This includes the waste discharged by ships as well. But where lies the problem, and what went wrong? According to the Natural History Museum, the three huge threats faced by marine life are overfishing, pollution, and climate change. All are the result of human interference with marine life. The best example to start this discussion would be with the revelation that there is an island made up of plastic and that too is twice the size of Texas.

This achievement of shame is named the 'Great Pacific Garbage Patch'. Another shocking news story came on December 3, 2019, when a whale was found dead with 100 kg of litter balls in its stomach. A report by the United Nations Development Programme says that up to 12.7 million metric tonnes of plastic waste made its way into the ocean in just one year, and some scientists have warned that by 2050, the amount of plastic in the ocean will outweigh the fish. If this continues, then there will be more plastic in the water than fisheries there. According to the research carried out by Shocking Ocean Pollution Statistics 2020–21, 100 million marine animals die each year from plastic waste alone. The report also says that 70% of the debris sinks into the ocean's ecosystem, 15% floats, and 15% is what we see on the beaches. This indicates that 70% of the waste in the oceans is never taken out and sinks with marine life, threatening the beauty of the oceans.



Source: <http://surl.li/hwhnv>

In such an alarming situation, are the countries taking no steps to address this issue? Well, there have been steps taken. International Coastal Cleanup Day is observed globally on September 17. The recently held 5th International Marine Protected Areas Congress (IMPAC5), which aims to safeguard 30% of our global ocean by 2030, was also an attempt in this direction. Also, institutions like the IMO have implemented an action plan in 2018 and, in 2021, approved a strategy to limit ship discharge to zero by 2025. The Joint FAO/IMO Ad Hoc Working Group is also one such partnership. They had also launched the GloLitter project in 2019 to reduce marine litter and decrease the use of plastic in the fishing and shipping industries. India as a nation has also played its part by launching a coastal clean-up drive under the Swachh Sagar Surakshit Sagar campaign in 2022 under the Union Ministry of Earth and Sciences.

Although there are a number of steps taken both on a national and international level, forming a strategy and executing it are two different things. To seriously tackle this problem, we need the sincere implementation of the strategies so far formulated, coupled with the spread of awareness among people. We must recognise that the environment is paramount, and if human negligence persists, the results will not be favourable to us. More floating plastic than fish in the ocean is not something we want to see. The cycle of ecological equilibrium would be disturbed by the sea species' alarmingly high mortality rate. Although cleanup beaches is a welcome move, this alone will not solve the issue. This waste needs to be quickly wrapped up and sent out of the water bodies with the idea of sustainable development and a sense of human unity. Now, it is high time for action, both as an individual and as a nation.

The piece, "Marine Litter - The Challenges" addresses the issue of marine litter, its impact on the environment, marine life, and the economy. The article highlights incidents like the "Great Pacific Garbage Patch" and the presence of plastic waste in marine animals. Efforts have been made through initiatives like International Coastal Cleanup Day and the IMPAC5 congress, along with projects targeting fishing and shipping industries. The article emphasizes the importance of implementing strategies, raising awareness, and taking urgent action at individual and national levels to combat marine litter effectively.

JOSHIMATH CRISIS: WHAT IS LAND SUBSIDENCE

AND INDIAN LEGISLATION REGARDING IT?

Joshimath is a town in the Indian state of Uttarakhand, situated in the Himalayas. The land subsidence in Joshimath has resulted in the sinking of buildings, roads, and other infrastructure, which has led to significant loss and damage to life and property. Land subsidence is a phenomenon in which the ground level sinks or settles due to natural and human-induced causes.

Geographical factors like Joshimath being in seismic zone V, which is more prone to earthquakes, progressive weathering, and water percolation all worked together to gradually weaken the cohesive strength of the rocks.

Many experts are of the opinion that construction activities like NTPC's Tapovan Vishnugad hydroelectric project, Char Dham road project, and Helang bypass constructed by BRO have resulted in excessive stress on the soil. Also, Joshimath, being the gateway to Badrinath, Hemkund Sahib, and skiing destinations like Auli, has seen numerous unplanned and haphazard construction activities in past years. In addition, the constant movement of troops and large vehicles, along with the significant influx of pilgrims and visitors, have caused the already vulnerable town to gradually collapse under the pressure. In India, legislation regarding land subsidence is mainly covered under the National Green Tribunal (NGT) Act, 2010. The NGT is a specialised body that was established to handle cases related to environmental protection and conservation. The NGT has the power to issue directives and orders to prevent and mitigate the impact of land subsidence.

Under the NGT Act, any person or entity that causes or contributes to land subsidence can be held liable for damages and compensation. The NGT can also order the responsible party to take measures to prevent or mitigate the impact of subsidence.

In addition to the NGT Act, several other laws and regulations can also address land subsidence indirectly. For example, the Groundwater (Regulation and Control of Development and Management) Act, 2002, regulates groundwater use and management. Excessive groundwater pumping can cause land subsidence, and the Act provides for the regulation of groundwater use to prevent subsidence.

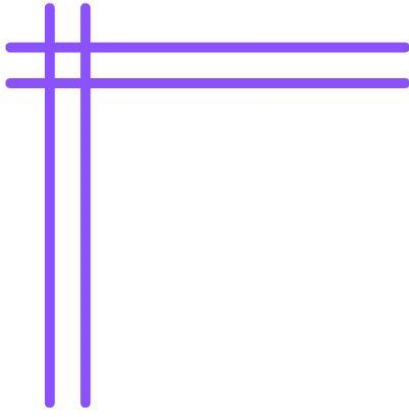


Source: <http://surl.li/hwgpl>

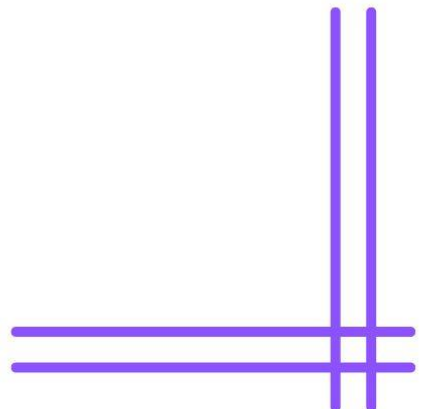
Similarly, the Environmental Impact Assessment (EIA) Notification, 2006, requires that all development projects undergo an environmental impact assessment to identify and mitigate the environmental impacts of the project. Land subsidence is one of the factors considered during the EIA process, and the assessment can require the project proponent to take measures to prevent or mitigate the impact of subsidence.

There is a landmark judgement as well with a similar factual situation, that is, **Save Mon Region Federation and Ors. v. Union of India and Ors.; National Green Tribunal**, whose judgement was as follows: On behalf of the Monpa native community, the Save Mon Region Federation contested the environmental clearance given for the construction of a hydroelectric dam on the Naymjang Chhu River. The Federation emphasised flaws in the environmental impact assessment (EIA) process and the lack of careful examination of the proposal by the expert appraisal committee (EAC). In its conclusion, the National Green Tribunal stated: "It is true that hydropower projects offer eco-friendly renewable sources of energy, and their development is necessary. However, we are of the opinion that such development should be "sustainable development," without any irreparable loss to the environment. The Court also believed that studies conducted should be available for public consultation in order to give impacted parties with legitimate environmental stakes a chance to voice their concerns. This will make it easier for the EAC to make impartial decisions regarding environmental issues and contribute to the region's sustainable growth. Therefore, the project was halted.

The article titled "Joshimath Crisis: Land Subsidence and Indian Legislation" examines the sinking of buildings and infrastructure in Joshimath, Uttarakhand, and the relevant Indian laws addressing this issue. Geographical factors, construction activities, and soil stress are identified as causes of land subsidence. The National Green Tribunal (NGT) Act of 2010 is the primary legislation for land subsidence in India



Alternative Dispute Resolution Cell



RECENT DEVELOPMENTS IN INDIA RELATED TO

INTERNATIONAL ARBITRATION

In 2015, the Arbitration and Conciliation Act, of 1996 was amended and Indian courts were muddled about its applicability. According to Section 26 of the Act, the modifications would only apply to arbitrations started after October 23, 2015. Because of this, it was unclear to the different High Courts whether the Act applied to court cases filed after the Act's effective date but where the arbitration had started before that date.

In **Board of Cricket Control of India v. Kochi Cricket Pvt. Ltd.**, 2018, the Supreme Court clarified that "Section 36 as amended should apply to Section 34 applications filed before the commencement of the Amendment Act...". Therefore, the amendment to section 36 of the Arbitration Act removed the automatic stay on the enforcement of arbitration awards if a challenge to enforcement was made under section 34 of the Act was held to apply even where the arbitration award was made before October 2015.

In **Cheran Properties Limited v. Kasturi & Sons Ltd. & Ors.**, 2018¹ a non-signatory was made subject to the arbitration agreement because he was provided with consideration under a contract on the condition that he would accept the terms and conditions of the contract containing an arbitration clause.

In **Ameet Lalchand Shah v. Rishabh Enterprises**, 2018¹, a party to an agreement that did not contain an arbitration clause was referred to arbitration because a related agreement (that the party had entered into) contained an arbitration clause.

In addition to the main issue of non-signatories being bound by arbitration agreements. These judgments are important for discussing the enforcement and execution of an arbitral award before the National Company Law Tribunal (NCLT) in the case of Cheran Properties and for advancing the jurisprudence that a mere allegation of fraud would not preclude reference to arbitration in the case of Ameet Lalchand.

The Supreme Court of India has resolved important questions on the interpretation of amendments to the Arbitration Act and Conciliation Act 1996 as regards the enforcement of domestic and international arbitration awards.

Source: <https://bit.ly/2V BAGVu>



In case of **Kandla Export Corpn. v. OCI Corpn.**, 2018¹, In circumstances where no right of appeal was available under the Arbitration Act, the award debtor attempted to rely on a right of appeal under the Commercial Courts, Commercial Division, and Commercial Appellate Division of the High Court Act 2015 Act against an order allowing the enforcement of a London-issued award. The Court determined that there was no right of appeal under the appropriate interpretation of the applicable laws since to do so would defeat the goal of the Arbitration Act

In the case of **Sundaram Finance Ltd. v. Abdul Samad**, 2018¹, The Supreme Court made it clear that a party could make a direct application to the court that had jurisdiction over the assets up for enforcement without first requesting to transfer a decree from a different court where an application may have been made in connection with the arbitration agreement.

In **National Highways Authority of India v. BSC-RBM- Pati Joint Venture**, 2017¹, in a disagreement with a contractor, the National Highways Authority of India contested an arbitral decision. The Court maintained the award, stating that errors "which stop short of perversity" must not be overturned by the courts and that the tribunal was the last arbitrator on factual and legal matters. Insofar as the tribunal's position was "plausible, and not merely feasible," the courts shouldn't get involved.

This article provides a concise overview of significant judgments by the Supreme Court of India regarding the applicability of the Arbitration (Amendment) Act, 2015, and the enforcement of arbitral awards. The court's rulings have brought clarity to several crucial aspects. In Board of Cricket Control of India v. Kochi Cricket Pvt. Ltd., 2018, the court clarified that the amended Section 36 of the Act should apply to Section 34 applications filed before the amendment's commencement, removing the automatic stay on award enforcement.

TWO TIER ARBITRATION IN INDIA

It is not unknown to the legal community that the popularity of alternate dispute resolution (ADR) mechanisms is on the rise. Arbitration, despite being one of the most practiced ones, often faces criticism due to its two-tiered type. This article aims to inform the reader of the whereabouts of two-tier arbitration and its validity in India.

Complementing its name, two-tier arbitration simply points out the two stages involved in this mechanism. In the initial phase of the dispute resolution process, the parties agree on appointing a single arbitrator or arbitration panel to decide or suggest a decision award. In the second phase, an appellate tribunal is suggested to validate the decision award made in the first phase. The cause of concern about two-tier arbitration is that contrary to the general nature of ADR mechanisms and their popularity due to their fast-paced decisions, two-tier arbitration takes longer, leaving a negative impact when it comes to the closing & execution of foreign business deals. However, discussed below is the landmark judgment that upholds the validity of two-tier arbitration in India.

The Centro Trade Minerals & Inc. V. Hindustan Copper Ltd. Case is a landmark international commercial Arbitration Law case. The case involved a dispute between Centro Trade, an international trading company, and Hindustan Copper, an Indian state-owned mining company, over a contract for the sale of copper concentrate. In 1996, Centro Trade and Hindustan Copper entered into a contract for the sale of copper concentrate. The contract provided for the arbitration of any disputes arising from the contract under the rules of the International Chamber of Commerce (ICC) in Paris, France. A dispute arose when Hindustan Copper failed to deliver the agreed quantity of copper concentrate, and Centro trade-initiated arbitration proceedings under the ICC rules. The arbitration proceedings were held in Paris, and the tribunal awarded Centro trade damages for Hindustan Copper's breach of contract. Hindustan Copper challenged the award in the Indian courts, arguing that the tribunal lacked jurisdiction over the dispute because the contract was governed by Indian law. The Indian courts initially set aside the award, but the French courts ultimately upheld the award and rejected Hindustan Copper's jurisdictional challenge.

There have been several judgments related to the legal dispute between Centro trade Minerals and Metal Inc. and Hindustan Copper Ltd.:

The first judgment was issued by the Delhi High Court in August 2011. The court ruled that Hindustan Copper Ltd. had breached its contract with Centro Trade Minerals and Metals Inc. by failing to deliver the agreed quantity of copper concentrate.



Source: <https://bit.ly/2FjTd31>

As a result, Hindustan Copper Ltd. was ordered to pay damages to Centro Trade Minerals and Metals Inc.

In October 2013, the Supreme Court of India upheld the Delhi High Court's decision and ordered Hindustan Copper Ltd. to pay damages to Centro Trade Minerals and Metals Inc. In January 2015, the Delhi High Court issued another judgment in the case. This time, the court ruled that Centro Trade Minerals and Metals Inc. was entitled to interest on the damages awarded by the court in 2011. The court also ordered Hindustan Copper Ltd. to pay Centro Trade Minerals and Metals Inc. the interest.

In July 2017, the Delhi High Court issued a third judgment in the case. This time, the court ruled that the damages awarded to Centro Trade Minerals and Metals Inc. in 2011 should be recalculated based on the prevailing market price of copper concentrate at the time of the breach. The court also ordered Hindustan Copper Ltd. to pay the recalculated damages to Centro Trade Minerals and Metals Inc.

In this case, the judgments have favored Centro Trade Minerals and Metals Inc. with Hindustan Copper Ltd. being ordered to pay damages and interest for breaching its contract with the company.

According to the Honorable Supreme Court, the Arbitration and Conciliation Act, of 1996 does not explicitly or implicitly restrict the parties' autonomy to agree on a process for arbitrating their dispute. The parties' autonomy is upheld to the extent that they consent to a process that would allow them to request an appeal, which would allow for a different arbitrator or panel of arbitrators to re-evaluate the arbitral award.

The case is significant because it highlights the complexities of international trade and the challenges that can arise when parties from different countries enter into contracts with one another. It also underscores the importance of carefully drafting and negotiating contracts to ensure that all parties are clear about their obligations and expectations. It establishes the principle that the law governing the arbitration agreement is separate from the law governing the underlying contract. This principle, known as the "separability doctrine," is now widely accepted in international commercial arbitration law. The primary benefit of adopting a two-tier arbitration process is the inclusion of international organizations such as ICC which would lead to escalated transparency in the dispute resolution system. This is particularly important in our current globalized world, as it would enhance the perception of safety and reliability within the Indian business environment.

This article examines the validity and implications of two-tier arbitration in India. Two-tier arbitration involves a two-stage process where an initial award is reviewed by an appellate tribunal. The Centro Trade Minerals & Inc. v. Hindustan Copper Ltd. Case, a landmark judgment, upholds the validity of two-tier arbitration in India. Despite concerns about its time-consuming organizations like the ICC. Challenges include time constraints and high costs, which can be addressed by enforcing awards and expediting dispute resolution. The Supreme Court of India emphasized parties' autonomy to agree on an appeal process, allowing for the re-evaluation of arbitral awards

LOK ADALAT- CATALYST TO FIND HOPE

As per the official website of the Supreme Court of India, it is tallied that as of 01.02.2023, there have been 69,511 cases pending. As per the official website of the National Judicial Data Grid (High Courts), it is tallied that as of 04.07.2022, there have been 60,46,593 cases pending.

As per the official website of the National Judicial Data Grid (District & Taluka Courts), it is tallied that as of 30.12.2020, there have been 4,24,39,413 cases pending.

These statistics show the backlog and pendency of cases lying like corpses in our Indian Courts. It isn't a matter of fact only in recent times, but it has been the baseline for the setting of the Alternate Dispute Resolution system (hereinafter referred to as ADR). ADR system is a bundle of techniques that are distant from traditional courts but are implemented to provide cost-effective justice, give speedy relief to the litigants & solve disputes between parties. ADR includes mediation, arbitration, negotiation, conciliation, and Lok Adalat. If we rewind history, we will be able to visualize that The Arbitration and Conciliation Act, of 1996 has been the primary initiation towards the development of ADR & this law has effectively supported the judiciary to enforce other substitutes in providing justice to agonized people. Through the amendment in The Court of Civil Procedure (Amendment) Act 1999, Section 89 was invented which certainly added colour & majesty to our legal system, conveys how the settlement of disputes can be done outside court which directly gives us a new perspective for attaining justice by not-seeing-each-other in court but outside court. Concerning Section 89 of CPC, we can also see Article 39A of The Constitution of India which very well encourages equal justice and free legal aid to deprived people. Lok Adalat (hereinafter referred to as LA), being one from the list is an important part of the Indian Legal System. Justice P.N. Bhagwati, a former Chief Justice of India conceived the word "Lok Adalat" which means "People's Court". The first experimental yet successful Lok Adalat was held in Gujarat in 1982 and since then there's no stopping. It is based on Gandhian Principles, that is to provide all the citizens with Justice (social, economic & political), Liberty, Equality, and Fraternity & keeping these principles as ideals, The National Legal Services Authority (NALSA) was configured in 1995 by the Legal Services Authorities Act, 1987.

This act of 1987 majorly affected the LAs in three ways.

First, it bestowed statutory authority to LAs. It gave LA the power to settle any case which is hanging fire before the judiciary & to compromise those cases which are encircled in the jurisdiction of LA. Second, this act gave consent to formal courts to hand over the unresolved cases to LA by direct application. Not forgetting the fact that if no arrangement is figured out then the cases can again be referred to the same court. Third, the decree also called the award granted by LA would be given equal weightage as that of any judgment given by other civil court which in furtherance means that it is enforceable by law & is non-appealable.

LA could further be categorized into four types. One is Permanent LA which is called permanent because it has a chairman with two co-heads, a person with expertise in law & another, a social worker. Two, National LA which is organized pan India, spanning over the whole country on pre-decided dates. It is supervised by the High Court or Supreme Court of India's sitting or retired judge. Three, Mega LA takes a huge number of cases but these cases are concluded in a single day. Four, Mobile LA, a new in kind which is said to move from one place to another with a venue pre-decided by State Legal Services Authority. Recently Maharashtra government launched a scheme, namely "Mobile Legal Services-cum-Lok Adalat" which focuses on the idea that when poor people with severe grievances don't have enough money to knock on the doors of the court, the court may conveniently approach their doors & help them.



During the COVID-19 pandemic, the concept of Online LA started where disputes were dealt with via video conferencing & allowed justice to reach marginalized people in a facile way. Even when there is a devastating Litigation Explosion, the scope of Lok Adalat isn't ample enough & deals with Labour disputes, Acquisition of land, Family disputes, Bankruptcy cases, Matrimonial disputes (except divorce cases), Insurance, Motor Accident Claims, Partition of Suits, Damages. As per the record provided by NALSA, it is said that "As on 30.09.2015, more than 15.14 lakhs Lok Adalat's have been organized in the country since its inception & more than 8.25 crore cases have been settled by this mechanism so far". Recently, on 11.02.2023, the 1st National LA of 2023 was held in which 17.13 lakh pending cases & about 80.50 lakh pre-litigation cases were disposed of. The approximate value of the total settlement amount in these cases is Rs 7077.84 crore. Justice Kaul gave necessary details & information for the upcoming National LAs, which are scheduled pan India on May 13, September 9, and December 9, 2023.

LA, despite being away from formal courts is lessening and transferring the onus from the shoulders of courts to the shoulders of ADR. But the question of curiosity is why people are inclined towards LA. To answer this question, we can critically do the analysis. It is believed that LA gives more attention to the principles of Natural Justice rather than the rigors of the law. It is said in P. T. Thomas v. Thomas Job that LA is a blessing to the litigating public as they can get their disputes settled fast and amicably. It is a plus point that the client can talk to the Presiding Officer via counsel which is not possible in normal Courts. Since there is no strict application of procedural laws, it is quite flexible and speedy. It is less intimidating & gives the parties an informal atmosphere to peacefully come to conclusions. It is a great help to needy people because the disastrous amount of court fees and other expenses are removed.

However, it is rightly written by V. Harikrishnan, and P. Dhanokar that "Justice delayed is Justice denied but Justice hurried is a Justice buried." The first problem is with the time taken per case to fasten the process is too little which may create a high probability of giving a wrong decision. There should be some awareness campaigns to let people living with no knowledge of ADR be aware and benefit from the initiatives of the government. There is a lack of proper structured functioning. The parties themselves don't know the pros & cons of ADR. Thus, they don't understand how it works leading to the mind-set that the offer in front of the table to settle is their only choice. Furthermore, the last problem is with the scope of LA is narrower & should be widened. In India, a vast population is unheard of justice which is the biggest problem, but thanks to the Indian Judiciary for taking up this step. LA can be a different thing if the minor problems making major effects are dealt with properly. The agenda of LA and its principle to provide justice to everyone will surely be attained perfectly. In the upcoming years, the LA including other ADR mechanisms will act as in finding the lost belief and faith in the Indian judiciary.

India's judicial system grapples with an overwhelming backlog of pending cases, resulting in significant delays in the dispensation of justice. To combat this issue, the country has embraced Alternate Dispute Resolution (ADR) methods, with Lok Adalat, or "People's Court," playing a vital role. Lok Adalat operates on the principles advocated by Mahatma Gandhi, striving to provide justice, equality, and fraternity to all citizens. The enactment of the Arbitration and Conciliation Act in 1996 has been instrumental in the development of ADR in India. This legislation empowers the judiciary to enforce alternative dispute resolution.

Riya Gandhi & Das Yash
Sumantlal, reviewed by Saksham
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THE EFFECTIVENESS OF ONLINE DISPUTE RESOLUTION

TO RESOLVE INTERNET-RELATED DISPUTES

Although the term "online dispute resolution" is nowadays often used, no single definition fully captures all ODR implementations. ODR refers broadly to using the Internet as a tool to assist in resolving disputes. It draws on concepts from Alternative Dispute Resolution (ADR) such as negotiation, mediation, and arbitration. When the parties in a dispute expand their online businesses, using ODR for dispute resolution is suitable and efficient. They become financially connected to partners and customers, are conversant with the fundamentals of online business, and actively use email tools as a result. These circumstances highlight the fact that online forums can be used to most effectively settle Internet-related conflicts, such as those involving infringements of intellectual property rights, while also simplifying the procedure of raising the issue.

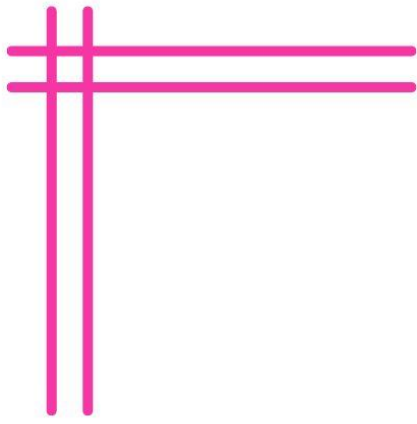
One of the main advantages of ODR is how inexpensive the dispute resolution process is. Lodder brings up the fact that, in most e-commerce disputes, the cost of going to court to resolve them is frequently higher than the value of the activities or transactions in question. ODR plans are viewed as the most practical solutions, with a focus on the least expensive options, to resolve the issue because the expense of the customary cross-border litigation in this situation is inappropriate. ODR promises a completely web-based dispute resolution process, in contrast to ADR, which does not require the exchange of physical documents. It is necessary to address the issue of identification and digital signature.



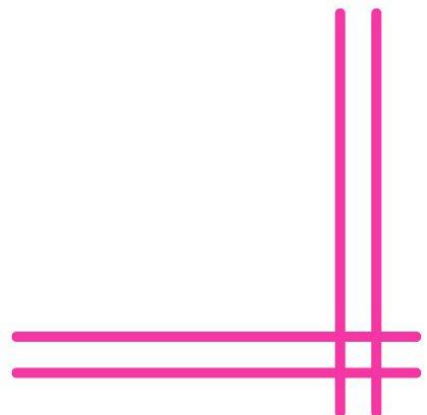
The fact that opposing parties, arbitrators, and mediators do not need to travel far to resolve their disagreements saves time, which is another advantage. Concerns about intellectual property and e-commerce affect individuals who may live in different countries, and ODR procedures are distinguished by their extraordinary flexibility regarding time limitations. Also, the case's time-effective discussion in an online environment enables settling the issue within the most suitable periods. According to Katsh, Rifkin, and Gaitenby, the ODR process is also less complicated than the conventional courtroom litigation process.

Also, Online mediation is less flattering, particularly when contrasted with the cost of influential a case in a logged-off setting. The advantage of cautious discovery costs opens the operation of online mediation for e-business and low-value conflict, which just don't have an alternative. Online mediation has the prospective for mounting access to equity for some disputants. There are no topographical interruption places within the web, which increases the capacity of intermediary persons available for every divergence. Also, it pertains to the parties' secrecy, which is an important aspect of the web."

ODR is well-suited for online business disputes due to financial connections and familiarity with online tools. Its key advantages include cost-effectiveness, eliminating physical document exchanges, and reducing travel requirements. ODR offers flexibility in time limitations, efficient discussions, and accessible resolutions, particularly for cross-border and e-commerce issues. Online mediation enhances cost savings, access to justice, and privacy. Overall, ODR provides practical, efficient, and accessible dispute resolution leveraging the Internet's benefits compared to traditional litigation.



Corporate Law Cell



DECRIMINALIZING TAX LAWS, BOOSTING MANUFACTURING, AND MORE: A COMPREHENSIVE LOOK AT INDIA'S BUDGET

On the day after the economic survey for the year 2023 was released, Finance Minister Smt. Nirmala Sitharaman announced in her budget speech the decision to decriminalize taxation laws, eliminate provisions in the INCOME TAX, GST, and customs laws that overlapped with sections enforceable under the Indian Penal Code (IPC), and lessen oppressively aggravated charges under GST. This announcement was made during the PM Modi government's final budget, although an interim budget will be presented next year before the general elections in May 2024. The economic survey and budget also had other noteworthy highlights.

The economic survey for the financial year 2023-24 comes when India celebrates its 75 years of independence, i.e., during the Amrit Kaal. According to the study, the Indian service sector continues to be the source of strength, with 9% growth this year. Further, agencies worldwide continue to project India as the fastest-growing major economy at 6.5 to 7.0 % in 2023-24, despite the three shocks of covid 19, Russia - Ukraine war, and the widening of the Current Account Deficits (CAD). India is likely to witness GDP growth of 6.0 percent to 6.8 percent in 2023-24, depending on the trajectory of economic and political developments globally. The economy is likely to grow slowly @ 6.5% in the financial year 2023-24 compared to 7% in the financial year 2022-23 and 8.7% in 2021-22.

The Union Budget 2023-24 emphasizes inclusive development through the "Sabka Sath, Sabka Vikas" initiative, which focuses on farmers, women, youth, marginalized groups such as Scheduled Castes, Scheduled Tribes, Other Backward Classes (OBCs), Divyangjans (PwDs), and Economically Weaker Sections (EWS). The budget also prioritizes the underprivileged and includes sustained efforts toward developing the Union Territories of J&K, Ladakh, and the Northeast Region (NER). The funding follows a two-pronged growth strategy outlined in 2019, which encourages private-sector investment to create jobs and boost growth while increasing government spending on infrastructure and reducing bureaucracy.

Notable takeaways from the budget include:

- Changes in the income tax regime,
- A 33% increase in capital investment outlay to Rs 10 lakh crore (the largest in a decade), and
- Changes in customs duty on various items.



The capital outlay for railways has also been increased to the highest-ever amount of Rs 2.40 lakh crore. India has attempted to break free from its colonial past through this budget, as stated by the finance minister. India aims to establish itself as a new manufacturing hub by improving the Ease of Doing Business in the country, thereby distancing itself from China. The government has reduced over 39,000 compliances and decriminalized more than 3,400 legal provisions to facilitate this transition. Additionally, the Jan Vishwas bill has been introduced to amend 42 central acts.

The finance minister has also proposed decriminalizing section 276A of the Income Tax Act which had the provision for prosecution with rigorous imprisonment of up to two years in the case of a person, being a liquidator, who fails to give notice by subsection (1) of section 178 or fails to set aside the amount as required by sub-section (3) of the said section or parts earlier. Section 276A not only allows for the prosecution of liquidators who fail to comply with section 178, but it also holds these liquidators personally liable for such non-compliance. However, the Insolvency and Bankruptcy Code, 2016 (IBC) has since established a waterfall mechanism for the payment of dues by companies under liquidation, and sub-section (6) of section 178 now specifies that this section is not applicable when it contradicts the provisions of the IBC. Furthermore, liquidators now operate under the oversight of this specific law.

Overall, the government budget is expected to play a critical role in India's economic development and achieve its goal of becoming a three trillion-dollar economy by March 2023. The budget serves as a roadmap for resource allocation and guides government spending decisions. A well-crafted budget has the potential to stimulate economic growth, create job opportunities, and improve social welfare.

In the 2023-24 Union Budget, Indian Finance Minister Nirmala Sitharaman decriminalized taxation laws and streamlined INCOME TAX, GST, and customs laws. Despite challenges like COVID-19 and the Russia-Ukraine war, the service sector projects 6.5%-7.0% growth. The budget focuses on inclusive development through "Sabka Sath, Sabka Vikas," benefiting farmers, women, youth, marginalized groups, and the economically weaker sections. Key highlights include changes in income tax, increased capital investment, modifications in customs duty, and enhanced railway capital outlay. The goal is to make India a manufacturing hub, reduce bureaucracy, improve ease of doing business, and reach a three trillion-dollar economy by March 2023.

SEBI'S INITIATIVE TO AVOID OCCURRENCES OF "GREENWASHING"

SEBI stands for Securities and Exchange Board of India. It is the regulatory body for the securities market in India. SEBI was established in 1988 with the primary objective of protecting the interests of investors and promoting the development of the securities market in India. SEBI's primary functions include:

1. Protecting the interests of investors.
2. Promoting the development of the securities market.
3. Regulating the securities market to prevent fraudulent and unfair trade practices.
4. Promoting investor education and awareness.

Recently, SEBI has taken the initiative regarding greenwashing. Greenwashing refers to the practice of making false or exaggerated claims about the environmental benefits of a product, service, or investment to attract environmentally conscious consumers or investors. This can mislead investors into believing they are investing in environmentally friendly companies, harming both the investors and the environment. SEBI said that "an issuer of green debt securities will have to ensure that it will not use misleading labels, hide trade-offs or cherry pick data from research to highlight green practices and will maintain highest standards associated with the issue of green debt security while adhering to the rating assigned to it."

Earlier, SEBI introduced the concept of 'blue' and 'yellow' bonds as new modes of sustainable finance concerning pollution prevention and control and eco-efficient products. Blue bonds relate to water management and the marine sector, while yellow is about solar energy. These are sub-categories of green debt securities.

On February 2023, SEBI introduced new rules that are:

1. While raising funds for the transition towards a greener pathway, issuers must continuously monitor to check whether the path undertaken towards a more sustainable form of operations results in a reduction of adverse environmental impact. Monitoring and evaluation can help issuers to identify areas where they can improve their environmental performance and take corrective actions accordingly. Continuous monitoring and evaluation can help issuers to demonstrate their commitment to sustainability and enhance their credibility among investors and stakeholders. It can also help them to identify opportunities for innovation and cost savings by adopting more sustainable practices.



2. Issuers must use funds for the purpose(s) falling under the 'green debt security' definition only. SEBI, the regulatory body for the securities market in India, has introduced a framework for green bonds to ensure that issuers use the funds raised through green bonds for environmentally sustainable projects. The framework requires issuers to disclose the use of proceeds, the expected environmental benefits, and the process for selecting and verifying the environmental projects. This will help investors to identify genuine green bonds and prevent issuers from making false or exaggerated claims.

3. Issuers must disclose the green debt securities already issued to the investors. This is because transparency is an essential aspect of the green bond market, and investors need access to accurate and timely information about the green bonds they invest in.

4. Issuers must maintain the highest standards associated with the issue of green debt security while adhering to the rating assigned to it; maintaining high standards associated with the issuance of green debt securities is critical to ensuring that the funds raised are used for environmentally sustainable projects or activities. While adhering to the assigned rating is essential, issuers should not compromise on the environmental impact of their projects or activities.

5. Quantifying negative externalities reveals the hidden costs of projects financed by green debt, aiding issuers and investors in comprehending the actual environmental impact, such as unaccounted carbon emissions from coal-fired power plants.

6. Issuers must not make untrue claims giving a false impression of certification by a third-party entity. Certification by a third-party entity is crucial to the green bond market. It provides investors with independent verification that the projects or activities financed by the green debt security meet specific environmental criteria.

SEBI's initiatives to prevent greenwashing in the green bond market are essential to maintain the market's credibility and protect investors. By introducing guidelines on disclosure requirements, accrediting external reviewers, and establishing a monitoring and enforcement mechanism, SEBI has taken a proactive approach to address the risks associated with greenwashing. These measures are expected to promote transparency and accuracy in the environmental claims made by issuers and enhance the long-term sustainability of the green bond market.

SEBI has introduced rules to tackle greenwashing in the green bond market. The framework requires issuers to disclose fund allocation, expected environmental benefits, and project selection/verification processes. Continuous monitoring of impact and quantification of negative externalities are mandated. Transparency is emphasized, with guidelines on disclosure requirements and accrediting external reviewers. The establishment of a monitoring and enforcement mechanism aims to enhance accuracy and transparency in environmental claims, fostering the market's long-term sustainability. These measures aim to prevent false or exaggerated claims and promote responsible investing in genuine environmentally beneficial projects.

ESG V. CSR IN M&A: THE GAME CHANGER FOR THE FUTURE OF THE CORPORATE WORLD

In today's world, sustainability is an essential factor that businesses must prioritize for peaceful coexistence. A great example of the same could be efforts made by Patagonia, a clothing company in both CSR (Corporate Social Responsibility) and ESG (Environmental, Social and Governance) fields. As part of its CSR efforts, Patagonia has pledged 1% of its sales to preserve and restore the natural environment through its One Percent for the Planet program. Additionally, the company has implemented many environmentally sustainable practices, such as using organic cotton and recycled polyester in its clothing and reducing energy and water consumption.

Regarding ESG, Patagonia has earned high scores for its environmental performance from rating agencies such as MSCI and Sustainalytics. The company has also set ambitious environmental goals, such as achieving carbon neutrality by 2025 and using only 100% renewable energy in its operations by 2030.

Overall, Patagonia's commitment to environmental sustainability demonstrates how CSR and ESG concepts can be applied to drive positive environmental outcomes while creating long-term value for the company and its stakeholders.

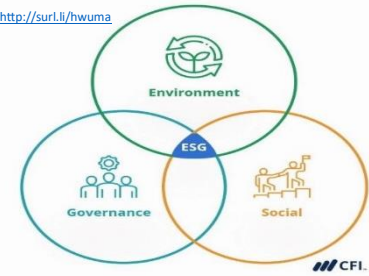
Nevertheless, why a comparison of CSR and ESG may be required when they both can effectively contribute towards the sustainable growth of a company. While CSR and ESG are important, they have different focuses and goals. CSR is focused on improving a company's social and environmental impact, while ESG is focused on evaluating a company's overall sustainability and financial performance.

It is crucial to compare CSR and ESG because they can both provide valuable insights into a company's impact on society and the environment. By evaluating a company's CSR initiatives alongside its ESG performance, stakeholders can get a more comprehensive picture of its sustainability and long-term viability. This information can be helpful for investors, customers, employees, and other stakeholders who are interested in supporting companies committed to positively impacting the world.

This comparative analysis focuses on the concepts of ESG and CSR, particularly in the context of M&A deals across the globe. The Ministry of Corporate Affairs has been guiding responsible business conduct by companies in India through the National Voluntary Guidelines on Social, Environment, and Economic Responsibilities of Business. SEBI has also introduced the requirement for the top 100 listed companies by market capitalization to include the Business Responsibility Report as part of their annual report to describe their initiatives from an ESG perspective.

ESG factors are becoming more prevalent in M&A deals worldwide, and investors are scrutinizing ESG performance when evaluating potential investments.

Source: <http://surl.li/hwuma>



ESG provides measurable goals, while CSR is more qualitative and challenging to define. CSR practices are usually self-regulated and can have many variations. However, CSR can be excellent for driving awareness of initiatives and empowering employees to embrace diversity. On the other hand, ESG helps to highlight a company's ethics to the external world.

Moreover, it is suggested that a target's CSR performance affects firm value in M&A deals. The acquirer gains and synergy gains produced by the purchase are more extensive, the stronger the target's CSR performance compared to the acquirers. The acquirer's learning from the target's CSR practices and experiences is the basis of value creation.

Investors now recognize the importance of ESG factors in determining the value and sustainability of investments and are scrutinizing ESG performance when evaluating potential investments, including M&A transactions. ESG criteria can assess financial and non-financial risks, leading investors to prioritize companies that prioritize sustainability and good corporate citizenship.

Trillium's ESG criteria prohibit investments in businesses exposed to nuclear or coal power, hard rock or coal mining, private prisons, agricultural biotechnology, tobacco, tar sands, or guns and firearms, as well as companies involved in significant or recent disputes related to animal welfare, human rights, the environment, corporate governance, or product safety. In India, the CSR regime is transitioning into an obligatory expenditure system, which could lead to some new factors being considered when making deals. This would negatively affect the cash flow of the CSR-contributing company. Following SEBI's (Securities and Exchange Board of India) efforts, ESG reporting by Indian corporations has improved, as demonstrated by CareEdge Research, published on February 23, 2020.

It can be concluded that companies, private equity funds, and other strategic acquirers can gain a competitive advantage by focusing on ESG, as it helps organizations create value, reduce risk, and become more resilient. In contrast, CSR can help companies to fulfil their social responsibilities and improve their public image. However, it does not necessarily lead to tangible business benefits or provide a sustainable competitive advantage in the long run. While CSR initiatives may improve the company's reputation and goodwill, they may not directly address the environmental and social risks and opportunities that can impact its financial performance and long-term viability.

The article emphasizes the significance of Corporate Social Responsibility (CSR) and Environmental, Social, and Governance (ESG) practices for sustainable business growth. Patagonia serves as a successful example of implementing these practices. ESG evaluates a company's sustainability and financial performance, while CSR improves social and environmental impact. Comparing CSR and ESG is crucial, especially in mergers and acquisitions (M&A) deals, where investors prioritize ESG performance for assessing financial and non-financial risks. Focusing on ESG can provide a competitive advantage, while CSR helps fulfill social responsibilities and enhance public image, but may lack long-term business benefits.

ADANI – HINDENBURG CONFLICT

US-based Hindenburg Research published a report on January 24th. Hindenburg Research is a forensic financial company examining equity, credit, and derivatives. It was founded in 2017 by Nathan Anderson. Hindenburg claims on its website that it searches for "man-made disasters" such as accounting errors, poor management, and unreported linked party transactions. The business uses short selling to produce most of its profits while investing its money.

The article focused on Adani Group, one of India's largest conglomerates, and how the third richest man in the world pulled out the most prominent corporate scam in history, which led to Adani's removal from the list of the ten wealthiest people and the diversion of 125 billion dollars from the Adani Group's total market value in a single week. From the standpoint of the Indian stock market, the financial foundations of India, such as LIC&SBI, are fast losing market share. As a result, up until February 2nd, Adani Group stock investors had lost more than Rs. 10 lac crores.

According to Hindenburg Research, this report was published after two years of investigation and a thorough review of a more than 100-page report. According to Hindenburg's analysis, the Adani group improperly exploits offshore tax havens to conceal the involvement of family members in group businesses and manipulates stock prices. Hindenburg also claimed that Adani had close ties to politicians and regulators, which allowed it to avoid scrutiny and evade taxes. Adani vehemently denied these allegations and accused Hindenburg of engaging in a smear campaign. Concerns about high debt and what it terms excessive valuation are also raised.

Some of the allegations from Hindenburg were regarding stock manipulation and the current ratio of the Adani group.

- **Stock manipulation:** To violate SEBI regulations and control over 75% of the company, Adani is forming many shell firms purchasing Adani shares. Adani's essential response is, "Each entity named in inquiries is a public shareholder in the listed firms in Adani's portfolio. A listed entity does not influence who purchases, sells, or holds publicly traded shares.
- **Current Ratio:** Adani Group has a current ratio of less than 1 for 5 of its seven companies, according to one of Hindenburg's claims. So, while it is risky, it is neither wrong nor brand-new knowledge.

The study makes it clear that Hindenburg exposed certain insider information about Adani under the name of activism to make money. According to the investigation, Hindenburg stated that a rail line was to be built in Queensland for the transportation of coal. Because Adani Enterprises did not reveal this contract in their annual report, they also engaged in some leakage. The company filed a lawsuit against Hindenburg in India, alleging that the research firm had made false and defamatory statements. The research has ignited a contentious discussion about the business practices of one of the biggest firms in India.



Source: <http://surl.li/hwuhb>

It raises significant concerns about the morality and legality of the Adani group's operations. The research asserts that the corporation has accrued significant revenue from joint ventures and subsidiaries not shown in its financial statements, creating a false impression of its financial stability and success. Along with these money-related issues, the Hindenburg study also accuses the Adani group of insider trading and tax violations. Reiterating the Hindenburg study, the activist short seller Hindenburg Research has admitted that it is shorting Adani.

Report Marketing:

In the report of the Hindenburg, enticing wording and well-organized scripted material can be found where they attempted to narrate along with the study. According to the research, Adani Group is committing the most significant corporate fraud ever. Whether they should have used something other than the Hindenburg study as a source of market manipulation strategies comes up. One corporation makes money by creating such excitement using timing with several flaws, as is evident.

Insider trading, as used in the stock market, refers to disclosing private information that is not available to the general public and using that information to gain an unfair advantage on stock exchanges. A listed firm issues new shares for its existing or new investors through a follow-on public offering (FPO), and on February 27th, Adani was prepared to release shares worth rupees 20,000 crores through an open offer. LIC was the FPO investor. The Adani Group has decided to withdraw its oversubscribed FPO and repay the money to its investors after considering the investors and the erratic market. The shares of Adani Enterprises will no longer be included in the S&P Jones Indices for Sustainability as of February 7th due to the additional surveillance measures taken against three Adani Group companies in the United States. The RBI has requested a detailed analysis from Indian banks exposed to the Adani Group.

The conflict between Adani and Hindenburg has highlighted the growing power of investment research firms, which can influence companies' stock prices by releasing adverse reports. It has also brought attention to the issues of corporate governance and transparency in India. Despite the controversy, Adani has continued to expand its business operations, particularly in the renewable energy sector. The company has targeted becoming the world's largest solar power producer by 2025. However, it has raised important questions about the role of investment research firms in shaping public opinion and the need for greater accountability and transparency in the corporate world. No offense intended to the Adani Group or Hindenburg, but to what extent can the release of a study by a company embroiled in a conflict of interest be justified ethically or legally?

Hindenburg Research, a US-based forensic financial company, released a report on Adani Group, accusing the conglomerate of improper exploitation of offshore tax havens, stock price manipulation, close ties to politicians and regulators, insider trading, and tax violations. The report questions the accuracy of Adani's financial statements and raises concerns about its debt and valuation. Adani denied the allegations and filed a lawsuit against Hindenburg, sparking a controversy that highlights the influence of investment research firms and the need for corporate accountability and transparency. The situation also raises ethical and legal questions about releasing a study by a company involved in a conflict of interest.

CORPORATE GOVERNANCE & UNIFORMIZATION OF LSF UNDER FEMA

In today's corporate world, governance has become imperative to any business organization's success and effective management. It refers to a system or mechanism through which an organization is controlled and directed through rules and regulations to perform certain activities while keeping in mind the diverse interests of various stakeholders and keeping in check that these interests are not in conflict with each other. It ensures transparency, accountability, responsibility, and risk management.

Since the Securities and Exchange Board of India (SEBI) is the main functioning body behind ensuring legal compliance by the listed companies, a consultation paper was released by the Securities and Exchange Board of India (SEBI) to modify the rules for improving corporate governance at listed businesses by giving shareholders more authority, under these rules, SEBI has made it compulsory to disclose all material information which may create liability on the shareholders and investors and promoters that invest before an IPO are given individual rights. Disclosure of various financial and non-financial information by the company is mandated by SEBI according to Regulation 26 of SEBI (Listing Obligations and Disclosure Requirements) Regulations, 2015. Giving such special rights to these stakeholders will ensure better contributions from their side toward the overall governing of the organization. This is what makes the task of corporate governance effective and easy.

Recently, many Indian enterprises have been associated with unfair and illegal practices in the market. One such firm, PTC India Financial Services (PFS), has been questioned by the Ministry of Corporate Affairs (MCA) for allegedly breaking the regulations for the hiring of forensic auditors in a loan default case and failing to give the former independent directors access to the audit report for more than two years. This violates Section 149 (powers and duties of independent directors) and Section 177 (Constitution of an audit committee, its role, and responsibilities) of the Companies Act, 2013. The MCA also noticed PFCCL's failure to secure the required Ministry of Power clearances for many projects and anomalies in the procurement process for several projects. Such non-compliance with the statutory rules such as the Companies Act, 2013 and the Companies (Appointment and Remuneration of Managerial Personnel) Rules, 2014, established by law, violates the corporate governance rules, which require adherence to the legal compliance and rules.



Another news came after Adani Enterprises, the vast Indian conglomerate's stock, and its founder Gautam Adani's value were negatively impacted by allegations of accounting fraud and stock manipulation made by Hindenburg Research, a short-seller research company based in New York. This alleged conduct of Adani Enterprises violates of:

Section 12A (Prohibition of manipulative and fraudulent practices, including insider trading) of the Securities and Exchange Board of India Act, 1992 Regulation 3 (Prohibition of fraudulent and unfair trade practices in securities market) of the Prevention of Fraudulent and Unfair Trade Practices Regulations, 2003

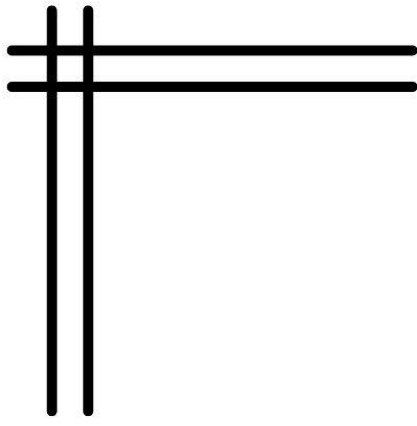
Section 12A (Prohibition of manipulative and deceptive devices, including price rigging, manipulation of security prices, and cornering of securities) of The Securities Contracts (Regulation) Act, 1956.

Due to ethical issues, Sustainalytics, a sustainability ratings company, reduced the corporate governance-related rankings for three Adani Group enterprises in India. The reduced ratings will affect these enterprises' environmental, social, and governance (ESG) norms. This should serve as a reminder and warning for other enterprises to stop using unfair practices to have decent goodwill in the corporate world.

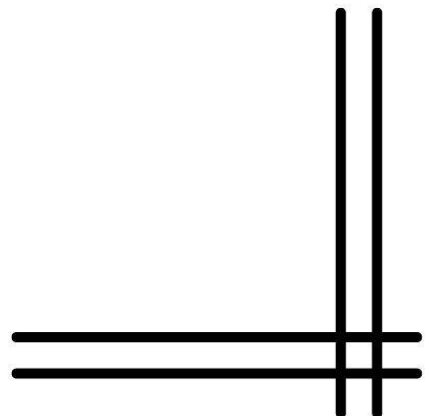
To conclude, corporate governance is crucial in the Indian setting because it helps to guarantee that firms function transparently and ethically, that stakeholders' interests are protected, and that long-term value is created for shareholders. With new laws and regulations that have increased accountability and transparency in corporate decision-making, India's legal and regulatory corporate governance framework has grown dramatically.

Hence, to achieve long-term success, organizations in India must emphasize corporate governance and adhere to the highest ethical standards. The recent RBI notification of September 30, 2022, states that "The Late Submission Fee (LSF) was introduced for reporting delays in Foreign Investment (FI), External Commercial Borrowings (ECBs) and Overseas Investment related transactions with effect from November 07, 2017, January 16, 2019, and August 22, 2022, respectively. It has now been decided to bring uniformity in the imposition of LSF across functions."

This article highlights corporate governance in India's corporate world, ensuring transparency, accountability, and risk management. SEBI mandates listed companies to disclose material information for shareholders and investors. Recent events involving PTC India Financial Services and Adani Enterprises underscore the need for compliance and adherence to ethical standards. Non-compliance affects ESG rankings, impacting goodwill. The article also mentions the Late Submission Fee (LSF) concept introduced by RBI for uniformity across functions.



Information Technology Law Cell



DOCUMENTARIES: A DIRTY POLITICAL TOOL?

The release of the BBC documentary on Prime Minister Narendra Modi in 2019 sparked a major controversy in India and around the world. The two-part documentary, titled "India's Daughter" and "India's Rape Scandal", explored the issue of sexual violence in India and alleged Modi's complicity in the 2002 Gujarat riots. The documentary drew widespread criticism and praise, with Modi's supporters accusing the BBC of bias and misinformation, and his critics hailing it as an important exposé of human rights violations. In this article, we will delve deeper into the controversy surrounding the BBC documentary and explore the issues it raises about media, politics, and human rights in India.

In 2019, the BBC released a two-part documentary titled "India's Daughter" and "India's Rape Scandal" that explored the issue of sexual violence in India. While the documentary received some attention for its coverage of the rape crisis in India, it drew widespread criticism and controversy for its coverage of Prime Minister Narendra Modi and his role in the 2002 Gujarat riots.

Part 1 of the documentary, "India's Daughter", focused on the gang rape and murder of Jyoti Singh in Delhi in 2012, and the subsequent protests and public outrage that followed. The documentary provided a powerful and emotional account of the case, highlighting the widespread problem of sexual violence in India and the failures of the justice system in addressing the issue.

However, it was Part 2 of the documentary, "India's Rape Scandal", that drew the most controversy. The segment focused on the Gujarat riots and allegations of Modi's complicity in the violence. It highlighted the role of the Sangh Parivar, a Hindu nationalist organization, in promoting a divisive political agenda that targeted minorities, and accused Modi of being a member of the organization.

The documentary also showed interviews with victims and activists who accused Modi of failing to prevent the loss of lives and property during the riots. It alleged that Modi's government had actively prevented the police from intervening in the violence, and that he had made inflammatory statements that incited the riots. The documentary's coverage of Modi's role in the Gujarat riots has been a subject of controversy and debate in India and around the world.

On one hand, Modi's supporters have criticized the documentary for its alleged bias and misinformation. They have argued that the documentary fails to provide a balanced view of the situation and ignores the steps taken by Modi's government to address the aftermath of the riots.

On the other hand, Modi's critics and human rights activists have praised the documentary for exposing the government's human rights record. They argue that the documentary raises important questions about Modi's leadership and accountability, and sheds light on the ongoing struggle of victims and activists to seek justice and redress for human rights violations.



. The controversy surrounding the documentary highlights the complexity of India's political landscape and the challenges of addressing human rights violations in a polarized society. It also underscores the role of media in shaping public opinion and holding those in power accountable.

Modi's supporters have criticized the documentary's coverage of the Gujarat riots, alleging that it was biased and one-sided. They argue that the documentary ignores the steps taken by Modi's government to address the aftermath of the riots and promote reconciliation between communities.

Modi's supporters also argue that the documentary ignores the role of other actors in the Gujarat riots, including the Congress Party and local officials. They allege that the Congress Party, which was in power at the time of the riots, failed to prevent the violence and played a role in exacerbating the situation.

Moreover, Modi's supporters have criticized the documentary for its alleged misrepresentation of the facts. They argue that the documentary selectively presents information to support a particular narrative and ignores evidence that contradicts it.

For example, the documentary suggests that Modi failed to take action to prevent the riots and was complicit in the violence. However, Modi's supporters argue that Modi did take steps to contain the riots and prevent further violence. They point to the fact that Modi called in the army and imposed curfews in affected areas, and that the riots were eventually contained. Modi's critics and human rights activists, on the other hand, have praised the documentary for exposing the government's human rights record and raising important questions about Modi's leadership and accountability.

So, what can we conclude from this controversy and the allegations against Modi? It's clear that the issue of the Gujarat riots is complex and controversial, with different perspectives and biases shaping our understanding of the situation. It's also clear that the documentary has played an important role in raising awareness and debate about the issue of human rights in India. However, it's also important to recognize that Modi has taken steps to address the aftermath of the Gujarat riots and promote reconciliation between communities. In the years since the riots, Modi has focused on economic development and social welfare programs, seeking to bridge divides and promote unity. In conclusion, while the BBC documentary on Prime Minister Modi has been controversial and divisive, it has also sparked important debate and discussion about human rights and political accountability in India. As we continue to explore this issue and seek to understand different perspectives and biases, we must remain open-minded and respectful of diverse viewpoints.

The 2019 BBC documentaries "India's Daughter" and "India's Rape Scandal" caused controversy by covering Prime Minister Narendra Modi's alleged involvement in the 2002 Gujarat riots. Supporters of Modi criticized the documentaries for bias and misinformation, while human rights activists praised them for exposing government violations. This highlights the challenges of addressing human rights in a polarized society and emphasizes the media's role in shaping public opinion and holding power accountable. It's important to note that the Gujarat riots issue is complex, and Modi has taken steps towards reconciliation. The documentaries have sparked crucial awareness and debate on human rights and political accountability in India.

DATA PROTECTION BILL CONTROVERSY

The Data Protection Bill 2022 is a proposed legislation in India aimed at protecting the personal data of Indian citizens. The bill has been the subject of much controversy, with concerns being raised over its potential impact on privacy, data security, and the ability of businesses to operate effectively. This research work provides an overview of the Data Protection Bill 2022 in India, including its key provisions, landmark judgments related to data protection, recent updates, and analysis with references.

The Data Protection Bill 2022 is an update to the previous version of the bill, which was introduced in 2019. The proposed legislation is designed to establish a comprehensive framework for the protection of personal data in India. The bill seeks to regulate the processing of personal data, as well as provide individuals with greater control over their data.

Some of the key provisions of the Data Protection Bill 2022 include:

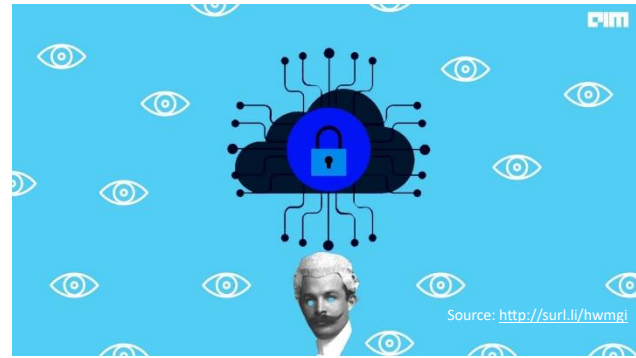
1. **Data Localization:** The bill mandates that sensitive personal data be stored only within India.
2. **Data Protection Authority:** The bill proposes the establishment of a Data Protection Authority, which will oversee the implementation and enforcement of data protection laws in the country.
3. **Consent:** The bill requires that individuals provide their explicit consent before their personal data is collected and processed.
4. **Right to be Forgotten:** The bill provides individuals with the right to request the deletion of their personal data.
5. **Fines and Penalties:** The bill includes provisions for fines and penalties for non-compliance with data protection laws.

In comparison to its now-abandoned predecessor, the Digital Personal Data Protection Law is considerably shorter. It also represents a stronger attempt to enact a surveillance state similar to that of China in the largest democracy in the world, disappointing the liberals of the nation and upsetting trading partners by making data a potential tool for foreign policy. It will also result in a further ideological rift between the West and India.

There isn't much in the revised draught to thrill those who were appalled by the government's being given complete discretion in the prior draught. The federal government has the authority to exempt and legalise any "instrumentality" of the state.

There have been several landmark judgments related to data protection in India, including:

1. **Justice K.S. Puttaswamy (Retd.) and Anr. vs. Union Of India And Ors. (2017):** The Supreme Court of India declared the right to privacy a fundamental right under the Indian Constitution.



2. **Justice S. K. Shinde & Anr vs. State of Maharashtra & Ors. (2020):** The Bombay High Court held that the right to privacy includes the right to be forgotten.
3. **K. S. Puttaswamy vs. Union of India (2019):** The Supreme Court of India struck down Section 57 of the Aadhaar Act, which had allowed private entities to use Aadhaar data for verification purposes.

The Data Protection Bill 2022 was introduced in the Lok Sabha (lower house of the Indian Parliament) in February 2022. Since then, there have been several updates related to the bill, including:

1. **Parliamentary Committee Report:** In March 2022, a Parliamentary Committee submitted its report on the Data Protection Bill 2022. The report made several recommendations, including the need to strengthen the Data Protection Authority and ensure that it has adequate resources to perform its duties.
2. **Stakeholder Consultations:** The Ministry of Electronics and Information Technology (MeitY) conducted stakeholder consultations on the Data Protection Bill 2022 in March 2022. The consultations were aimed at gathering feedback on the bill from various stakeholders, including industry representatives, civil society organizations, and legal experts.

The Data Protection Bill 2022 has been the subject of much debate and analysis, with some experts criticizing the bill for its potential impact on the ability of businesses to operate effectively, while others have praised it for its focus on protecting the privacy of Indian citizens.

One of the key criticisms of the bill is its requirement for data localization. Critics argue that this provision could make it difficult for businesses to operate effectively, particularly those that rely on cross-border data transfers. However, proponents of the bill argue that data localization is necessary to protect the privacy and security of Indian citizens. Another area of concern is the role of the Data Protection Authority. Critics have argued that the Authority may not.

Data is the new oil, and authoritarian governments want to control personal data as a way to exert authority over their subjects. Invading privacy and individual rights repeatedly over the past eight years, the Modi administration has done so in the guise of "national interest." The personal data bill draught is the most recent effort to erode individual liberties.

Will it be a success?

The controversial Data Protection Bill 2022 in India aims to safeguard personal data of citizens but raises concern about privacy, data security, and business operations. It includes provisions such as data localization, a Data Protection Authority, explicit consent, the right to be forgotten, and penalties for non-compliance. Landmark judgments have addressed data protection in India. Critics argue the bill could harm businesses, while supporters believe it protects privacy and security. However, concerns about the Data Protection Authority persist, deepening ideological divisions between the West and India and eroding individual liberties.

ABOLISHMENT OF SECTION 66A, IT ACT, 2000

In 2015, the Supreme Court of India announced the abolishment of Section 66A of the IT Act, 2000. This section had been a subject of controversy since its introduction in 2008, as it was widely criticized for being too broad and vague, leading to its misuse and abuse by authorities. The abolishment of Section 66A was a significant step towards protecting freedom of expression and upholding individual rights in India.

Section 66A of the IT Act, 2000, was introduced in 2008 to address cybercrimes, including cyberbullying, online harassment, and other forms of online abuse. However, the language of the section was vague, and it was open to interpretation, leading to its misuse by the authorities. This section criminalized the use of “offensive” or “menacing” communication, including messages, emails, and social media posts. It was also used to target individuals who were critical of the government or its policies. The section carried a maximum punishment of three years in jail and a fine.

The ambiguity of Section 66A led to many instances of misuse and abuse. One such instance was the arrest of two young women in Mumbai in 2012 for criticizing the shutdown of the city after the death of Shiv Sena leader Bal Thackeray on Facebook. Another incident involved the arrest of a professor in West Bengal in 2012 for forwarding an email containing a cartoon criticizing Mamata Banerjee, the Chief Minister of West Bengal. These incidents sparked a nationwide debate on the need for the abolishment of Section 66A.

In 2013, the Supreme Court of India took notice of the misuse of Section 66A and issued guidelines to prevent its misuse. The court directed the authorities to ensure that the section was not used to target individuals who were critical of the government or its policies. However, the guidelines did not solve the underlying problem of the ambiguity of the section, and instances of its misuse continued.

Finally, in 2015, the Supreme Court of India announced the abolishment of Section 66A in *Shreya Singhal vs. Union of India* stating that Section 66A of IT Act, 2000 was unconstitutional in its nature. The government recognized that the section was vague and prone to misuse, and it violated freedom of speech and expression. The government’s decision to abolish the section was widely welcomed by civil society organizations, human rights activists, and the general public. The abolishment of Section 66A was a significant step towards protecting freedom of expression in India. It sent a message that the government was committed to upholding individual rights and protecting citizens from arbitrary arrest and detention. The move was also a victory for civil society organizations and human rights activists who had been campaigning for the abolishment of the section for years.



Source: <http://surl.li/hwluh>

The abolishment of Section 66A was also a positive development for India’s digital economy. India is one of the fastest-growing digital economies in the world, and the abolishment of Section 66A has created a more conducive environment for digital innovation and entrepreneurship. The section had created a chilling effect on freedom of expression, which had discouraged individuals from expressing their opinions online. This, in turn, had led to a decline in online participation and a loss of creativity and innovation in the digital space.

The abolishment of Section 66A, however, does not mean that the government has abandoned its responsibility to protect citizens from online abuse and cybercrime. The IT Act, 2000, still contains provisions that address cybercrimes, including cyberbullying, online harassment, and other forms of online abuse. The government has also enacted the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, which aim to regulate social media platforms and other digital intermediaries. In conclusion, the abolishment of Section 66A of the IT Act, 2000, was a significant step towards protecting freedom of expression and upholding individual rights in India. The section’s ambiguity had led to its misuse and abuse, and it violated citizens’ right to freedom of speech and expression. The move was widely welcomed by civil society organizations, human rights activists, and the general public, and it created a more conducive environment for digital innovation and entrepreneurship in India. The government’s decision to abolish the section was a positive development for India’s digital economy, and it demonstrated the government’s commitment to upholding individual rights and protecting citizens from arbitrary arrest and detention. While the government still has a responsibility to protect citizens from online abuse and cybercrime, the abolishment of Section 66A was a significant step towards creating a more democratic and inclusive digital space in India.

The abolishment of Section 66A of the IT Act, 2000 by the Supreme Court of India in 2015 was a significant step towards protecting freedom of expression and upholding individual rights in India. The section’s ambiguity had led to its misuse and abuse, violating citizens’ right to freedom of speech and expression. The move was widely welcomed by civil society organizations, human rights activists, and the general public, and it created a more conducive environment for digital innovation and entrepreneurship in India. While the government still has a responsibility to protect citizens from online abuse and cybercrime, the abolishment of Section 66A was a significant step towards creating a more democratic and inclusive digital space in India.

Saakshaat Gupta & Jatin Makkar,
reviewed by Radhika Chugh,
Symbiosis Law School, Noida.

ASSISTED REPRODUCTIVE TECHNOLOGY

ADVANCEMENTS & FUTURE

The Advancements of ART

IVF is one of the most commonly used ART procedures. It involves combining a woman's egg and a man's sperm outside the body in a laboratory dish. The fertilised egg, or embryo, is then transferred to the woman's uterus, where it can implant and develop into a baby. IVF has helped millions of couples conceive, but it is not without risks. Women who undergo IVF are at an increased risk of multiple pregnancies, which can lead to complications during pregnancy and childbirth.

ICSI is another ART procedure that is used to overcome male infertility. It involves injecting a single sperm directly into an egg to fertilise it. ICSI has been successful in cases where other fertility treatments have failed, but it is not without risks. There is a small risk that the procedure could damage the egg or embryo, and some studies have suggested that ICSI may increase the risk of birth defects.

Sperm and egg donation are also commonly used in ART. Sperm donation is used when the male partner is infertile or has a genetic condition that could be passed onto their offspring. Egg donation is used when the female partner is infertile or has a genetic condition that could be passed onto their offspring. Both sperm and egg donation have helped many couples conceive, but they raise ethical concerns about the donor's anonymity, consent, and compensation.

The Risks of ART

The risks of ART are not just limited to the procedures themselves, but also to the health and well-being of the offspring. Children born through ART may have an increased risk of certain health conditions, such as low birth weight, prematurity, and birth defects. They may also be at a higher risk of developing certain cancers, such as leukaemia and brain tumours. However, it is important to note that the risks are generally small, and the vast majority of children born through ART are healthy. There are also ethical concerns surrounding ART, particularly with regard to the use of donor sperm and eggs. The use of donor sperm and eggs raises questions about the identity of the child's biological parent, and whether they have a right to know their genetic heritage. There are also concerns about the potential exploitation of donors, particularly in cases where they are compensated for their donation.



Source: <http://surl.li/hwnbj>

The Future of ART

Despite the risks and ethical concerns surrounding ART, it has revolutionised the way we think about infertility and family planning. As technology continues to advance, it is likely that we will see further improvements in ART, including the development of more effective and less invasive procedures. One area of ART that is currently being explored is the use of gene editing technologies, such as CRISPR, to correct genetic abnormalities in embryos before they are implanted. While this technology is still in its early stages, it has the potential to prevent certain genetic diseases from being passed onto future generations. ART has provided hope for millions of couples struggling with infertility or genetic conditions. While it is not without risks and ethical concerns, it has also opened up new possibilities for family planning and genetic research. As we continue to advance our understanding of reproductive technology, it is important that we balance the benefits with the risks and ethical considerations. An Age limit have been placed on the use of technology on which recently the High Court of Kerala have discussed, age limit for the man 55 year and for the woman is 55 year but personal choice to build a family is a fundamental right and according to the high court fixing an upper limit for the same was a restriction and it needs a relook. There are also restrictions on who can use ART- Unmarried, Divorced and widowed men cannot use ART.

Assisted Reproductive Technology (ART) refers to a group of medical procedures that assist couples who are facing fertility problems to conceive a child. It has been a boon to millions of couples who struggle with infertility or genetic conditions that could be passed onto their offspring. ART techniques involve the manipulation of sperm, eggs, or embryos outside of the human body to create a pregnancy. With ART, individuals can conceive a child through procedures such as in vitro fertilisation (IVF), intracytoplasmic sperm injection (ICSI), and sperm or egg donation. However, with the advancements in ART, there have been some concerns about the risks and ethical implications that need to be addressed.

Shreyashi Chaudhary & Arnab Jain, reviewed by Radhika Chugh, Symbiosis Law School, Noida.

GOOGLE V. CCI

WHY IN NEWS?

The Supreme Court had on January 19 in its ruling directed the NCLAT to take up a final hearing on the Google appeal in the Google v. CCI case and dispose of Google's appeal by March 31.

In a setback to Google, a Division Bench of the Supreme Court headed by Chief Justice of India Dhananjaya Y. Chandrachud on Friday declined a plea by tech giant to modify its January Order in Android antitrust case.

BACKGROUND

In 2018, it was alleged by many Android users before the Competition Commission of India (CCI) that the tech-giant was abusing its dominant position exploiting the provisions of the Competition Act, 2002. This led to imposition of unfair conditions on the device manufacturers and violated Section 4 of the Competition Act 2002 which prohibits anti-competitive agreements. As per the provisions of the Competition Act, 2002- "Section 4(1) No enterprise shall abuse its dominant position."

On 19 December 2022, in response to this Google filed an appeal before the NCLAT challenging this order issued by CCI.

Last year on October 20, CCI, the antitrust regulator slapped a fine of Rs.1,337.76 crore on Google for abusing its dominant position in multiple markets in the Android mobile device ecosystem.

Just 4 days later, on 25 October 2022, the Competition Commission of India (CCI) imposed a monetary penalty of Rs.936.44 crores on Google (parent company-Alphabet) for "abusing its dominant position" in markets related to the Android mobile device system.

The Commission directed Google to modify its conduct within a defined timeline.

On 4 January 2023, NCLAT in response to Google's appeal declined to give an interim stay against the CCI order and agreed to admit appeal on pre-deposit of 10 per cent of the overall penalty of Rs.1337 crores. Therefore, Google decided to appeal before the Supreme Court of India.

The Supreme Court had on January 19 in its ruling directed the NCLAT to take up a final hearing on the Google appeal in the Google v. CCI case and dispose of Google's appeal by March 31 but declined to stay the non-monetary directions issued by the CCI in its October hearing in 2022.

WHAT ARE THE ALLEGATIONS?

In CCI's order, the allegations against Google pertain to its Android Operating System (OS), its App Store and dominance in the general Search Market. The following issues were identified by the CCI with respect to-

1. Android Operating (OS)- Google sells its software to mobile companies like Samsung, One Plus, Redmi etc. which contains certain in-built apps like Google Maps, YouTube, Google Photos, Google Drive, Gmail, YouTube etc. which one doesn't have to download as they come pre-installed for customer's ease. This is a part of the MADA [Mobile Application Distribution Agreement] and the AFA [Anti-Fragmentation Agreement] and includes a mandatory pre-installation of Google Mobile Suite (GMS).



However, under the garb of 'customer's ease', Google is taking away the sovereignty and opportunity the consumer would have exercised in choosing their own apps for the very same purpose. This kills the consumer's choice and the consumer finds it easy to go with the default apps. Another problem pertains to the consumer not being able to uninstall these applications from their devices under MADA.

2. App Store- Play Store is another application that is owned by Google and comes pre-installed in Android and all the games/apps that are to be downloaded are put here. There are many apps which have in-app purchases. However, the billing software set up in these apps is of Google due to which the app owners are compelled to pay hefty commissions and not use any third-party billing services or provide a direct link for alternative payment method. Google has made a pre-condition that the apps that desire to be listed on Play Store have to choose a Google Play Billing System [GBPS] and will have to pay a Commission else they'll not be listed. Hence, the apps are left bereft of the inherent choice of payment processor of their convenience in the open market.
3. Search Engine: Dominance in the general Internet Search Market- Google provides an option to the domain owners to pay commission to get listed towards the starting of search results. However, this takes away the credit that people who genuinely have good content deserve and compellers domain owners to pay exorbitant commissions.

NON-MONETARY COMMANDS ISSUED BY CCI AGAINST GOOGLE

Smartphone makers should be allowed to choose which of Google's proprietary apps they want to install.

Google shall allow the users, during the initial device setup, to choose their default search engine for all search entry points.

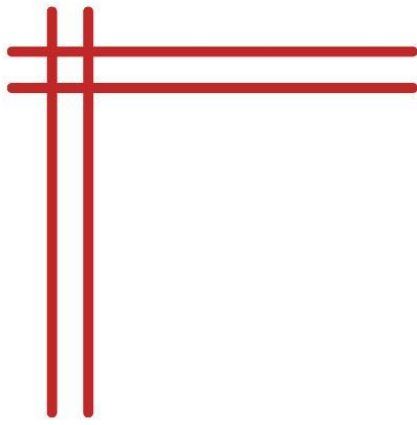
Google should allow the developers of app stores to distribute their app stores through Play Store and not cut down on the ability of app developers through any modus operandi.

CURRENT STATUS

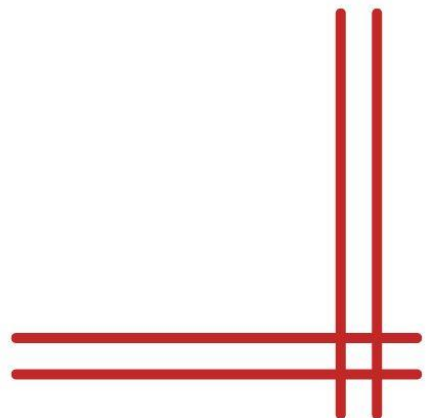
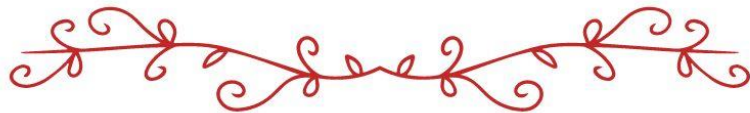
Even after the commandments issued by CCI, Epic Games, a US based Stakeholder and developer of Fortnite has alleged Google's non-compliance. The main grievance of Epic Games is that Google's non-allowance of third-party App stores (like Epic Games App Store developed by Epic Games) to be distributed through Google's Play Store. However, Google continues to contend that CCI remedies lack analysis and do not correspond with the findings of infringement.

The Indian Supreme Court has declined Google's plea to modify its January order in the Android antitrust case, which directed the National Company Law Appellate Tribunal to dispose of Google's appeal against the Competition Commission of India (CCI) by March 31. CCI had imposed a total of INR 2,274.20 crore (\$298.6 million) in penalties on Google for violating anti-competitive practices. The allegations against Google pertain to its Android OS, Play Store, and dominance in the general search market. CCI had issued non-monetary commands against Google, which the tech giant is yet to comply with.

Akshita Goyal,
reviewed by Radhika Chugh,
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Humanitarian law Cell



HURRICANE IAN: A CLIMATE CATASTROPHE

FOR THE HISTORY BOOKS

During the latter part of September and the beginning of October 2022, Hurricane Ian resulted in major flooding and destruction in Western Cuba, Central Florida, North Carolina, and South Carolina. The hurricane was categorized as the fifth-most powerful to ever hit the United States, with landfall in Florida as a category 4 hurricane with winds reaching 240 kilometers per hour. The estimated losses in infrastructure and property were approximately \$50 to \$65 billion, making it one of the costliest natural disasters in American history.

Meteorological History: In the Atlantic Ocean to the east of the Windward Islands, a tropical disturbance known as Tropical Depression Nine started on September 19. On September 27, a category 3 hurricane named Ian made its initial landfall close to La Coloma, Cuba. Ian's maximum sustained winds were over 200 km/h. On September 28, a hurricane with maximum sustained winds of 240 km/h made landfall on Cayo Costa, a barrier island off the coast of Florida. Most of the cities and towns in its path experienced torrential downpours and rainfall amounts ranging from 25 to 50 cm. In Palm Coast, which is located between Sarasota and Fort Myers, in the north, flash floods were observed. Having made three landfalls, the storm made its third in Georgetown, South Carolina, with winds of 140km/h.

Death & Damage: Hurricane Ian caused 160 fatalities as it passed across Cuba and the southeast of the United States, with the majority of the victims living near the coast. Florida was the hardest-hit state, with 148 individuals losing their lives, most of whom drowned in the strong storm surge. The hurricane damaged or destroyed about 63,000-68,000 homes in Cuba and about 5,000 homes in Florida, in addition to damaging another 30,000. In Cuba's Pinar del Ro region, storm surge and strong winds caused damage to buildings and beaches, as well as a nationwide power outage. More than 300,000 people were left without power in North Carolina and South Carolina.

Hurricane Ian's storm surge was so powerful that even the most resilient buildings in Florida were unable to withstand it, leading several structures to be pushed off or float off of their foundations. The storm's effects were devastating, destroying the causeway that connects Sanibel Island to



Punta Rassa and the bridge that links Pine Island to Cape Coral. It also caused severe damage to the road system along the coast where it made landfall. Ian's winds and storm surge may have resulted in the dispersal and destruction of up to 7,000 boats.

Aftermath: Hurricane Ian caused the most destruction in Florida's Gulf Coast, where one of the state's densest populations is concentrated, due to building standards and development laws. At least 10% of the rainfall may have been caused by human-generated climate change. The storm severed connections between the mainland and barrier islands, caused extensive damage to the road infrastructure, and cut off electricity to 2.7 million people in the state. Up to 7,000 boats may have been dispersed and destroyed by Ian's winds and storm surge. North Carolina and South Carolina suffered less damage, but the hurricane still left more than 300,000 people without power.

Conclusion: In the aftermath of Hurricane Ian, it is crucial for countries and communities to come together to provide assistance and support for those impacted by the disaster. The donations from the US and the EU towards emergency relief efforts in Cuba are commendable, but more needs to be done to address the root causes of climate change and prevent future catastrophic events. The innovative approach taken by Babcock Ranch, which prioritizes sustainable and environmentally- friendly infrastructure, serves as a positive example for other communities to follow. Additionally, advancements in technology and forecasting can aid in earlier warnings and better preparation for future storms. Ultimately, it is imperative that we work towards mitigating the effects of climate change to ensure the safety and well-being of all people, as the saying goes, "prevention is better than cure."

This opinion piece focuses on Hurricane Ian which caused extensive destruction and flooding in Cuba, Florida, North Carolina, and South. It was one of the costliest natural disasters in US history, resulting in infrastructure damage, loss of life, and emphasized the need for climate action and disaster preparedness. It underscored the need to address climate change, invest in early warning systems, and enhance preparedness measures.

EARTHQUAKE IN TURKEY

Two earthquakes that occurred on consecutive days have had a devastating impact on millions of lives in Turkey and Syria, sending shockwaves hundreds of kilometres away. These earthquakes, which had magnitudes of 7.8 and 7.5 and struck nine hours apart, respectively, were the strongest to hit the area in over a century. The death toll from the earthquakes has exceeded 12,000, with many more still missing and in critical condition. The World Health Organization estimates that the tragedy has affected 23 million people. At least 6,000 structures have collapsed, many of which still had occupants inside. The top priority now is the rescue attempts, with 25,000 people deployed in Turkey and many more arriving from outside. However, the lives of survivors and those still buried beneath debris are now threatened by a severe winter storm.

Syria, which has been ravaged by a 12-year war and terrorism, is the country least equipped to handle such a catastrophe. Despite being subjected to Western sanctions; the nation's infrastructure has been severely compromised. Thousands of people have been internally displaced or have become refugees in the affected regions.

Regional commentators are concentrating on the longer-term ripple effects that the disaster could have on Turkey, a country whose military, economic, and political power has a substantial impact well beyond its borders. With an 85 million-strong population, Turkey is already facing economic challenges.

After a catastrophe, the healing process involves a range of actions that must be taken into account. Longer-term recovery procedures will need to begin after the emergency response activities, which include rescuing people, taking care of injuries and health issues, reuniting families, putting out fires, removing rubble, and restoring essential services. Recovery may entail creating strategies, controlling funding for significant capital infrastructure investments, coordinating between national and local governments and foreign donors, rebuilding houses and public infrastructure, creating better standards, and many other actions. Recovery calls for a plethora of actions. I want to emphasize a few essential takeaways from RAND's work on these recovery measures for prior catastrophes in the United States and abroad.

First, the recovery process takes much longer than people anticipate or desire. The time it takes to complete most of the required reconstruction will depend on how severe the disaster was. For instance, the 15-year-long Hurricane Katrina recovery efforts are coming to a close. The northeast of the United States took around eight years to recover from Hurricane Sandy, in large part. Even five years after Hurricanes Irma and Maria, Puerto Rico has only been able to use a small percentage of the monies allocated for disaster relief on reconstruction. Secondly, managing recovery requires a variety of capacities.



Source: <http://surl.li/iptxq>

National and municipal governments will probably oversee the reconstruction process, which might involve capital investments totaling several billion dollars. They will need help from the public and private sectors to acquire the necessary employees, supervisors, workers, and funding sources required to complete the reconstruction. Thirdly, authorities may attempt to model recent successful recoveries that included opportunities.

The Syrian refugees who are dispersed throughout the affected areas should be included and given the opportunity to participate in the rehabilitation efforts. Recent research conducted by RAND suggests that even during times of prosperity, refugees are willing to contribute to the local economy. Moreover, given that so many of their fellow refugees are impacted, they may be even more motivated to work during this unusual moment. However, their ability to function is hindered by various legal and regulatory restrictions. Turkey should consider lifting all restrictions on the employment opportunities available to Syrian refugees and welcome assistance from everyone in the recovery and reconstruction efforts. However, the aforementioned study also highlights that placing migrants in formal positions can be challenging since they tend to work informally.

Certain groups, such as children, expectant mothers, older adults, and individuals with mental health disorders, are particularly vulnerable to the effects of catastrophic disasters, as has been demonstrated in previous earthquakes in Haiti, Bam, Iran, and other locations. Many people may not have access to their necessary medications, particularly those with chronic conditions such as diabetes, asthma, and mental health disorders that could be exacerbated by stress. Access to care from healthcare providers such as general practitioners, nurses, OB/GYN physicians, and mental health professionals is critical during this period, as obstetric/gynecologic and mental health needs are particularly pronounced in the first few weeks following such events. Relief workers may ensure that all care is culturally competent and respectful of local religious customs in order to connect with earthquake victims wherever feasible. Failing to be prepared for disasters, rather than the event itself, is what leads to fatalities. Therefore, being prepared for emergencies is one of the most critical aspects of disaster management.

Recent earthquakes in Turkey and Syria, the strongest in the region in a century, resulted in over 12,000 deaths and affected millions of lives. The article emphasizes the necessity of a comprehensive recovery plan, including reconstruction, collaboration between governments and donors, and improved standards. It highlights the importance of including refugees in rehabilitation efforts due to their dispersal across affected areas and addressing the specific needs of vulnerable groups.

UNDERSTANDING MINORITY ISSUES IN

VIEW OF BUDGET 2023

The issues of minorities in India, especially those related to social inclusion, come into the public limelight every year when the annual budget is announced. This year's Budget 2023 has been particularly controversial because of its allocation cuts in the budget for minority development. Despite the cutbacks, it is critical to understand and tackle minority issues even more actively in view of promoting social inclusion and lessening inequity among various communities across India. In this essay, we will attempt to address how understanding minority issues can be used to achieve social inclusion despite said budget cuts and suggest feasible initiatives that governments could undertake in future Budgets to promote social justice better.

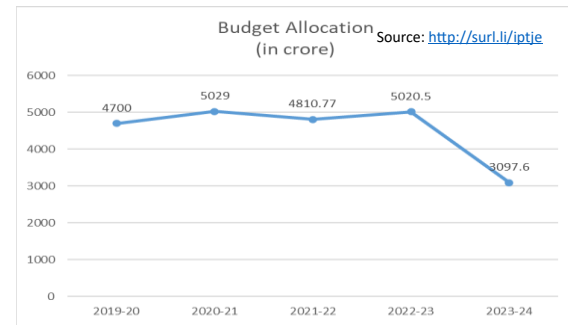
The Ministry of Minority Affairs budgetary allotment for the fiscal year 2022–2023 was decreased from 2021–2022 by 38%. The merit-based means scholarship for professional and technical courses for students from minority populations was among the numerous scholarship and skill development programs that saw significant funding reductions. Whereas the budget for the same programs was 365 crore last year, this year's allocation is 44 crores.

In 2022–2023, the Ministry of Minority Affairs projected budget was \$5,020.50 crore. The Ministry has been given a \$3,097 crore budget this time. The Ministry's increased funding allocation for 2022–2023 was \$2,612.66 crore.

Educational Scholarships slashed this year

The Maulana Azad National Fellowship, which offered five-year fellowships for higher education, and the Padho Pardesh Scheme, which gave interest subsidies on education loans taken out by minority students to study abroad, were two of the central sector programs cancelled under the Ministry. The scholarship, which offered students up to Rs 1,000 per month, has been discontinued for classes 1 through 8. It will still be offered to students in classes 9 and 10. According to the government, several programs that "also include minority pupils" overlap with the MANF and the pre-matriculation program. It did not, however, provide an explanation for why the Padho Pardesh program was abandoned. This year, no funding was allocated to Nai Udaan, which aims to give financial aid to students who pass preliminary exams held by the UPSC, SSC, and State PSCs.

This year, 62 percent less money was allocated to the Naya Savera scheme, which allows institutions with at least 100 students to apply for financial aid to provide free coaching. The funding for the post-matric scheme, which aims to improve access to higher education, has increased from Rs 515 crore last year to Rs 1,065 crore this year, nearly doubling. Together with reductions in the education category, programs under the subhead of skill development and livelihood have also witnessed a reduction in funding. Budget reductions in education, healthcare, and social welfare programs can disproportionately impact minority communities, who often have less access to resources and opportunities than the majority population. These communities may also face additional barriers, such as discrimination and prejudice, which can exacerbate the effects of budget cuts.



Policymakers need to consider the potential impacts of budget decisions on marginalized communities and work to ensure that their needs are adequately addressed. Civil society organizations can also play a role in advocating for the rights and interests of minority communities and holding the government accountable for its actions.

Skill and livelihood schemes allocation fell by 86%

Skill Development Initiatives, the main program in this category, also known as Seekho aur Kamao, strives to combat minority unemployment by providing high-quality skill development training. Its budget has been cut from Rs 235 crore last year to barely Rs 10 lakh this year. This is true even though the program will help almost 4 lakh people over seven years through 2021.

The central government cut the amount allotted to three programs in this category from Rs 53 crore last year to Rs 26 crore this year. For research, publicity, monitoring, and assessment of development programs for minorities, Rs 41 crore was allotted last year; this has been reduced to Rs 20 crore. The funding of two important schemes, Hamari Dharohar, which aims to preserve minority traditions, and Jiyo Parsi, which aims to decrease the Parsi community's population has been reduced by 40% and 95%, respectively.

A budget reduction in the education sector will likely harm the minority community in India, which already face significant educational disparities. Minority communities often have lower levels of educational attainment and are more likely to live in poverty, making it challenging to access quality education. A reduction in the education budget could result in the closure of schools or a decrease in funding for educational programs and services, including those explicitly serving minority communities. This can lead to a decline in the quality of education and a decrease in enrollment rates, particularly for minority students.

Sabka saath sabka vikas

Opposition leaders frequently brought up the fund reductions in Parliament during the budget session, despite the government's continued emphasis on the slogan "sabka saath, sabka vikaas."

While introducing a resolution in the Rajya Sabha for the implementation of the Sachar Committee report, IUML MP PV Abdul Wahab stated that the Sachar Committee report from 2006 and the Ranganath Misra Commission report from 2007 "reveal that the condition of Muslims in India is worse than that of SCs and STs." Nearly all opposition leaders supported this.

The Indian budget announcement has sparked controversy over cuts in minority development, raising concerns about equity and social justice. Reductions in funding can disproportionately impact marginalized communities, particularly in education and skill development programs. It is essential to address these issues and hold the government accountable for their decisions.

AFGHANISTAN'S HUMANITARIAN CRISIS

AFTER TALIBAN TAKEOVER

The Taliban took control of Afghanistan on 15 August 2021. It was not a one-day process, they have been very consistent in doing so from May 2022 and when the US government declared that it is going to withdraw all its troops. Despite assurances to preserve the rights of women and communities of religious and racial minorities, the Taliban have imposed a strict interpretation of Sharia law. The nation is dealing with challenges related to the environment and civil dignity. Afghanistan's economy is unstable and its food stocks had been severely depleted by decades of drought long before the Taliban took control. In the first few months of the Taliban's leadership, more than 20% of the Afghan economy vanished as lenders stopped supporting development, foreign nations seized state assets, market confidence fell, and international sanctions and financial restrictions caused economic seclusion. In order to solve these issues, the Taliban and funders would need to work together, but this has become more and more challenging as the Taliban moves towards becoming one of the most oppressive regimes in history.

More than 200 news outlets have closed as a result of Taliban intimidation of journalists and restrictions on press freedoms. Protesters have been tracked and forcibly vanished, and their government has ruthlessly suppressed protests. Human rights violations especially against women and minority communities have no end there.

Present scenario

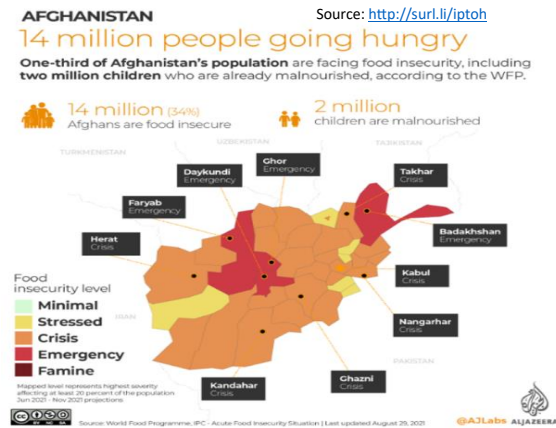
Afghanistan has been facing the deepest crisis of providing the Afghan population with an adequate amount of food, shelter, health care, and education, and above all aggravating the human rights of the majority of its population.

Humanitarian demands have historically been mostly driven by war in Afghanistan; but, in 2023, several factors will play a major role, including the economic crisis, the drought, global warming, and challenges to women's and girls' safety. Conflict, natural catastrophes, the aftereffects of war, and current widespread conflict migration still continue to inhibit people from developing resistance and progressing towards rehabilitation and alternatives. The causes of humanitarian needs changed in 2022 as household disruptions changed from COVID-19 and violence in 2021 to drought, climate change, and economic changes in 2023.

MAJOR CRISIS:

Hunger crisis- Due to the economic crisis that the country is suffering from, there isn't ample amount of employment left for people that would cater to the needs of feeding their families. Rising food costs have made hunger a threat. The price of wheat flour, wheat grain, and rice is still much higher than the two-year average during the first week of February 2023. In addition, fertilizer costs continued to be higher than their two-year average costs further aggravating the cause of hunger issue.

Issue of Malnutrition- In Afghanistan, with Taliban taking control over the government, health care sector is deteriorating as there are no funds to maintain them. Primary healthcare access in Afghanistan is still a big issue, especially for women and children. The latest



Issue of Malnutrition- In Afghanistan, with Taliban taking control over the government, health care sector is deteriorating as there are no funds to maintain them. Primary healthcare access in Afghanistan is still a big issue, especially for women and children. The latest statistics reveal the deaths of 13 000 newborns in Afghanistan since January 2022 due to malnutrition and other health-related diseases.

Violations of Human Rights- Afghans have enmeshed in a human rights crisis that the international community appeared unable to resolve. The Taliban's severe repression of women's rights, retaliation against detractors, and restrictions on free speech amounted to a slide into authoritarianism. Minorities faced widespread attacks and are persecuted. The use of forced relocation, arbitrary detentions, mass punishment, torture, and other cruel treatment persisted.

Lost job opportunities- In the third quarter of 2021, more than 500,000 Afghan workers lost their jobs, and by mid-2022, the International Labour Organization estimates that 700,000 to 900,000 people will have lost their jobs since the Taliban took over.

Gender discrimination- Afghanistan is the worst country in the world for women and girls due to traditional male domination traditions, which have increased their vulnerability, lowered their capacity to recover from disruptions, and left them adversely impacted by crises. Limitations aimed at women and girls have a detrimental economic, social, physical, and psychological impact, restricting their movement freedom and preventing them from accessing essential services and occupations.

In summary, the Taliban's capture of Afghanistan has led to a serious humanitarian catastrophe, with thousands of individuals suffering major food and medication scarcity, displaced populations, and violent conflict. For women the situation is especially terrible. To help individuals impacted by this disaster and give humanitarian relief, the rest of the world must join forces. In addition to addressing the current requirements of the Afghan people, institutions must collaborate to create a long-term plan to advance security, peace, and respect for human rights throughout the nation.

The Taliban's takeover of Afghanistan has caused a severe humanitarian crisis with food insecurity, malnutrition, human rights violations, job losses, and gender discrimination. Economic instability, drought, and strict interpretation of Sharia law by the Taliban have exacerbated the situation. Urgent international collaboration is needed to address the crisis, provide relief, and restore security and human rights in Afghanistan.

FLOODS IN PAKISTAN

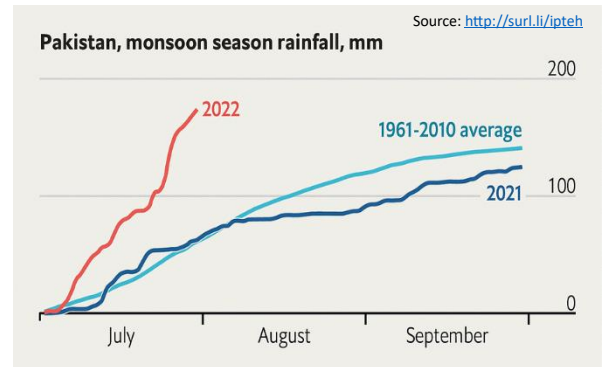
Pakistan has been facing many challenges over a prolonged period. One such challenge which Pakistan faced in recent times is Floods. From June 2022 to October 2022 Pakistan faced a lot of issues because of the same. These floods majorly affect the poorest and most vulnerable districts like Baluchistan, Sindh, Khyber Pakhtunkhwa, Gilgit-Baltistan, Dadu, Jacobabad, Kambar, Shahdad Kot, Khairpur, Mirpur Khas, Jamshoro, Sanghar, Umer Kot, Badin, Shaheed Benazir Abad and Naushahro Feroze districts in Sindh and Sohbatpur, Azad Kashmir and southern parts of Pakistan Punjab. More than 33 million people were estimated to be affected by these floods of which 1730 people or more lost their lives and around 8 million people are displaced now and facing a health crisis. The major reasons for these floods were heavy rains, severe heat waves, melting glaciers, climate change, poor urban planning etc.

As the crisis carries the potential of having a significant and long-lasting effect on people's lives and means of subsistence. The most vulnerable people are being affected by the loss of household incomes, and assets, rising food prices, and disease outbreaks. Particularly for those who are dependent on agriculture and animals, women have faced considerable losses in their means of subsistence. Up to 4 million kids could still be found in close contact with contaminated, stagnant flood waters as of mid-January 2023, threatening their health and well-being. Children who are weak, hungry, and suffering from acute respiratory infections, acute severe malnutrition, diarrhoea, malaria, dengue fever, typhoid, and painful skin disorders are waging a losing struggle. The risk to children's mental health, along with physical diseases, increases the longer the crisis lasts. Additionally, tens of thousands of public health facilities, water systems, and schools have suffered damage or destruction.

According to the most recent UNOSAT research, an estimated 4.5 million people are still exposed to deadly diseases or living close to flooded areas, which is a major issue for food security, support with livelihoods, and public health. Inaccessibility to safe or drinkable water affects more than 2.5 million people. Because of insufficient aid, an estimated 1.1 million individuals run the risk of moving from acute food and livelihood crises to humanitarian emergencies involving food security.

The 2022 floods in Pakistan caused widespread devastation. Heavy rains, climate change, and poor planning contributed. Millions displaced, districts affected, and challenges emerged. Loss of livelihoods, higher food prices, health risks, and damaged infrastructure occurred. Economic losses requiring funding for reconstruction. Urgent relief and long-term resilience are vital.

Harshpreet Kaur,
reviewed by Arjun Gupta,
Symbiosis Law School, Noida



. In at least 12 districts in Balochistan and Sindh, malaria outbreaks have been seen. There is an urgent need for nutrition aid for more than 7 million mothers and children. There is a 3.5 million child population that is at elevated risk of persistent school dropout, particularly girls.

In a study of the World Bank on the Pakistan Floods, the total economic losses will be close to USD 15.2 billion and that total damages will exceed USD 14.9 billion and to support Pakistan's adaptation to climate change and the nation's overall resilience to future climate shocks, it is estimated that rehabilitation and reconstruction efforts will require at least USD 16.3 billion, not including critically needed new investments beyond the affected assets. The 2022 floods are expected to have a severe negative impact on output, which will vary greatly by region and sector, adding to the country's existing severe economic problems. It is predicted that the floods will have a direct negative impact on GDP loss of about 2.2 per cent of FY22 GDP. At 0.9 per cent of GDP, the agriculture sector is predicted to experience the greatest decline. The industrial, foreign commerce, and services sectors will all be affected by the harm and losses in agriculture.

While working to guarantee economic growth and fiscal sustainability, the government is giving immediate help to the affected populations and fostering an early recovery. The output loss might be lessened in the future as spending on recovery and reconstruction increases. Nonetheless, substantial international support will be needed in addition to Pakistan's own commitment to boost domestic income mobilisation, conserve limited public resources, and lower the danger of worsening macroeconomic imbalances.

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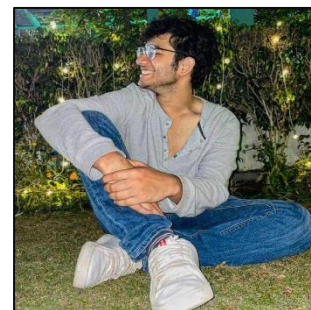
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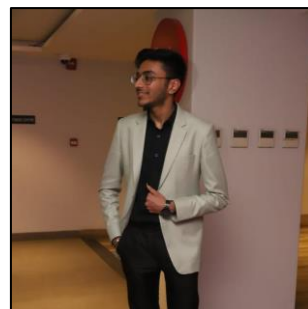
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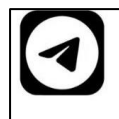
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EDITION I

LAWPINION.

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HUMANITY

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