

INDIAN INSTITUTE OF LEGAL STUDIES COOCH BEHAR

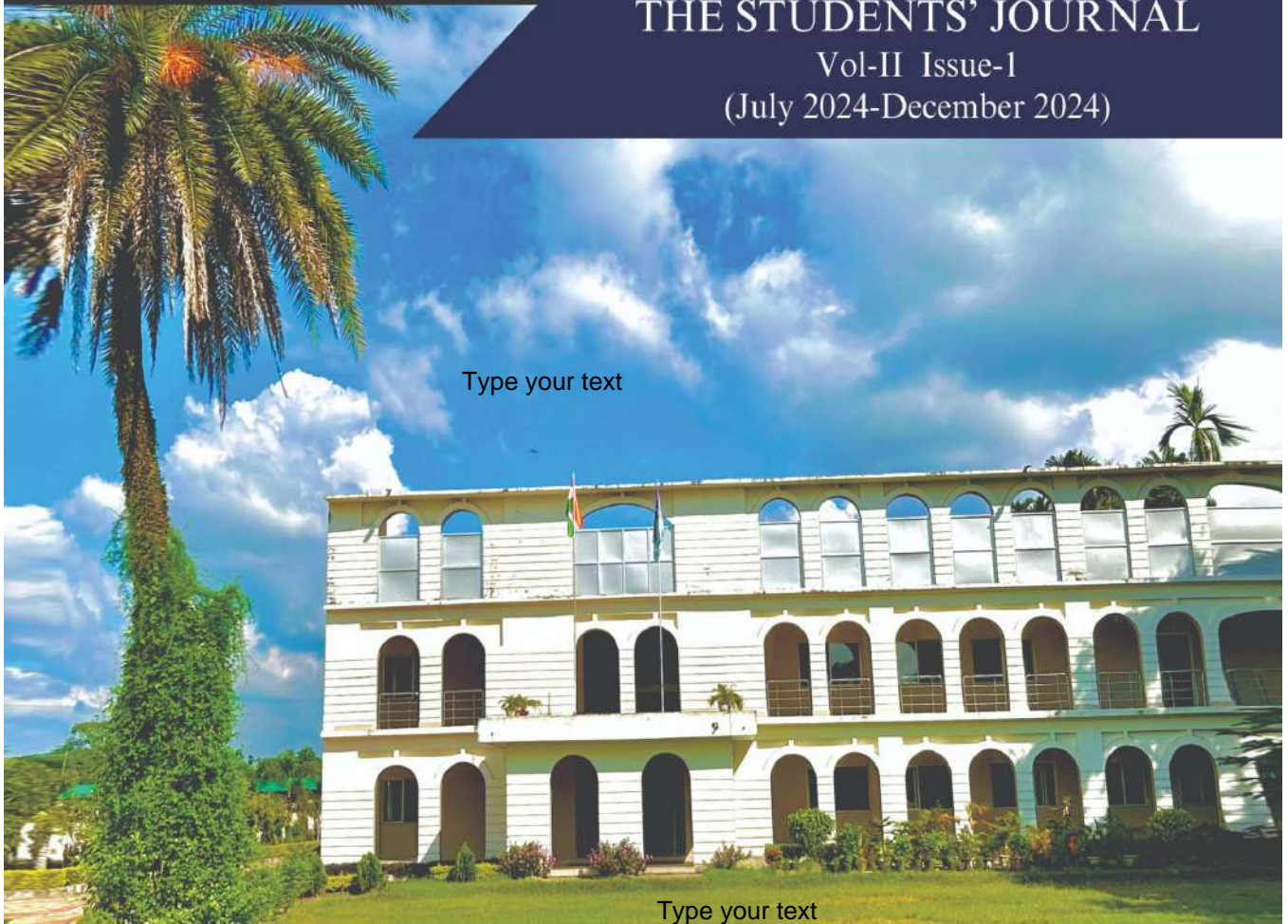


MIND MUSE

THE STUDENTS' JOURNAL

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"विद्या ददाति विनयं"

"Education is the manifestation of the
perfection already in man"

A Half Yearly Journal

Authored by

THE STUDENTS AND TEACHERS

INDIAN INSTITUTE OF LEGAL STUDIES COOCH BEHAR



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MESSAGE FROM THE CHAIRMAN'S DESK



*"Know what you want to do,
Hold the thought firmly,
Do everyday what should be done and
Every sunset will see you that much nearer
the goal"*

The Indian Institute of Legal Studies Cooch Behar is devoted to the round development of its students and our half yearly journal "Mind Muse" happens to be the most exemplary manifestation of their persistent cognitive efforts. Our student's journal has presented pertinent issues which not only pertain to the legal sphere but also bear the stamp of succinct social awareness. It is heart-warming to witness the burgeoning evolution of our students, who are attaining new heights of finesse with each passing day. There ever enthusiastic creative spirit is a testament to the fact that "Mind Muse" indeed has been successful in its quest to recognize and nourish the powerhouse of talent that is our beloved students. I would like to congratulate all the students who have actively taken upon themselves the responsibility to turn "Mind Muse" into something which everyone looks forward to. We, on our end, pledge to arrange and implement everything conducive to the wholesome enlightenment of our students.

Shri Joyjit Choudhury
Ld. Additional Advocate General,
Government of West Bengal
Founder and Chairman
Indian Institute of Legal Studies Cooch Behar





MESSAGE FROM THE PRINCIPAL-IN-CHARGE'S DESK



The Indian Institute of Legal Studies Cooch Behar, stands as a vanguard of legal education, shaping a new cadre of jurists imbued with a profound sense of justice and societal duty.

In my role as principal, I am bestowed with the honor of steering our future legal luminaries towards upholding justice. Our institution shines as a beacon, enriching minds with critical legal acumen and advocacy prowess.

At the helm of this pioneering educational establishment, I take pride in cultivating a rich tapestry of thoughts and traditions, fostering a vibrant learning space for a diverse student body.

Our vision is to fortify our scholars with a solid legal grounding, equipping them to thrive across the spectrum of legal professions. We champion a culture of perpetual learning, ethical integrity, and unwavering dedication to social equity.

Our curriculum is meticulously crafted to stimulate intellectual rigor, complemented by hands-on experiences through moot courts and legal clinics, ensuring our graduates are not only knowledgeable but also practice-ready.

The Indian Institute of Legal Studies Cooch Behar transcends the conventional college experience, evolving into a dynamic community that embraces discourse, celebrates diversity, and pursues equality.

Embarking on this educational voyage with us means joining a legacy dedicated to the pursuit of justice.

I extend a heartfelt invitation to be part of our endeavor to mold the legal vanguards of the future, contributing to a society where justice serves as the cornerstone of transformation.

Dr. Jayati Kharga

Principal-in-Charge

B.A. LL.B. (H), LL.M., Ph.D

Indian Institute of Legal Studies Cooch Behar





MESSAGE FROM THE DEAN' S DESK



I am delighted to introduce the most recent iteration of the magazine "Mind Muse", 2024. This publication serves as evidence of the abundance of ingenuity, commitment, and skill that permeate our community. Every article, narrative, and artwork contained within these pages exemplifies the vibrant and diverse spirit of our college students.

In my capacity as the Dean of Academics, I take great pride in the manner in which this publication embodies our dedication to scholarly distinction and inquisitiveness. It serves as a forum for the students to exchange their perspectives, accomplishments, and insights from thought-provoking essays and innovative research to inspiring stories and artistic expressions.

This edition comprises a diverse range of contributions, encompassing intellectually stimulating essays, groundbreaking research, motivational narratives, and artistic manifestations. Sincere appreciation is extended to all individuals who made contributions to this publication. Your dedication and labor are apparent on each page.

I encourage you all to delve into this issue, to be inspired by the words and images, and to celebrate the extraordinary talents within our community. Let this magazine be a source of pride and inspiration for us all.

Dr. Priya Singh
Dean (Academics)
B.A. LL.B. (H), LL.M., Ph.D





Editors' Message

The scientific temper of mind means willingness to explore new ideas, to appraise new evidence, to recognize the unreliability of cherished beliefs." - Bertrand Russell

Dear Readers and Contributors,

"Mind Muse," is a biannual journal dedicated to exploring the intricate interplay between social issues and legal aspects through the lenses of articles, poems, blogs, paintings and more. We are delighted to introduce this platform, which has been meticulously crafted by the collective efforts of passionate students.

"Mind Muse" aims to be more than just a journal; it is a forum for the imaginative and analytical minds that are deeply concerned about the societal challenges and legal intricacies that shape our world. Through the diverse array of content in this issue, we embark on a journey to delve into the critical issues of our time, such as social issues and legal issues.

We believe in the power of voices and stories to drive change. In this issue, you will find thought-provoking articles that offer in-depth analyses of legal frameworks, policy implications, and social impacts. Our poetry section brings you verses that stir emotions and foster reflection, while our blogs provide an avenue for personal reflections, commentaries, and discussions on pressing issues.

We would like to extend our heartfelt appreciation to our contributors—students, budding writers, and legal enthusiasts—who have shared their insights, creativity, and perspectives. Your dedication to exploring these themes inspires us, and we hope your work inspires others.

As we embark on this exciting journey with "Mind Muse," we invite you to engage with the content, share your thoughts, and consider becoming part of our community. Our mission is not only to disseminate knowledge but also to encourage academic discourse, scientific temper, critical thinking, and awareness of the social and legal challenges that shape our world.

We also welcome your feedback, suggestions, and submissions for our upcoming issues. Together, we can create a platform that not only raises awareness but also contributes to the discourse surrounding social issues and their legal dimensions.

Thank you for joining us on this intellectual exploration. We hope "Mind Muse" becomes a source of inspiration, knowledge, and a catalyst for change in the world of social issues and the law.

Sincerely,

Editorial Committee

Indian Institute of Legal Studies Cooch Behar





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ARTICLES



SOCIAL PANOPTICON: UNVEILING THE INVISIBLE MECHANISM OF SOCIETAL SURVEILLANCE AND CONTROL

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“Man is a social animal. He who lives without society is either a beast or God.”

-Aristotle, a Greek philosopher

Abstract: The concept of the Social Panopticon explores the pervasive influence of societal norms and expectations on human behavior, drawing a parallel with Jeremy Bentham's Panopticon—a prison architecture designed for constant surveillance. Originally discussed by Michel Foucault in *Discipline & Punish: The Birth of the Prison*, the Panopticon symbolizes an invisible system of control where individuals self-regulate due to the fear of being watched.

Similarly, society is an invisible yet omnipresent force that monitors and governs individual conduct without direct enforcement. Social norms, responsibilities, and restrictions dictate acceptable behavior, compelling individuals to conform to collective standards. Phrases like "Samaj kya kahenge?" (What will society say?) epitomize the societal gaze that conditions actions.

The purpose of this article is to analyze the intricate dynamics between societal expectations and individual behavior, examining how invisible social surveillance fosters self-discipline and conformity. It also seeks to interrogate the implications of the Social Panopticon on personal freedom, authenticity, and the evolving nature of autonomy in modern society.

Through this metaphor, the "Social Panopticon" illustrates how societal expectations act as an invisible surveillance mechanism, influencing individuals to self-discipline. While it ensures order and discipline within a community, it raises questions about personal freedom and authenticity, challenging the balance between societal conformity and individual autonomy.





1. Introduction

As social animals, we couldn't afford to live in isolation. Therefore, we came together and started living in a society. In a 'state of nature,' there was no security of life and an eminent danger of being separated from another. As we started living in a society, it imposed various duties, responsibilities, and restrictions on our behavior. We can't do whatever we desire because we live in an organized social structure.

In his study, "Discipline & Punish: The Birth of The Prison," Paul-Michel Foucault, a French historian, introduced the concept of the Panopticon.[1] The Panopticon, however, was originally designed by Jeremy Bentham, an English Philosopher, as an ideal prison architecture. Panopticon is a means of surveillance. In his study, he emphasized the origin of prison and the need for surveillance and monitoring of prisoner's conduct. In a prison, the prisoners are kept in separate cells, so the authority is to look after and monitor their conduct and behavior. To do so, they require huge workmen or policemen. To solve this problem the idea of Panopticon seems fit. In this model one watch tower is to be constituted in a higher position than the prison cells and one policeman is to be kept to monitor the prisoners' conduct, from the watch tower, higher position.

In modern times prisons are renamed as correctional homes, that is another issue. But the main thing is, we can't do everything we wish to. The reason is as we live in a society it imposes various restrictions on us. Therefore, if a man had the wish to be drunk and dance like a fool on the road, he is not permitted (by society) to do such an act and therefore he can't fulfill his wish. Because, from the societal perspective, a Gentleman is supposed to behave like a Gentleman. Society fixed a standard benchmark which is to follow by his fellow. Various social norms and practices pose restrictions on its people. Here 'society' acts like same as the Panopticon, the invisible surveillance. Therefore, here, it is termed as 'Social Panopticon.'

It can be said that we all are under social surveillance. No one, but the society (with its invisible eyes) is assigned to monitor our conduct, as a prudent man. Thus, he can see, but he cannot be seen. In many public places, we find the notice, 'you are under the CCTV surveillance' which imposes a reasonable duty on us, to behave reasonably. Here, the authority has control of our behavior without doing anything. In the same way, society has control over our behavior and conduct without applying any force. Very often people say, 'Samaj kya kahenge?' when we intend to do any act that society does not permit. This saying reminds us to do the approved acts only.

[1] Claire Wrobel, "Introduction: Literary and Critical Approaches to Panopticism" Open Edition Journals 2 (2022).





2. The concept of Panopticon

The Panopticon is a control mechanism concept first developed by the English philosopher and Utilitarian thinker Jeremy Bentham in the late 18th century. The term "Panopticon" is derived from Greek, with "pan" meaning "all" and "opticon" meaning "viewing." The concept was to create a building structure that would allow a single guard to observe all prisoners or inhabitants at all times, without them knowing when they were being observed. This structure was not just about physical surveillance but also aimed at creating a system of self-control among individuals, relying on the psychological effects of uncertainty regarding surveillance.

Structure:

The core idea behind the Panopticon was the creation of a circular building with a central monitoring tower. The cells or rooms for individuals (such as students, workers, and prisoners) would be arranged around the outer border of the building, with all of them facing toward the central monitoring tower. This tower would be positioned in such a way that it could allow a single guard or observer to look into every cell simultaneously. However, the observer would be shielded from the view of the people in the cells, so they would be unaware whether they were being watched at any given moment.

The key feature of this structure is the uncertainty of surveillance. The guard, positioned centrally, could monitor all individuals at once, but the inhabitants of the building could not determine if they were being watched or not. This uncertainty, according to Bentham, would ensure that individuals would behave as if they were always under observation. The mere possibility of being watched would cause people to regulate their behavior, making discipline and order easier to enforce without requiring constant supervision.

Psychological Impact and Social Control:

Bentham's Panopticon was not just about its physical structure but also about the effects it would have on the people within it. The power of the Panopticon lies in the psychological impact it has on individuals who know they could be watched at any time, even if they aren't sure. The fear of surveillance forces individuals to conform to societal expectations, avoid misbehavior, and maintain discipline, even in the absence of overt punishment.

By using the uncertainty of surveillance, the Panopticon sought to wipe out the need for constant intervention by guards. Instead of requiring a large number of person to monitor a population, a single guard could observe many individuals, and the constant potential for being watched would encourage self-regulation among those being observed. It was a form of control mechanism that did not rely on force but on the internalized fear of being watched.





The Panopticon as a Metaphor:

The concept of the Panopticon was later expanded by French philosopher Michel Foucault in his book *Discipline and Punish: The Birth of the Prison* (1975).^[1] Foucault used the Panopticon as a metaphor to explore how modern digital societies exert power and control over individuals. He argued that the Panopticon represents a broader shift in how power functions in modern institutions such as prisons, schools, hospitals, and factories. In these institutions, power is exercised not through physical force but through the constant potential for a surveillance system, which encourages individuals to regulate their behavior.

Foucault saw the Panopticon as embodying the shift from sovereign power, where rulers physically punish their subjects, to disciplinary power, where individuals self-police in response to the threat of being observed. The Panopticon, in this sense, is not just a prison design but a symbol of the way modern society functions, with individuals often unknowingly under continuous surveillance—whether through government monitoring, workplace tracking, or even digital surveillance systems.

Contemporary Relevance:

In the 21st century, the concept of the Panopticon has become increasingly relevant in the context of digital surveillance. Technologies such as CCTV cameras, data tracking, social media monitoring, and even artificial intelligence all embody the Panopticon's principle: the continuous potential for being observed influences behavior. People's awareness that they are likely being surveilled, even when they are not being watched in real-time, compels them to conform to social norms and expectations.

The Panopticon, therefore, is not just a control mechanism concept but a tool for understanding the dynamics of power, control, and surveillance in modern society. It reflects how individuals in contemporary society may internalize control mechanisms, leading to self-discipline and conformity without the need for direct or physical enforcement. As Orwell suggested, "Big Brother is watching you,"^[1] a reminder that even when surveillance is unseen, its influence is powerful. In a world where technology allows for constant monitoring, the Panopticon's principles continue to resonate as a metaphor for modern-day surveillance practices. The awareness of being observed, whether through digital platforms, smart devices, or CCTV, compels individuals to regulate their actions in ways that align with societal expectations, reinforcing Orwell's chilling vision of a world where privacy is obsolete and control is pervasive.

[1] Claire Wrobel, "Introduction: Literary and Critical Approaches to Panopticism" Open Edition Journals 2 (2022).

[2] The Associated Press, "'Big Brother is Watching You': Collector's Coin Marks George Orwell's Death 75 Years Ago", Cnn, Jan. 14, 2015, available at: <https://edition.cnn.com/2025/01/14/style/george-orwell-big-brother-coin/index.html> (last visited on Jan. 14, 2025).





3. Panopticon in Modern Society

In modern society, the Panopticon has become a metaphor for pervasive surveillance and social control. Governments and corporations monitor citizens through CCTV cameras, online tracking, and data collection, creating a digital Panopticon. Employers use software to track productivity, emails, and employee movements, fostering self-discipline. Social media and societal expectations encourage self-regulation, as individuals become aware of being judged by peers or a broader audience. Companies like Google, Meta, and Amazon track user behavior to influence consumption patterns, further exploiting the Panopticon for profit. This modern Panopticon has shifted from physical spaces to digital realms, reinforcing control through psychological means rather than physical barriers. Yuval Noah Harari, in his works like *Homo Deus* and *21 Lessons for the 21st Century*, highlights the dangers of surveillance and data-driven control in modern society.[1] He views modern surveillance technologies as creating a "digital Panopticon", where individuals are monitored and influenced in unprecedented ways.

Harari's Key Insights on Surveillance:

- a.Data Colonialism: Harari argues that data is the new form of power. Corporations and governments harvesting personal data hold immense control over individuals, much like colonial powers once controlled physical territories.
- b.Hacking Humans: Advanced technologies, including AI, can "hack" individuals by understanding their emotions, desires, and vulnerabilities, enabling manipulation. The digital Panopticon uses this knowledge to subtly control choices, from consumer habits to political decisions.
- c.Erosion of Privacy: Harari warns that privacy could become obsolete as individuals trade it for convenience and security, potentially creating societies where governments or corporations exercise total control.

4. Society as a Social Panopticon

The idea of society functioning as a "social panopticon" provides a powerful lens to understand how power, surveillance, and self-regulation manifest in modern life. Drawing from Michel Foucault's concept of disciplinary power and Jeremy Bentham's Panopticon, this metaphor can be elaborated in terms of societal structures, technology, cultural norms, and resistance.

[1] Helen Lewis, "21 Lessons for the 21st Century by Yuval Noah Harari Review – a Guru for Our Times?", *The Guardian*, Aug. 15, 2018, available at: <https://www.theguardian.com/books/2018/aug/15/21-lessons-for-the-21st-century-by-yuval-noah-harari-review> (last visited on Jan. 14, 2025).





Mechanisms of the Social Panopticon

The "social panopticon" refers to how individuals, institutions, and technologies shape behavior through observation and implicit control. Several key mechanisms operate in this system:

a. Digital Surveillance

Social Media Platforms: Platforms like Instagram, Twitter, and Facebook create spaces where people's actions, opinions, and even physical appearances are scrutinized. The quest for likes, shares, and followers fosters conformity to societal norms of beauty, success, or morality.

Tracking and Algorithms: Companies monitor users' online activity to target ads or recommend content. This surveillance subtly manipulates choices, reinforcing consumerist behavior.

Governments and Corporations: Digital surveillance by governments (e.g., mass data collection programs) and corporations (e.g., workplace monitoring software) exerts control, often under the guise of security or efficiency.

b. Peer and Social Observation

Social Judgment: Communities enforce norms through tools like gossip, shaming, or passive judgment. Whether online or offline, people adjust their actions to fit societal expectations to avoid criticism or ostracism.

Cultural Norms: The panopticon effect is embedded in societal institutions such as families, schools, and religious organizations, which act as arbiters of acceptable behavior.

c. Institutional Surveillance

Education and Workplaces: Schools and companies monitor performance and enforce discipline. For example, surveillance cameras, productivity-tracking software, and dress codes shape behavior.

Law and Order: The justice system and law enforcement operate as formal mechanisms of observation and regulation, reinforcing societal norms through punitive measures.

Self-Regulation and the Internalization of Surveillance

One of the most profound effects of the social panopticon is the internalization of surveillance:

Self-Censorship: The constant awareness of being observed leads individuals to censor their actions, speech, and even thoughts to align with societal expectations.

Performance of Identity: People craft their identities based on perceived societal approval. For instance, on social media, individuals project idealized versions of themselves to fit in or gain validation.

Conformity Over Authenticity: The fear of judgment can suppress creativity, dissent, and individuality, pushing people to conform to prevailing norms even at the expense of their genuine desires or beliefs.

5. Impact on Individual Freedom

The concept of the social panopticon profoundly impacts individual freedom, reshaping autonomy, privacy, and personal expression in this digital society. As surveillance becomes pervasive, privacy is destroyed under the constant monitoring of digital technologies, from social media platforms to smart devices. This normalization of surveillance diminishes the freedom to act without scrutiny, leading individuals to self-censor and conform to societal norms. The awareness of being watched fosters fear of judgment, discouraging dissent, creativity, and authentic self-expression, as seen in curated social media profiles or subdued workplace ideas.





Moreover, individuals internalize this surveillance, becoming their overseers and perpetuating disciplinary power even in the absence of an external observer. This self-regulation not only curtails spontaneity but also creates psychological stress, manifesting as anxiety or the pressure to maintain idealized personas. Surveillance systems further commodify freedom, operating under the guise of convenience while manipulating choices through algorithms and targeted advertising. In this transactional relationship, privacy becomes a tradeable commodity, and freedom of choice is subtly constrained.

The social panopticon also exacerbates inequality, disproportionately targeting marginalized communities through selective surveillance and reinforcing systemic biases. Predictive policing, for instance, restricts the freedom of movement and association for minority groups. Such practices contravene principles enshrined in the Universal Declaration of Human Rights (UDHR), particularly Article 12, which asserts that "no one shall be subjected to arbitrary interference with their privacy, family, home or correspondence," and that "everyone has the right to the protection of the law against such interference or attacks."^[1]

The views of John Stuart Mill, a staunch advocate of liberty, underscore the dangers posed by the social panopticon. In his seminal work *On Liberty*, Mill argues that individual freedom is essential for personal development and societal progress. He warns against the "tyranny of the majority," where societal norms and collective judgments suppress individuality and dissent. In a social panopticon, this tyranny becomes amplified as surveillance intensifies societal pressure to conform, stifling the "experiments in living" that Mill championed as vital to human flourishing. Mill's emphasis on protecting freedom of thought, expression, and action resonates with the need to resist the encroachments of pervasive surveillance, which undermines these liberties.

Despite these challenges, acts of resistance and the creation of alternative spaces, such as privacy-focused technologies and digital activism, reflect efforts to reclaim autonomy within these constraints. However, the paradox remains: surveillance is often justified as a means to enhance safety, transparency, or efficiency, yet it curtails the very freedoms it purports to protect. Upholding the principles of the UDHR, particularly Articles 12 and 19—guaranteeing the right to freedom of opinion and expression—while embracing Mill's vision of liberty, is crucial. Resolving this tension requires rethinking the balance between oversight and autonomy, ensuring that systems empower individuals without infringing on their fundamental liberties.

[1] Dr Ilia Siatitsa, "Digital Rights are Human Rights", Digital Freedom Fund, Dec. 10, 2020, available at: <https://digitalfreedomfund.org/digital-rights-are-human-rights/article-12-the-right-to-privacy/> (last visited on Jan. 14, 2025).





6. Conclusion

The concept of the Social Panopticon offers a profound understanding of how societal norms, expectations, and modern surveillance systems shape human behavior. It highlights the psychological mechanisms of control, where the mere possibility of being watched compels individuals to conform. Drawing from Bentham's physical Panopticon and Foucault's expansion of its metaphor, the Social Panopticon reveals how power is internalized in ways that promote self-regulation without overt coercion.

In today's digital age, this invisible surveillance has evolved beyond physical spaces into virtual realms, where governments, corporations, and social media play a pivotal role in influencing behavior. While the Social Panopticon fosters order and discipline, it raises critical questions about individual autonomy, personal freedom, and the disintegration of privacy. Balancing the need for societal coherence with the preservation of personal liberties remains a pressing challenge.

Ultimately, understanding the dynamics of the Social Panopticon allows us to critically analyze the deals between surveillance, conformity, and freedom in our increasingly interconnected and surveillance world.





THE EFFICACY OF THE LEGAL FRAMEWORK OF INCLUSIVE EDUCATIONAL RIGHTS FOR PEOPLE WITH DISABILITIES

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Abstract: This article evaluates the effectiveness of legal frameworks designed to promote inclusive education for individuals with disabilities. Inclusive education emphasizes an approach where specially-able students and those requiring special care can learn alongside their peers in mainstream academic institutions. The Rights of Persons with Disabilities Act, 2016, broadens the recognized categories of disabilities from 7 to 21, ensuring more comprehensive protection and inclusion. The primary goal of this system is to provide equal access to educational opportunities and resources for all students, including those with disabilities. Article 14 of the Indian Constitution guarantees equality before the law, ensuring that students with disabilities are not subjected to discrimination. The government plays a critical role by enacting supportive laws, providing accessible resources, training educators, and organizing awareness campaigns across urban and rural areas. Additionally, it is the collective responsibility of teachers and peers to foster a welcoming and friendly environment, ensuring that students with disabilities are treated with dignity and equality akin to their peers.

KEYWORDS: *Inclusive education, disabilities, rights of Persons with Disabilities Act 2016, Article 14 of the Indian Constitution, specially-able students*

Introduction

In order to establish fair learning settings where students of all abilities can flourish together, inclusive education is a revolutionary idea. A progressive paradigm change, inclusive education emphasizes the inclusion of people with disabilities in regular educational systems as opposed to confining them to specialized or separate institutions. All children have the right to fair access to education, which is essential to both their personal growth and the advancement of society as a whole, since they are the country's future citizens. The complex combination of enforceable laws and normative norms that govern inclusive educational rights for people with disabilities aims to eliminate systemic disparities in educational access. Instruments such as the The Convention on the Rights of Persons with Disabilities Act, 2006 support the inviolability of educational inclusion as a non-derogate entitlement, grounded in the universal ethos of egalitarianism.





India's Rights of Person with Disabilities Act, 2016 acts as a legal vehicle on a domestic level, operationalising these global commitments within a constitutional framework reinforced by Article 21A. The interaction of policy directions with statutory requirements, like the Right to Education Act of 2009, is an example of legislative synergy intended to promote educational parity. However, educational unpreparedness, infrastructure deficiencies, and systemic inertia frequently obscure the effectiveness of these regulations.

The argument over equal treatment versus special treatment for people with disabilities, especially in the educational system, centres on the idea that equality does not always entail treating everyone in the same way but rather on how to treat people so that they can attain comparable opportunities and results. In order to provide genuine equality for those with disabilities, special treatment is not a privilege but rather a requirement.[1]

1.Evolution and Effectiveness of Legal Framework for Inclusive Education Rights of People with Disabilities:

Maria Montessori and other educators laid the groundwork for inclusive education by emphasizing the integration of students with disabilities into regular classrooms. With the Kothari Commission (1966), which promoted comprehensive education, India achieved great strides. In the development of inclusive education in the nation, efforts such as the Integrated Education for Disabled Children (IEDC) program in 1974 and the follow-up projects in 1977 represented significant turning points. The middle of the 20th century is seen as a watershed in the history of the disability rights movement. Numerous international legal frameworks, such as the United Nations Convention on the Rights of Persons with Disabilities (CRPD) (2006),The United Nations enacted the Convention on the Rights of Persons with Disabilities (CRPD) Act, 2006, as an international human rights instrument to uphold and advance the dignity and rights of people with disabilities. In order to ensure equality in all facets of life, the act seeks to ensure that people with disabilities have equal access to fundamental freedoms and human rights as everyone else. the Convention against Discrimination in Education (1960), the Convention on the Rights of the Child (1989), and the Universal Declaration of Human Rights (1948), require inclusive education systems at all levels and without discrimination. They also acknowledge education as a fundamental human right.[2]

[1] Smt. Swapna Deb, Consultant. SOE. NSOU, Dr. Abhedananda Panigrahi, Coordinator. B.ED.SOE.NSOU, et.al., "Inclusive education" 13(printed in accordance with the regulations of the Distance Education Bureau, University Grants Commission, Government of India, 2019) .

[2]Fourth Wave Foundation, Inclusive education in India: An Academic Exploration of Historical Development , Policy Frameworks, and Barriers to Implementation, India, available at: <https://www.linkedin.com> (Published March 21,2024).





In India, special education in segregated settings is offered to integrate children with disabilities into the mainstream educational environment under the Person with Disabilities Act (1995) and the Person with Disabilities Act (2016). The legislative framework governing inclusive education has been the subject of concentrated efforts in recent years to improve its operationalization and efficacy. Despite the notable advancements, further changes and cooperative efforts are still necessary to attain full educational inclusion for those with disabilities.[1]

1.CONSTITUTIONAL PROVISION

Article 14: Article 14 discusses the idea of the right to equality. The principle of equality before the law is unquestionably enshrined in Article 14 of the Indian Constitution, which states that all people shall get equal treatment under the law regardless of their socioeconomic status, physical condition, or mental state. In the context of inclusive education, this constitutional duty forces the state to end all forms of disability-based exclusion or discrimination. As a result, it calls for the creation of a legislative framework 1.1. that guarantees that people with special needs not only have access to educational opportunities but also receive the facilities, accommodations, and assistance they require to participate in the educational process on an equal basis with their peers without disabilities.[2]

1.2. Article 39A: This article requires the State to make sure that the legal system supports justice based on equal opportunity and offers economically disadvantaged groups free legal assistance. guarantees that people with disabilities have access to legal recourse in the event that their rights to education are infringed. promotes the development of a supportive legislative framework to remove obstacles to educational access.[3]

1.3. Article 41: Within the limits of its financial resources, it instructs the State to establish measures for guaranteeing the rights to employment, education, and public support in the event of unemployment, old age, illness, or disability. lays out the duty of the state to provide educational opportunities for people with impairments. encourages the creation of learning materials, specific educators, and accessible infrastructure in order to realize this right.[4]

1.4. Article 46: In order to safeguard Scheduled Castes, Scheduled Tribes, and other marginalized groups from exploitation and social injustice, this article highlights the State's obligation to advance their economic and educational interests. People with disabilities fall within the protection and promotion purview since they are frequently classified as a weaker segment of society. supports efforts to remove structural and societal obstacles that prevent disabled people from advancing in their education.[5]

2.BREAKING BARRIERS: THE LEGAL FRAMEWORK FOR INCLUSIVE EDUCATION

Conditions can learn from one another. It aims to remove obstacles to education, emphasizing the integration of under-represented groups like girls, children with disabilities, children from lower-income families, and members of underprivileged communities. As per the Rights of Persons with Disabilities Act of 2016, the number of people who fall under the category of "disabilities" has increased from seven to twenty-one. Their rights to equality, nondiscrimination, and accessibility are guaranteed under the Rights of Persons with Disabilities Act, 2016, which lists 21 categories of disabilities, including mental, physical, sensory, and intellectual problems. The following are the 21 categories: blindness, low vision, leprosy-cured individuals, hearing impairment, locomotor disabilities, dwarfism, intellectual disability, mental illness, autism spectrum disorder, cerebral palsy, muscular dystrophy, chronic neurological conditions, multiple sclerosis, speech and language disabilities, thalassaemia, haemophilia, sickle cell diseases, multiple disabilities, victims of acid attacks, Parkinson's disease, and other specific diseases (learning disabilities, etc.).[1]

[1] Inclusive education: Implication with effectiveness, available at: <https://bssspublications.com/home/Isno=244> (last visited on Jan 9,2025)

[1] Bridging the gap: Inclusive Education for all abilities, available at: <https://www.legalserviceindia.com> (last visited on Jan 8,2025).

[2] The Constitution of India, art. 14.

[3] The Constitution of India, art. 39A.

[4] The Constitution of India, art. 41.

[5] The Constitution of India, art. 46.





In addition to enshrining a paradigm of accessibility, inclusivity, and affirmative obligations on state and non-state actors, this act promulgates a comprehensive legal framework aimed at strengthening the inalienable rights, dignitary entitlements, and participatory privileges of individuals living with various disabilities. This institutionalizes mechanisms for equitable representation, judicial redress, and societal integration within the framework of an evolving constitutional and international legal jurisprudence. By requiring free education for children with disabilities aged 6 to 18, reserving seats in government jobs and higher education institutions, and encouraging skill development and vacation training, the ACT also emphasizes the right to education and work. This Act guarantees equal opportunity for all students with special needs in society and addresses social, economic, and systemic impediments to preserve the rights of people with disabilities.[1]

In India, inclusive education is also governed under the Right to Education Act, 2009 (RTE ACT). The Right of Children to Free and Compulsory Education Act, generally known as this Act, establishes education as a basic right for children aged 6 to 14. The primary goal of passing such legislation is to ensure that all children, irrespective of their financial situation, have access to high-quality education. Additionally, this Act requires a 25% reservation in private schools for children from economically disadvantaged families. The RTE Act's primary goal is to lay the groundwork for a society that is more educated and inclusive.[2]

1. JUSTICE IN ACTION: PIVOTAL CASE LAW AND JUDICIAL INTERVENTIONS

One important factor in promoting inclusive education's tenets has been the courts. According to the ruling in **Rajneesh Kumar Pandey and Ors v. Union of India**,[3] educational institutions have an obligation to give children with disabilities equal chances. The case focused on the inclusive education system.

In a similar vein, the Supreme Court emphasized the necessity of the RTE Act and the RPwD Act's proper implementation in **Sampurna Behura v. Union of India**,[4] concluding that the lack of inclusive policies sustains systemic inequality. In addition to restating the legislative objective, these court rulings have established a framework for accountability in non-compliance situations.

[1] The Effectiveness of Inclusive Education Policies for Student With Disabilities, India, available at: <https://www.researchgate.net/publication/380409124> The Effectiveness of Inclusive Education Policies for Students with Disabilities (last visited on Jan 9, 2025).

[2] Rights of Person with Disabilities Act, 2016, available at: <https://socialwelfare.vikaspedia.in/viewcontent/social-welfare/differently-abled-welfare/policies-and-standards/rights-of-persons-with-disabilities-act-2016?lg=en> (last visited on 9 Jan 2025).

[3] (2021) SCC OnLine SC 864.

[4] (2018) 4 SCC 433.





IMPLEMENTATION AND CHALLENGES:

Even with a strong legislative foundation, there are still several obstacles in India's way of implementing inclusive education in practice.

1. In order to promote an inclusive learning environment, many Indian schools still lack basic facilities and equipment including ramps, accessible restrooms, and assistive technology. A clear weakness in the application of inclusive education policies is highlighted by the pervasive non-compliance with the requirements set forth in Section 16 of the Rights of Persons with Disabilities (RPWD) Act. Such flaws not only go against the RPWD Act's legislative intent, but they also defeat the larger goal of establishing a welcoming and encouraging educational environment that celebrates diversity and advances social justice.

2. Discrimination and exclusion in educational institutions are two examples of how the stigmatization of disability persists as a widespread problem. This pervasive societal bias frequently leads to unfair treatment, few chances, and structural obstacles that prevent students with disabilities from fully participating in and integrating into mainstream schooling. In addition to undermining their access to an inclusive learning environment, this stigma feeds the cycles of inequity and marginalization, underscoring the pressing need for policies and attitudes that change.

3. The successful implementation of inclusive education is significantly hampered by a lack of sufficient resources, such as specialized teaching aids and accessible infrastructure. Students with disabilities and other marginalized groups have less access, involvement, and academic performance because educational institutions are unable to meet their various learning needs due to this resource gap. Resolving these issues is crucial to establishing a fair and encouraging learning environment that supports the values of equality and diversity.

4. To effectively serve kids with impairments, many teachers lack the requisite training and a positive, inclusive approach. Specially-able pupils academic and social growth is hampered by this shortcoming, which also makes it more difficult to create an inclusive learning environment. To guarantee that all children, regardless of ability, receive the assistance and chances they require to succeed, it is imperative that instructors obtain specialized training and cultivate an inclusive and empathetic perspective.

5. Despite these difficulties, a lot of parents find it difficult to comprehend the inclusive education system's tenets and advantages. Parents are ill-prepared to fight for their children's educational needs when they are unaware of the rights of students with disabilities, which makes the problem worse. It is essential to address this issue through parental engagement programs and awareness efforts in order to create an educational environment that is truly inclusive.





1. THE ROLE OF TECHNOLOGY IN INCLUSIVE EDUCATION

Technology is essential to the advancement of inclusive education because it gives all students, regardless of ability, equal access to learning opportunities. Digital tools and platforms are being used to meet the various learning styles and unique needs of students as India embraces the vision of a “Digital India,” guaranteeing that all students may participate and learn efficiently. Students with impairments are now much more empowered thanks to innovative technologies like Braille devices and speech-to-text software, which allow them to get past physical obstacles to education. Students with significant mobility problems might use eye-tracking equipment as a lifeline to engage with computers and instructional applications through eye motions. Likewise, Proloquo2Go and other communication tools enable people with speech impairments to communicate and participate in educational activities more successfully. By incorporating these innovative technology into the curriculum, schools may make learning environments more accessible and inclusive, which will help students with disabilities succeed academically and develop personally. These developments not only demonstrate the revolutionary potential of technology, but they also represent a significant step in the direction of the more general objective of universal access to high-quality education.[1]

CONCLUSION

The principles of equality, dignity, and social justice are embodied in inclusive education, which is not only required by law but also morally and constitutionally required. India can achieve the inclusive education goal outlined in its constitution and international commitments by removing structural obstacles, encouraging a shift in mindset, and adopting creative solutions. Inclusive education, according to UNICEF, is about changing educational systems to accommodate the needs of all students, not just integrating kids with disabilities into regular classrooms. The Indian government is working to make the educational system better by emphasizing an inclusive approach. Students with disabilities should be treated with kindness by all educators and learners. They don't require extra attention or excessive sympathy other from this. Like other students, they ought to receive the same treatment. With a focus on those with disabilities, Goal 4 of sustainable development seeks to provide inclusive, egalitarian, and high-quality education. Also, the National Education Policy prioritized inclusive education by integrating students with disabilities into regular classrooms and educating teachers.

[1] Embracing the Need of Inclusive Learning/ Education in Digital Age. Available at: <https://www.lighthouse-learning.com/inclusive-education-in-the-digital-age.html>.





FUTURE WORK & LABOUR LAW
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“The future of work isn’t about survival; it’s about thriving in a landscape reshaped by technology and innovation.”[1]

-Dr. Eleanor Walsh, Futurist and Workforce Strategist

ABSTRACT: *The workplace is rapidly evolving due to creative thinking. The gig economy's growth, the rise of man-made consciousness, and the trend toward remote employment are all redefining traditional corporate ideal models. To address issues like job displacement, the lack of government-sponsored retirement benefits for gig workers, and the breakdown of the balance between enjoyable and serious activities due to technological change, the article suggests solutions like redefining business, providing universal essential pay, and providing strong information assurance of legal rules and regulations.*

INTRODUCTION

As the global economy continues to grow, the concept of work is changing dramatically. In a time of rapid technology developments and shifting economic paradigms, the nature of labour is also changing profoundly. Artificial intelligence (AI), automation, and the growth of the gig economy are driving the digital revolution, which is changing conventional ideas about employment and labour relations.[2] Long-standing work frameworks are called into question by this transformation, which forces societies to reconsider economic policies, workforce development plans, and regulatory frameworks. Opportunities for innovation and efficiency are presented by these forces as they transform industries and workplaces, but they also raise important issues regarding job security, workers' rights, and inclusivity in the contemporary labour environment.

² Startup Economy:

The gig economy is defined by the presence of transitory workers who are actually highly durable. Chronic people are compensated to run, designated for a particular project to carry out these responsibilities. Gig workers are what they are known as. Gig Econ is therefore somehow promoting a free market.[3]

The gig economy, which is defined by a workforce that is formally categorized as transitory but frequently performs long-term and crucial tasks, represents a profound change in the job environment. Gig workers, independent contractors, freelancers, and project-based workers are employed to do particular tasks or projects within predetermined deadlines. Despite the temporary nature of their connections, these “chronic contributors” frequently offer ongoing benefit. Workers in the gig economy are given jobs based on project-specific requirements, which results in a workforce that values flexibility and adaptability. In order to meet specific organisational objectives, gig workers are deliberately positioned to fill gaps at exact intervals for roles that would otherwise need permanent employment.

[1] Dr. Eleanor Walsh, Futurist and Workforce Strategist

[2] WORKERS RIGHTS IN GIG ECONOMY- LEGAL FRAMEWORK AND CHALLENGES Radhika Dinesh & Tathya Sarkar available at: <https://articles.manupatra.com/article-details/WORKERS-RIGHTS-IN-GIG-ECONOMY-LEGAL-FRAMEWORK-AND-CHALLENGE>

[3] Perulli, Adalberto, & Treu, Tiziano, The future of work: Labour Law and Labour Market Regulation in the Digital Era, (Kluwer Law International B. V., The Netherlands, 2021)





2. AI (artificial intelligence):

The ability of artificial intelligence (AI) to carry out activities that previously needed human intelligence makes it a transformative force. Industries are changing as a result of this technology breakthrough, with new opportunities emerging in certain areas and employment displacement in others. Nonetheless, it is critical to acknowledge that AI's effects on employment are complex. AI has the potential to create completely new businesses, job categories, and innovative opportunities, even as it can also automate some jobs. To guarantee that displaced workers have access to retraining programs and are prepared to move into these new industries, labour laws must change in response. AI is not just a disruptive force; it also presents an opportunity for workers to adjust and prosper in a more digital economy.[1]

Labour rules need to change as we move further into the digital era to take into account the changing nature of the workforce. In order to guarantee that gig workers who are frequently left out of standard labour protections receive fair pay, benefits, and a safety net, it is necessary to redefine what it means to be a "worker" to reflect the varied and flexible character of contemporary employment. Additionally, as automation and artificial intelligence (AI) continue to upend industries, workers who are displaced by these developments need assistance through unemployment insurance and retraining programs.

The future of employment is not a far-off idea; rather, it is now becoming a reality. The Indian gig economy is predicted to grow rapidly, with the number of gig workers likely to increase from 77 lakh in 2020-21 to 2.35 crore by 2029-2030, according to a report by NITI Aayog. This startling increase is a sign of a move towards more adaptable, digital jobs. Gig workers would make up 6.7% of India's non-agricultural workforce and 4.1% of the country's overall workforce by 2029-2030, according to the report. This exponential growth shows the necessity of strong labour laws that are adapted to this new reality.[2]

Challenges:-

1. Displacement via Mechanization:

The displacement of workers is one of the biggest problems brought about by mechanization and the development of artificial intelligence (AI). There is a significant risk that many traditional jobs may become obsolete as computers and AI systems get better at handling complicated tasks, which might result in widespread unemployment and economic inequality.

[1] AI in Labour Relations: Legal Implications and Ethical Concerns, Priyanshu Sahu, 3rd Year student at RUAS, School of Law available at: <https://www.lawctopus.com/academike/ai-in-labour-relations-legal-implications-and-ethical-concerns/#:~:text=In%20summary%2C%20there%20are%20opportunities,to%20increase%20productivity%20and%20efficiency.>

[2] India's gig workforce will grow to 2.35 crore by 2029-30: Niti Aayog study

Updated - June 28, 2022 12:32 pm IST - NEW DELHI available at: <https://www.thehindu.com/business/Indias-gig-workforce-will-grow-to-235-crore-by-2029-30-niti-aayog-study/article65573464.ece/amp/>





This issue is particularly noticeable in sectors like manufacturing, agriculture, and logistics that mostly depend on physical and repetitive labour. For example, the need for human labour in factories has drastically decreased with the advent of robotic technologies and automated assembly lines. Similarly, jobs in industries like delivery and transportation are at risk from AI-driven solutions like driver-less cars.

It's also important to note the economic inequality brought on by job displacement. A significant percentage of the workforce may not be ready for the shift to a technology-driven economy, even though mechanization increases productivity and profit margins for companies. Income disparity may worsen if workers lack access to programs for reskilling or upskilling, making it more difficult for them to obtain work in developing industries. According to a 2020 World Economic Forum research, for instance, even if 97 million new jobs are being created in industries like data analysis, machine learning, and AI development, 85 million jobs could be lost to automation by 2025. But these new prospects frequently call for highly technical skills, which causes a mismatch between workforce capabilities and labour market expectations.

A multifaceted strategy is needed to address this issue, combining governmental and private sector programs to support education and reskilling, regulations to assist displaced workers, and ethical concerns when using automation technologies. Without these steps, mechanization's quick speed could exacerbate economic inequality and unfairly impact populations that are already at risk

1.Lack of Federal retirement aide:

With its short-term, flexible work arrangements, the gig economy has many drawbacks, chief among them being the absence of federal retirement assistance. Benefits like health insurance, paid time off, or retirement plans are usually not provided by gig work, in contrast to traditional employment. Due to the lack of government-run retirement assistance, gig workers are left unprotected and have little to no safety net in case of emergencies or when they are unable to continue working. Apart from the gig economy's structural flaws, remote labour is becoming a more common paradigm that has its own set of difficulties. Disrupting work-life balance is one of the most urgent problems. Burnout and elevated stress levels can result from the blurring of personal and professional boundaries, which can have an impact on one's mental health and general well-being. Many employees find it difficult to set boundaries for their work hours, which results in more screen time and a lower standard of living.

Concerns about employee surveillance and data protection have also increased as a result of the move to remote work. As more businesses use digital technologies for oversight and collaboration, problems like intrusive proxy monitoring and privacy violations have surfaced. These actions have the potential to undermine employee-employer trust, underscoring the necessity of strong data security protocols and moral monitoring guidelines.[1]

[1] Privacy International. (2021). Remote Work and Surveillance: Balancing Productivity and Privacy. Available at: www.privacyinternational.org





1. Ideas for the Way Forward

i. Universal Basic Pay:

The volatility brought on by the absence of traditional job benefits can be addressed by implementing a universal basic wage system that is managed by the government and tailored for gig workers. This program would provide a certain level of financial security by giving gig workers a reliable stream of income to meet their essential expenses. For example, such a system might have provisions for retirement savings programs, healthcare benefits, or unemployment insurance. These policies would lessen economic inequality and establish a more welcoming environment for those involved in the gig economy.

ii. Flexible Work Arrangements:

Employers must put their workers' health first by implementing clear policies that support work-life balance. Employees can recharge and detach from their professional obligations with the support of flexible work arrangements, such as the ability to designate certain "offline" hours. Burnout can be avoided and stress can be further reduced by incorporating mental health support programs, such as regular wellness check-ins and access to counselling services. These actions improve workers' psychological health while simultaneously increasing output and job satisfaction.

iii. Data Protection Regulations:

The growing popularity of remote work has increased worries about staff surveillance and data security. Enforcing stricter requirements under frameworks like the General Data Protection Regulation (GDPR) and strengthening data protection regulations will help guarantee that employee data is handled appropriately. Employers should be subject to ethical restrictions on their monitoring of remote workers, with an emphasis on openness and confidence. These regulations would reduce privacy invasions and promote employee trust in a more secure and fair digital workplace.[1]

i. Training and Education:

People with expertise in new technologies will become more and more in demand as automation and artificial intelligence continue to transform businesses. Governments and institutions must make investments in extensive training and educational initiatives in order to close this gap. The goal of these programs should be to give employees the necessary technical skills, like data analysis, coding, and AI literacy. Soft skills like flexibility and problem-solving should also be prioritized in order to prepare employees for professions that require constant change. It may be easier to move into future employment markets if private sector organizations work together to provide specialized training programs and offer easily accessible online learning environments.

[1] Privacy International. (2021). Remote Work and Surveillance: Balancing Productivity and Privacy. Available at: www.privacyinternational.org





JUDICIAL APPROACH

The gig economy, automation, and artificial intelligence have all contributed to the quick change in employment dynamics, which has sparked important legal and judicial debates around the globe. In order to ensure workers rights, data privacy, and socioeconomic justice, courts have acknowledged the necessity of modifying current legal frameworks to meet modern concerns. Some significant rulings that shed important light on these matters are listed below:

i. Rights of Gig Workers and Classification of Employment: The UK Supreme Court considered whether Uber drivers should be categorised as independent contractors or employees in this historic decision. According to the court, Uber drivers are employees with the entitlement to fundamental benefits including breaks, holiday pay, and the minimum wage. This ruling highlighted that employment status is determined by the nature of the connection rather than the contractual definition. This ruling has broad ramifications for the gig economy and calls on countries to reevaluate their labour laws in order to give gig workers essential safeguards. Similar conversations are starting to emerge in India, particularly in light of the gig economy's exponential growth-the NITI Aayog report projects that there would be 2.35 crore gig workers by 2029-2030.[1]

AI and Legal Responsibility: The U.S. Supreme Court addressed issues about the use of AI to court decisions. A risk assessment algorithm was used in the sentencing process. By highlighting the necessity of accountability and justice in AI applications, the court recognized the possibility of algorithmic bias, a lack of transparency, and ethical concerns. This ruling emphasizes AI's double character: whereas it promotes efficiency and creativity, it also poses moral and legal issues that necessitate strict regulation. Similar ideas apply in the labour sector to AI-powered hiring practices, performance evaluation, and preventing job displacement.

i. Data Privacy and Remote Work: The EU-U.S. Privacy Shield framework for transatlantic data transfers was declared unconstitutional in this European Court of Justice decision because it did not adequately protect the personal data of EU citizens. This ruling emphasized the significance of strict data privacy regulations, particularly in a time when digital collaboration tools and distant work are commonplace. This highlights the necessity of strong data security procedures and ethical supervision in the workplace. In the age of remote work and employee surveillance, the Indian legal system which is now governed by the IT Act, 2000, and its amendments must develop further to handle data protection issues.[2]

[1]Uber BV v. Aslam, [2021] UKSC 5.

[2] Schrems II (Data Protection Commission v. Facebook Ireland and Maximilian Schrems), Case C-311/18, European Court of Justice (2020).





i.Right to Livelihood and Social Security: According to Article 21 of the Constitution, this ruling by the Indian Supreme Court established the right to livelihood as a component of the fundamental right to life. The case's larger idea that socioeconomic rights are fundamental to human dignity has significant ramifications for gig workers and anyone affected by automation, even though it dealt with the eviction of pavement dwellers. Advocating for social security measures like universal basic income (UBI), health insurance, and retirement benefits for gig workers is made possible by the constitutional acknowledgement of the right to livelihood.[1]

ii.Study on Mechanisation and Ethical AI Use: Acemoglu and Restrepo's Analysis of AI Displacement (cited in academic discourse) The study by Daron Acemoglu and Pascual Restrepo emphasizes the socioeconomic effects of automation and artificial intelligence on employment, while not being a court case. Such studies are increasingly being cited by courts and governments around the world to discuss the moral ramifications of mechanisation. For example, the Supreme Court of India has reaffirmed the state's obligation to provide decent working conditions in decisions such as Bandhua Mukti Morcha case. This idea also applies to dealing with the consequences of technological disruptions.[2]

iii.Workplace surveillance and employee rights: This case dealt with intrusive surveillance of persons, however it was not specifically related to the gig economy. The European Court of Human Rights ruling placed emphasis on striking a compromise between protecting individual privacy rights and keeping an eye on productivity. This decision is especially important in remote work settings where employees rights may be violated by overzealous monitoring.[3]

CONCLUSION

The gig economy and developments in automation and artificial intelligence are changing the nature of labour as a result of the rapid rate of technological progress. These changes necessitate proactive approaches to problems including worker protections, skill shortages, and job relocation. Fairness and security in the developing digital economy depend on modernizing labour laws, enacting universal basic income, and bolstering data protection. Investing in reskilling and upskilling employees to prepare them for new roles is equally important. Governments, corporations, and civil society may work together to transform these obstacles into opportunities and create a workforce that is resilient, just, and creative in the future.

[1] Olga Tellis v. Bombay Municipal Corporation, AIR 1986 SC 180.

[2] Acemoglu, Daron, and Restrepo, Pascual, Artificial Intelligence, Automation, and Work, NBER Working Paper No. 24196 (2018). available at: https://www.nber.org/system/files/working_papers/w24196/w24196.pdf

[3] Privacy International v. UK Government, European Court of Human Rights (2021).





AGRARIAN JUSTICE: FARMERS RIGHTS AND THE ROLE OF SOCIAL LAW

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ABSTRACT: *This article examines the critical role of social law in advancing agrarian justice and safeguarding farmer's rights. It highlights the challenges faced by farmers, including economic exploitation, climate change, corporate control, and inadequate legal protections. The discussion focuses on key entitlements, such as the right to seeds, fair compensation, land, social security, and participation in decision-making. By analyzing international frameworks like the ITPGRFA and UNDROP, as well as case studies from India, Brazil, and the European Union, the article underscores the necessity of comprehensive legal reforms and social security measures. Recommendations include strengthening legal frameworks, promoting cooperative models, integrating technology, and enhancing farmer participation. Ultimately, the article argues for a holistic approach to agrarian justice that prioritizes sustainable development and upholds the dignity of those who feed the world.*

1. INTRODUCTION

Agriculture is the backbone of many economies, especially in developing countries like India, where a substantial portion of the population depends on farming for their livelihood. Farmers play a pivotal role in ensuring food security, yet they are often plagued by persistent challenges that hinder their economic and social well-being. A large number of farmers are landless, making them dependent on landlords or other forms of insecure tenure; middle-men's exploitation, lack of access to fair pricing mechanisms, and inadequate market linkages further exacerbate their vulnerabilities; climate change has emerged as a formidable threat, causing unpredictable weather patterns, droughts, and floods that directly impact crop yields and livelihoods; and a lack of access to modern technology, quality seeds, and affordable credit. Agriculture is the backbone of many economies, especially in developing countries like India, where a significant portion of the population rely on farming for their livelihood. Addressing these challenges is essential not only for improving the lives of farmers but also for ensuring sustainable agricultural practices and food security in the long term.[1] R

[1] R.B.Singh and P.Kumar, *Small Holders Farmers in India: Food Security and Agricultural Policy* (Bangkok Thailand 2002).





1. UNDERSTANDING FARMER'S RIGHTS

Farmer's Rights encompass a broad spectrum of entitlements aimed at protecting and empowering farmers. The Protection of Plant Varieties and Farmers' Rights Act, 2001 ensures that farmers and plant breeder's rights are recognized equally. It acknowledges the essential role of farmers in conserving, improving, and making Plant Genetic Resources available for developing new plant varieties. The Act highlights farmer's contributions in cultivating, selecting, and improving varieties, particularly by adding value to wild species and traditional varieties. Farmers are granted nine specific rights, including the right to save, use, exchange, and sell seeds, recognition as breeders, and participation in benefit-sharing when their contributions are used commercially. These include:

1.1. Right To Seeds: The basic right of farmers is to preserve, utilize, trade, and sell seeds, the basis of agriculture. They will not be totally reliant on proprietary technologies or commercial seed firms thanks to this right. In addition to protecting biodiversity and traditional knowledge, this entitlement is recognized under international frameworks like the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA), enabling farmers to continue growing resilient and locally grown crop varieties that are vital for food security.[1]

1.2. Benefit Sharing: A reasonable portion of the profits from the sale of the registered varieties will go to plant breeders and legal organizations, such as farmers, who supply Plant Genetic Resources to breeders in order to create new kinds. The PPV&FR Act is the first national plant variety protection law passed since 2001 to have both Plant Breeder's Rights and an Access and Benefit-Sharing provision. Under the Biological Diversity Act of 2002, the genetic resource employed in breeding may be accessioned. The PPV&FR Act, however, mandates that a breeder provide a sworn statement regarding the geographic origin of the genetic resources employed in the new variety's pedigree and accession.[2]

1.3. Right to Fair Compensation: In order to ensure that farmers obtain a fair price for their produce that accurately represents the value of their labour and inputs, fair compensation is a fundamental component of farmer's rights. This involves having access to clear pricing procedures and being shielded from corporate purchasers or middle-men's unfair business practices. Ensuring equitable compensation enables farmers to reinvest in sustainable farming methods while improving their economic standing and lowering rural poverty.[3]

Reasonable seed price: Farmers are entitled to reasonably priced, remunerative seed of registered varieties. In the event that this requirement is not fulfilled, the breeder's exclusive ownership of the variety is suspended in accordance with the clause pertaining to compulsory licensing, and the breeder is required to provide a licence to a qualified legal organization for the variety's seed production, distribution, and sales.

[1] Protection of plant varieties and farmers rights, 2001, sec. 39(1)(iv).

[2] Protection of plant varieties and farmers rights, 2001, sec. 26.

[3] Protection of plant varieties and farmers rights, 2001, sec. 39(2).





1.4. Farmers' recognition and reward for contributing to conservation: Farmers involved in the conservation and improvement of Plant Genetic Resources receive recognition and rewards from the national gene fund, which is supported by contributions from both national and international organizations. The fund is dedicated to supporting the conservation and sustainable use of PGR, functioning similarly to the global benefit-sharing fund under the International Treaty on Plant Genetic Resources for Food and Agriculture. Since 2007, the Plant Genome Saviour/Community Awards have been given annually to farming communities and individual farmers for their contributions to in-situ and on-farm conservation of PGR. The awards include five Community Awards of Rs 10 lakh each, along with a citation and memento. Additionally, under the Protection of Plant Varieties and Farmers' Rights (Recognition and Rewards from the Gene Fund) Rules, 2010, the Authority offers ten Plant Genome Saviour Farmer Rewards of Rs 1 lakh each, along with citations and mementos. Since 2012, twenty Plant Genome Saviour Farmer Recognitions has also been granted annually to farmers who conserve and improve genetic resources, particularly land races and wild relatives of economic plants.[1]

1.5. Registration of farmers' varieties: Existing farmer's varieties that meet the criteria for distinctiveness, uniformity, stability, and denomination but not novelty; can be registered under the PPV&FR Act. This right gives farmers a one-time chance for a short time, starting from the moment a crop species is added to the crop portfolio for registration under the PPV&FR Act. Once registered, these varieties are eligible for all PBRs.[2]

1.6. Prior authorization for the commercialization of essentially derived varieties: Farmers must give prior consent for the commercialization of their varieties, whether they are new or existing when they are used as source material by a third party to create an essentially derived variety. Through this process, farmers can work with the breeder to establish terms of authorization, such as benefit-sharing or royalties.

1.7. Exemption from registration fees for farmers: Farmers are privileged under the PPV&FR Act to be fully exempt from paying any fees or other payments that are typically required for variety registration, tests for distinctness, uniformity, and stability (DUS), and other services provided by the PPV&FR Authority. They are also exempt from paying any fees or other payments that are associated with infringement or other causes in courts, tribunals, etc.

Farmer protection from innocent infringement: A farmer will not face charges if they can demonstrate in court that they were unaware of the existence of any rights at the time of an infringement on those rights, as specified in the PPV&FR Act. This clause takes into account the farmer's centuries-old, unrestricted rights over all types of seed, the PPV&FR Act's novelty, and the farmer's low level of legal awareness.

[1] Protection of plant varieties and farmers rights, 2001, sec. 39(i)(iii) & sec. 45(2)(C)

[2] Protection of plant varieties and farmers rights, 2001, sec.39(1)(iii)





CHALLENGES IN REALIZING FARMER'S RIGHTS

Despite the theoretical recognition of these rights, farmers continue to face multiple challenges:

1. **Economic Exploitation:** Farmers often receive insufficient compensation for their produce due to the dominance of intermediaries and the lack of access to direct markets. Intermediaries often manipulate market prices, leaving farmers with minimal profits while capturing the bulk of the value chain. The absence of adequate infrastructure, such as cold storage and transport facilities, further forces farmers to sell their produce at distress prices immediately after harvest. In the context of agriculture, intermediaries often exploit farmers by offering unfair prices for their produce, taking advantage of the farmers' lack of market access and bargaining power. Much like the economic exploitation faced by tenants in the **Shantistar Builders v. Narayan Khimalal Totame**[1], farmers face a similar form of economic exploitation in the agricultural value chain. The Supreme Court, in its judgment, emphasized that the protection of vulnerable groups should be a priority in legislative and judicial actions. Farmers, who are often at the mercy of middlemen, experience a similar vulnerability. The Court's reasoning can be interpreted to support the argument that the State and legal frameworks must ensure that the economic benefits of farmers' labor are not siphoned off unfairly by intermediaries.

2. **Climate Change:** Climate change poses a significant threat to agriculture, with adverse effects such as erratic weather patterns, prolonged droughts, and increased frequency of floods. These disruptions lead to reduced agricultural productivity, impacting food security and the livelihoods of farmers. Furthermore, the increased vulnerability of rain-fed crops has made subsistence farming unsustainable in many regions.

3. **Corporate Control:** The growing dominance of multinational agribusiness corporations in seed, fertilizer, and pesticide markets has eroded farmers' autonomy. Through intellectual property rights on genetically modified (GM) seeds, corporations restrict farmers from saving and reusing seeds, pushing them into cycles of dependency and increasing input costs. This corporate control undermines traditional farming practices, reduces biodiversity, and limits farmers' rights. The case **Monsanto Technology LLC v. Nuziveedu Seeds Ltd.** [2] is a landmark decision by the Supreme Court of India that delves into the complexities surrounding the intellectual property rights (IPR) related to genetically modified (GM) seeds and their implications for farmers' rights, particularly in the context of seed patents. The Supreme Court ruled in favor of Monsanto Technology LLC, upholding its patent rights over the genetically modified cotton seeds. The Court found that Monsanto had the exclusive right to control the technology embedded in its seeds and that Nuziveedu Seeds had infringed upon that right by producing and selling seeds without a valid license. However, the judgment also highlighted the need for fair pricing and reasonable licensing arrangements to prevent the exploitation of farmers. The Court did not entirely disregard the plight of farmers but stressed that the intellectual property rights held by Monsanto needed to be balanced with the need for affordable access to seeds.

[1] AIR 1990 SC 630

[2] (2019) 3 SCC 381





1. Inadequate Legal Protections: Many countries lack robust legal frameworks to enforce farmer's rights effectively. Even where laws exist, they are often poorly implemented due to inadequate institutional support and awareness among farmers. For example, while India enacted the Protection of Plant Varieties and Farmers' Rights (PPVFR) Act, 2001, the act remains underutilized due to limited outreach and enforcement mechanisms.

2. Debt and Poverty: Farmers, particularly in developing countries, are often trapped in cycles of debt due to high input costs, fluctuating market prices, and low yields caused by unpredictable weather. Informal moneylenders charge exorbitant interest rates, exacerbating the financial burden. Many farmers fall into poverty, leading to social and mental distress, with cases of farmer suicides being a tragic outcome.

ROLE OF SOCIAL LAW IN PROMOTING AGRARIAN JUSTICE

Social law serves as a critical tool in addressing the challenges faced by farmers and ensuring the realization of their rights. Key areas where social law can make an impact include:

1. Land Reforms: Social laws can facilitate equitable distribution of land, preventing land concentration in the hands of a few. Examples include tenancy reforms, ceiling laws, and redistribution of surplus land to landless farmers.

2. Seed Sovereignty: Laws protecting farmer's rights to save, exchange, and reuse seeds are essential to counter corporate monopolies. For instance, India's Protection of Plant Varieties and Farmer's Rights Act (PPVFR Act) recognizes farmers as "breeders" and safeguards their rights.

3. Market Regulation: Social laws can regulate agricultural markets to ensure fair prices for farmers. Minimum Support Price (MSP) policies, transparent auction systems, and eliminating exploitative intermediaries are crucial steps.

4. Climate Adaptation Policies: Legal frameworks can incentivize sustainable farming practices, promote climate-resilient crops, and provide financial assistance during climate-induced disasters.

5. Social Security for Farmers: Social laws can institutionalize welfare schemes, including crop insurance, pension plans, and healthcare services, to provide a safety net for farmers.

INTERNATIONAL FRAMEWORKS SUPPORTING FARMERS' RIGHTS

A number of global frameworks highlight the importance of farmer's rights, acknowledging their contributions to rural development, biodiversity, and food security. These frameworks offer a worldwide basis for tackling farmer difficulties and guaranteeing fair agricultural development to underline the importance of farmer's rights:

1. International Treaty on Plant Genetic Resources for Food and Agriculture: The 2001 ITPGRFA emphasizes the fair distribution of benefits from plant genetic resources, which is crucial for biodiversity preservation and food security. The treaty gives farmers the freedom to conserve, use, trade, and sell seeds while also acknowledging their vital role in protecting biodiversity. It empowers farmers and advances sustainable agriculture by preserving traditional knowledge and establishing equitable benefit-sharing arrangements.[1]

[1] International Treaty on Plant Genetic Resources for Food and Agriculture, 2001.





2. **Universal Declaration of Human Rights:** Agrarian justice is based on the UDHR equality, dignity, and right to work principles, even though they do not directly target farmers. Since farmers are vital components of food systems, Article 23 ensures them fair compensation and good working conditions. Reducing disparities in rural regions and guaranteeing the protection and respect of farmers' livelihoods are two of the declaration's universal principles.[1]

3. **United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas:** UNDROP, which was adopted by the UN in 2018, places a clear emphasis on the rights of rural workers and peasants. It highlights their involvement in decision-making processes that affect their lives as well as their access to natural resources like seeds, water, and land. The rights to fair compensation, decent living circumstances, and anti-discrimination are also covered by UNDROP. This proclamation reinforces the worldwide commitment to social justice and sustainable rural development by giving rural populations priority.[2]

CASE STUDIES: SOCIAL LAW IN ACTION

Social laws are essential for protecting farmer's livelihoods, addressing their problems, and ensuring fair access to resources. The case studies that follow provide examples of how particular frameworks have been put into practice to support sustainable development and empower farming communities.

INDIA: Protection of Plant Varieties and Farmers' Rights Act 2001[3]: In addition to granting farmers the ability to save, use, trade, and sell farm-saved seeds, the PPVFR Act acknowledges farmers as biodiversity conservators. Additionally, it requires benefit-sharing when businesses use traditional knowledge or farmer-developed genetic resources. The Gujarat High Court affirmed farmers' rights to use and exchange seeds without corporate intervention in *PepsiCo India Holdings Pvt. Ltd. v. Pankaj Patel & Ors.*,[4] which brought the act notoriety. The significance of the statute in shielding farmers from legal challenges by international businesses was reaffirmed in this decision.

BRAZIL: Landless Workers Movement (MST): The Movimento dos Trabalhadores Rurais Sem Terra (MST) has played a significant role in promoting agricultural reform and land redistribution. Laws like Brazil's 1988 Constitution's Lei Agraria (Agrarian Law), which acknowledges the social role of land, are the result of its influence. MST's campaign was highlighted in a significant court case, *Instituto Nacional de Colonizacao e Reforma Agraria (INCRA) v. Fazenda Nossa Senhora de Fatima*[5](STJ, 2012), which led to land redistribution for rural development and sustainable farming. Millions of landless farmers have profited from MST's work, which has also highlighted the need of group actions in attaining social justice..

[1] Universal Declaration of Human Rights, 1948, art. 23.

[2] United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, 2018.

[3] Protection of Plant Varieties and Farmers' Rights Act 2001.

[4] 2019 SCC Online Guj 3288,

[5] (STJ, 2012).





CONCLUSION & SUGGESTIONS:

The foundation of equitable growth and sustainable development is agrarian justice. Farmers must have their rights recognized and upheld because they are the keepers of biodiversity and the suppliers of the world's food. Although there are a number of legal and social frameworks in place to safeguard and advance these rights, issues like corporate domination, climate change, and economic exploitation still make it difficult for them to be realized. The European Union, Brazil, and India case studies demonstrate the benefits of collective action and well-executed regulatory frameworks in advancing farmer's welfare and guaranteeing fair access to resources. Social laws have demonstrated their potential to bridge the gap between the vulnerabilities of farmers and their rightful entitlements. However, there remains a need for enhanced policy measures, robust enforcement mechanisms, and global cooperation to address the evolving challenges in agriculture.

To advance agrarian justice, the following reforms are essential:

- i. **Strengthening Legal Frameworks:** Governments must enact and enforce comprehensive laws protecting farmer's rights.
- ii. **Promoting Cooperative Models:** Farmer cooperatives can empower small-scale farmers by providing better market access and collective bargaining power.
- iii. **Integrating Technology:** Digital tools can improve market access, weather forecasting, and resource management for farmers.
- iv. **Enhancing Farmer Participation:** Policy-making processes must include farmers' voices to ensure that laws address their real concerns.
- v. **International Collaboration:** Global cooperation is necessary to tackle challenges like climate change and ensure fair trade practices.





A STUDY OF THE RIGHTEOUS CONDUCT OF ANCIENT ERA: SATI SYSTEM

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Introduction

The history of the country depends on the depiction and interpretation of the scholar and historians. Every interpretation is subjective in nature. In other words, the interpretation and the depiction depend on the perspective of the individual. Therefore, in the contemporary context, it is difficult to judge the correctness of any act which is solely based on the individual perspective of the scholars. The situation of present days about criticizing any acts of the ancient era with half knowledge looks very novice. This is because, in the present day, writings cannot depict the entire scenario of the ancient era where some customs and rituals have been portrayed as immoral. Furthermore, deep knowledge and the importance of the ancient era fail to gain the required momentaneous if there are limitations on authors' credible research and information. However, there are many instances where journals have portrayed the ancient rituals with subjective criticism. One such custom that has turned the entire country upside down is the Sati system. The present article portrays the meaning and concept of the Sati System. It also put forward the relevance of the Sati System in the ancient era. The article concluded by asking questions about the history of the country.

Background of Sati System

In the ancient era, the age differences between bridegrooms and brides used to be too high, especially when the age of the bridegroom was the same as the father's age of bride. So, there was a high potential chance that the death of the male partner might happen earlier due to health issues. Besides this factor, there are other factors for the demise of the male partner such as robbery, murder, Britishers' unbearable torture, etc. Being a male-dominated society, the male partners were the bread-earners in the family. After their death, women partners were left out to be the most vulnerable section of society. The vulnerable aspects of the women used to invite several illegal activities against them which not only disrupted their well-being but also challenged their modesty.





It is also to be noted that during the ancient era if a woman's self-esteem was compromised, the society would never be faithful to the family of the victim. Therefore, to protect the modesty of women, the Sati system has emerged. During that era, Sati was considered to be important to safeguard the minor girls from getting harassed and raped. In other words, the ancient people believed that if after the death of the male partner, the female partner is burnt with the same cremation then there is no probability of getting raped or kidnapped.

Sati System

In certain regions of India, a widow would either willingly or under duress burn herself alive on her husband's funeral pyre as part of the Sati system, also known as Sati Pratha. The word "Sati," which comes from the Sanskrit word for "truth" or "virtue" is also connected to the Hindu mythological goddess Sati, who set herself on fire. The goddess Sati is associated with the ritual. She burnt herself to express her disapproval of her father's disdain for her husband, Lord Shiva. This legendary deed, however, was symbolic rather than a directive for widows. Sati was frequently justified as a sign of utmost devotion and a means for widows to attain spiritual freedom alongside their spouses.

Abolition of Sati System

The modernists opposed this system because the right to life should have prevailed over any custom and rituals as a result, Raja Ram Mohan Roy with the help of an English official named William Bentinck managed to eradicate the sati in 1829. The abolition is due to the Western reasoning in the Indian context. Although it was a good act by which the sati got curbed out, due to it there is a spike in the curve of rape, and molestation. Therefore, what was considered an act of benefitting society became one of the reasons for inviting danger to the women sections of society.

Destroying The Prejudice

When Muhammad Jayasi depicted in his book "Padmavat" the system of Jawahar Brata, the entire society praised the act but when society heard the screaming of widows in the Sati system, the eyebrows were raised. As per numerous historical evidence which are made by Western scholars, the description of the consent of the widows in the sati system is missing, but there are no pieces of evidence that show that the widows denied their consent to perform the Sati system.

In Hindu culture, women have been the assets of pride, and respect of a Hindu family since the ancient era till now. Now the question is why sati was performed. The reason behind it is to secure the women from malicious conduct of rape and selling them as slaves after the husband's death as well as abduction by criminals. Undivided India always got hurt by the invasion of enemies, pirates, Britishers, Afghans, Turks, Persians, etc. As a result, the women were the main pain bearers of this kind of invasion. This is because the enemies knew that to destroy any society in its core, one has to hit its weakest point. The women in the society are the weakest point in a family.





In Hindu rituals, the purity of blood mattered. After the death of the husband, there was a probable consequence that the death of the husband would often lead to the abduction and rape of the widow. Therefore, as per the belief of Hindu Rituals, such crimes would lead to the impurity of blood and the existence of a simple mindset of a woman would be a matter of the past. So, this is the reason for the prevalence of the sati system for a prolonged period and the women would give their assent to take the pain of death over the pain of rape.

Even in the contemporary era, a heinous crime like rape is far more devastating than a murder because the rape victims die every moment of their life as being alive. Although Raja Rammohan Roy and William Bentinck abolished the Sati System. However, the depiction of the Sati system in the ancient era by scholars poses questions about the patriarchal system. It depicted the domination of male members over the life of the women.

However, some studies show that the depiction of history varies from pen to pen of the historians. So, it cannot be said that history is free from biases. Therefore, it would be worth noting that whether the glass is half-filled or half-empty depends on the perspective and understanding of the viewers.

Conclusion

In conclusion, it is worth noting that there are only a few sections of people who know the detailed facts about the Sati system, the Dowry system, and other such customs. However, they are afraid of publishing the facts as it can harm the integrity and sovereignty of a nation. Publishing such articles needs courage and absolute knowledge about the past. Publishing such articles would also solve serious mysteries of the country such as the real death time of Netaji Subhash Chandra Bose, or the nation will get the answers to the questions such as who killed Lal Bahadur Shastri? How did the prejudice about the Sati, and Jawahar Brata evolve after a prolonged interference from the outsiders? So, all these questions will be answered if there is a keen interest in the interpretation of facts with all dignity and respect.





EMPOWERING DEMOCRACY: THE ROLE OF THE RIGHT TO INFORMATION IN PROMOTING GOOD GOVERNANCE

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ABSTRACT: *An essential piece of legislation for improving good governance in India is the Right to Information (RTI) Act of 2005, which promotes accountability, openness, and public involvement. This essay examines the connection between RTI and good governance, highlighting how it helps to improve public administration, ensure educated citizens, and lessen corruption. By giving people the ability to access information held by the government and so hold public officials responsible for their actions, the RTI Act has made a substantial contribution to the building of democracy. The article also emphasizes how the RTI has helped uncover corruption and inefficiencies, as evidenced by instances like the National Rural Employment Guarantee Act (NREGA). Despite its achievements, there are still issues, such as threats against RTI activists, information access delays, and low awareness in under served communities. Continuous improvements, strong protections for information seekers, and more public awareness; particularly in marginalized and rural areas are necessary for the RTI Act to reach its full potential. In the end, the RTI Act is a vital safeguard for the well being of democracy and a pillar of good government.*

Keywords: *Right to Information (RTI), Good Governance, Transparency, Accountability, Citizen Participation, Corruption, Public Administration, Democracy, NREGA, Public Awareness, Legal Reforms, RTI Activists.*

INTRODUCTION

A democracy is a form of governance that was created by, for, and by the people. However, individuals access to information regarding the actions of their representatives is necessary for the complete realization of this ideal. Since the Right to Information Act upholds all of its core principles, it is inextricably linked to good governance. For accomplishing the goals of efficient and open governance, it is a potent instrument.

Sustainable development and the smooth operation of democratic societies depend on effective governance. Access to information facilitates transparency, accountability, and public participation all essential elements of good governance.





A powerful legal tool that enables citizens to ask for and receive information held by public agencies is the Right to Information. In India, the RTI Act of 2005 is a seminal piece of legislation that turns the freedom of speech and expression guaranteed by Article 19(1)(a) of the constitution into a tool for active public participation and governance monitoring. The primary goal of a representative government is the welfare of the people. Since taxpayers pay taxes to the government, it is assumed that the funds they contribute would be utilized to further the nation's development. It is both reasonable and vital for the public to have access to information about how their money is being spent. Through the RTI, taxpayers may verify if public funds are being used efficiently and in the best interests of the public.

In addition to having access to the data, individuals can also choose to file a lawsuit if they discover any inaccuracies, which is essential for good governance. The Prime Minister emphasized the need of RTI and established "Digital India," a part of the government's good governance initiative that supplemented RTI since making information publicly available online promotes transparency, which in turn builds trust. The RTA act should enable everyone to hold truth to power, not just citizens' rights, he adds, adding that RTI has developed into a weapon of good government.

OBJECTIVE OF RTI

In order to foster transparency and accountability in the operations of all public authorities, the Act aims to create "the practical regime of right to information for citizens to secure access to information under the control of public authorities, the constitution of a Central Information Commission and State Information Commission, and for matters connected therewith and incidental thereto." [1]

RIGHT TO INFORMATION: A PILLAR OF DEMOCRACY

A fundamental component of democratic participation, the idea of an educated populace is intrinsically linked to the right to information. By giving people the ability to question government activities and hold public officials responsible, RTI strengthens public administration's transparency. A thorough framework for information distribution is provided by the RTI Act of 2005, which permits citizens to ask public authorities for information and guarantees prompt responses. A successful representative democracy requires that information held by public bodies be freely accessible by disclosing it to the public. For a system to be considered truly democratic, the populace must be educated and directly involved in the

[1] The Right to Information Act, 2005.





decisions made by all public authorities. Individuals have a fundamental right to understand how the government functions. Thus, the right to information and good governance are directly related since a transparent public system of government that is answerable to the people is made possible by the disclosure of information by public authorities.[1]

The right to information is a necessary component of participatory democracy, according to the Supreme Court. The term 'liberty,' which appears in article 21 of the Indian Constitution, needs to be given a broader definition in light of global developments and the shrinking distances between diverse international communities. Rather than being limited to the freedom of bodily restraint, it should encompass the right to hold a particular order as well as the right to know and have information.[2]

The Supreme Court claims that people's trust in popular democratic governance is based on the ancient maxim, "Let people have the truth and freedom to deserve; the liberty of the press gives people freedom to find out what ideas are correct." The right of all citizens to read and be informed is included in the scope of freedom of speech.[3]

The RTI Act covers a wide range of information types, including as documents, emails, records, opinions, and more. Legally, public officials must reply to RTI requests within 30 days. If they don't, petitioners have the opportunity to appeal to higher appellate authorities, highlighting the significance of prompt and effective information access.

GOOD GOVERNANCE: A MULTIFACETED FRAMEWORK

Widespread corruption put the widely accepted elements of good governance—democracy, liberty, and the rule of law—under jeopardy as a result of the concentration of political and administrative authority in the administration of the nation's economic and social resources. Accountability, openness, and the devolution of information are necessary for democracy, and citizens must effectively participate in decision-making. In the absence of frequent, transparent, and fair elections, the concepts of democracy and political involvement continue to be unrealistic for society. The fundamental right of voters is to be fully informed about the qualifications of the candidate representing them in the Parliament or Assemblies, as the case may be. A fundamental component of article 19(1)(a) of the Indian Constitution, the right to know about the candidate is a natural right that stems from the idea of democracy. Candidates must make sure they give as much information as possible about themselves so that voters may choose deserving and civic-minded individuals to represent them in national administration.[1] All said and done, good governance is the sine quo non of a truly functional democracy.

[1] LK Koolwal v. State, AIR 1988 Raj 2.

[1] N.V. Paranjape, Right to Information Law in India 3 (LexisNexis, Haryana, 2014).

[2] Reliance Petrochemicals Ltd v. Proprietors, Indian Express Newspapers, (p) Ltd, Bombay, AIR 1989 SC 190.

[3] Bennett Coleman v. UOI, AIR 1973 SC 106.





A collection of guidelines known as “good governance” are meant to guarantee the efficient, moral, and just administration of public funds and duties. Participation, rule of law, transparency, responsiveness, consensus orientation, equity, effectiveness, and accountability are some of the traits that the UN lists as being essential to good governance. By aggressively encouraging institutional transparency, citizen engagement, and the moral handling of public affairs, the RTI Act is consistent with these ideals.

IMPACT OF RTI ON GOOD GOVERNANCE:

The RTI Act has made it possible for citizens to hold public officials responsible by exposing multiple instances of corruption and inefficiencies in government operations. One noteworthy instance is the discovery of disparities in the National Rural Employment Guarantee Act's (NREGA) implementation, where RTI queries uncovered problems with funding distribution and implementation. Increased scrutiny and, frequently, corrective action have resulted from this.

Open government facilitates communication between the public and the government, ensuring that democracy is experienced by everyone and is not merely a theoretical ideal.[1]

When we discuss good governance, the first things that come to mind are transparency, accountability, public involvement, informed citizens, etc. These are all fundamental components of any successful administration. In order to achieve this, the rules must be known beforehand, be in effect, and be implemented consistently and equitably. Conflicts must also be settled by an independent judicial system, and there must be established and widely known mechanisms for changing and abolishing the rules.[2]

Good governance necessitates the involvement of the public in the development of laws, policies, strategies, etc., since these policies impact the entire society or, to put it another way, a specific segment of it. In any case, public participation is vital in deciding the course of governance. There should be a consultation procedure so that their opinions are taken into consideration, even if a certain segment of society is negatively impacted by a program or policy.

RTI advocates served as whistle-blowers in numerous instances of wrongdoing involving influential individuals, putting the transparency movement at serious jeopardy. Numerous RTI activists were recently attacked and slain for their information-seeking efforts. People were deterred from seeking information by such situations. Actions must be taken to protect the privacy of information seekers' identities and guarantee their safety.

[1] SP Gupta v. UOI (AIR) 1982 SC (149).

[2] Shilpa, RTI: A Tool to Strengthen Good Governance and Tackling Corruption, International Journal of Humanities and Social Science Invention, ISSN (Online): 2319 – 7722, Volume 2 issue 2.





CONCLUSION

In India, the Right to Information (RTI) Act of 2005 has been a crucial tool for promoting good governance. Through encouraging openness, responsibility, and citizen involvement, the Act has greatly improved democracy and given citizens the ability to hold public servants responsible for their deeds. Large segments of the population have historically been marginalized in a nation like India, where the RTI Act is essential to making sure that governance is sensitive to the interests of all residents, especially the impoverished and disenfranchised.

The RTI has proven its ability to reduce corruption and administrative negligence through a number of successful implementations, including exposing inefficiencies in the National Rural Employment Guarantee Act (NREGA). By allowing open access to information, the RTI Act promotes an informed citizenry where citizens can actively participate in decision-making processes and demand better governance. Even while the RTI Act has significantly changed things, there are still obstacles in the way of its complete implementation. The need for ongoing reforms and monitoring is highlighted by problems including threats to RTI advocates, exploitation of the RTI system, delays in information disclosure, and public ignorance. The government must improve safeguards for information seekers, make sure proactive disclosures are implemented on time, and increase awareness campaigns to close the information gap, especially in under served and rural areas, if the RTI Act is to live up to its full potential. In order to achieve accountability, transparency, and citizen empowerment in India, the RTI Act is an essential first step. India can create a governance structure that is more responsive and inclusive by strengthening its implementation and safeguards. Maintaining the Act's impact requires protecting RTI advocates and stepping up enforcement. In the end, the RTI Act is an essential safeguard for the well being of democracy as well as a tool for accountability.





POEMS



“THE STRENGTH OF HER RIGHTS”

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She has the right to choose her way,
To dream, to work, to lead each day.
The law protects, both fair and strong,
To guide her path and right the wrong.
Her voice now rises, bold and clear,
Her rights remove each doubt and fear.
With every step, she builds her place,
With courage, love, and endless grace.
Her strength inspires, her spirit flies,
A brighter world through her will rise.





A CHILD OF SCANDAL
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Meandering down a busy street,
saw a little girl with mud-stained feet;
Dust clung to her cheek and chin,
Her Story lost in the city's din.

I lingered there to hear her Soul,
Humbled and Weak, Knowing I couldn't Console!
Her silence spoke louder than any sound,
of mirage long lost, of dreams unfound.

"Little One", I asked, "What burden you bear?"
She gazed at me wondering if she could share;
For Her world and mine don't align,
But I knew her strength was greater than mine.

Her eyes told miseries, distress and pain,
while she sobbed beneath the city's Strain;
Born in the mumble, a secret sin,
Her life began where humiliation begin.

Her mother loved a man who wasn't hers,
a secret which she kept buried for years;
The world discovered, the truth laid bare,
and judged her mother with hearts unfair.

They dragged her out, stripped of her Pride,
Snubbed and broken, burnt her alive;
The little girl was alone, what none understood,
Nor was there the mother, neither the motherhood.

Seeking justice in a world of gray,
she roamed around without a say;
for she was a child of scandal, a nameless face,
Seeking for love in a void space.
Temple bells and prayers echoed
for the goddess in the distance far,
she whispered softly, weeping beneath the evening star;
"How can one expect justice from a cursed land,
where not even god is remembered without a demand?"





PAINTINGS

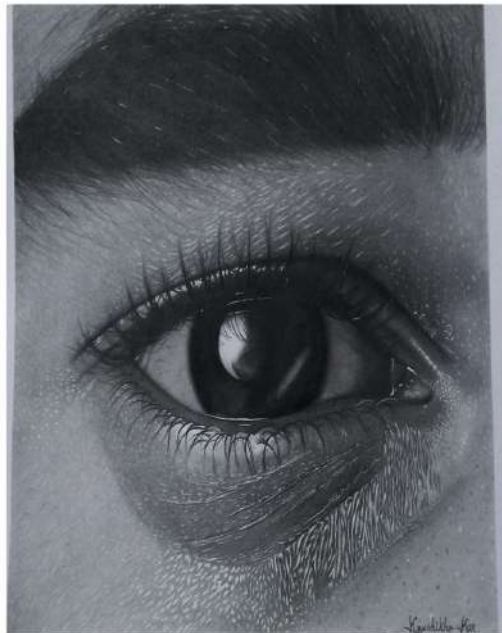
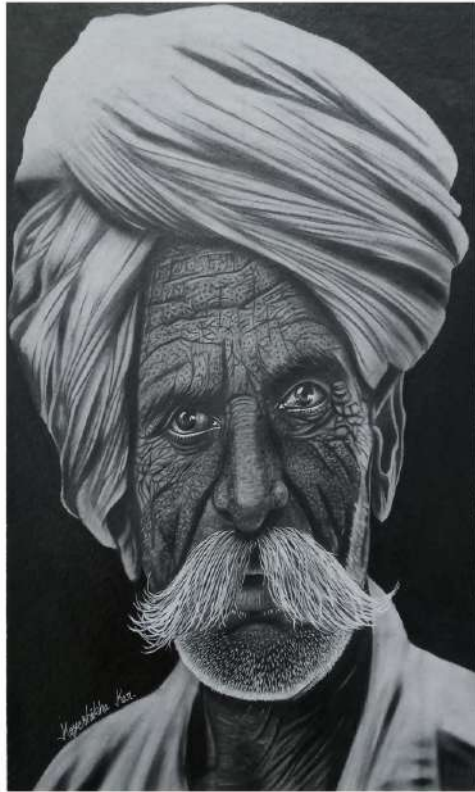


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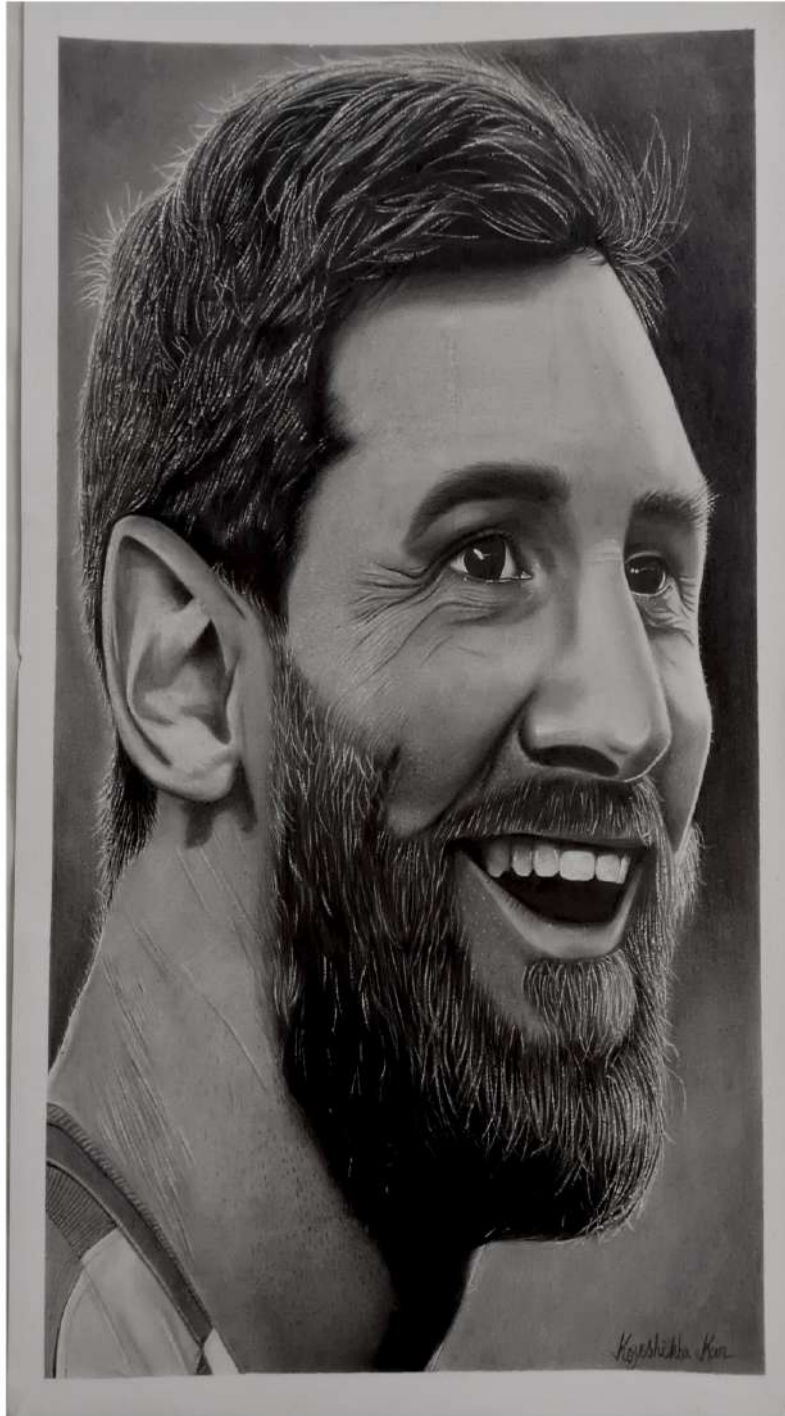
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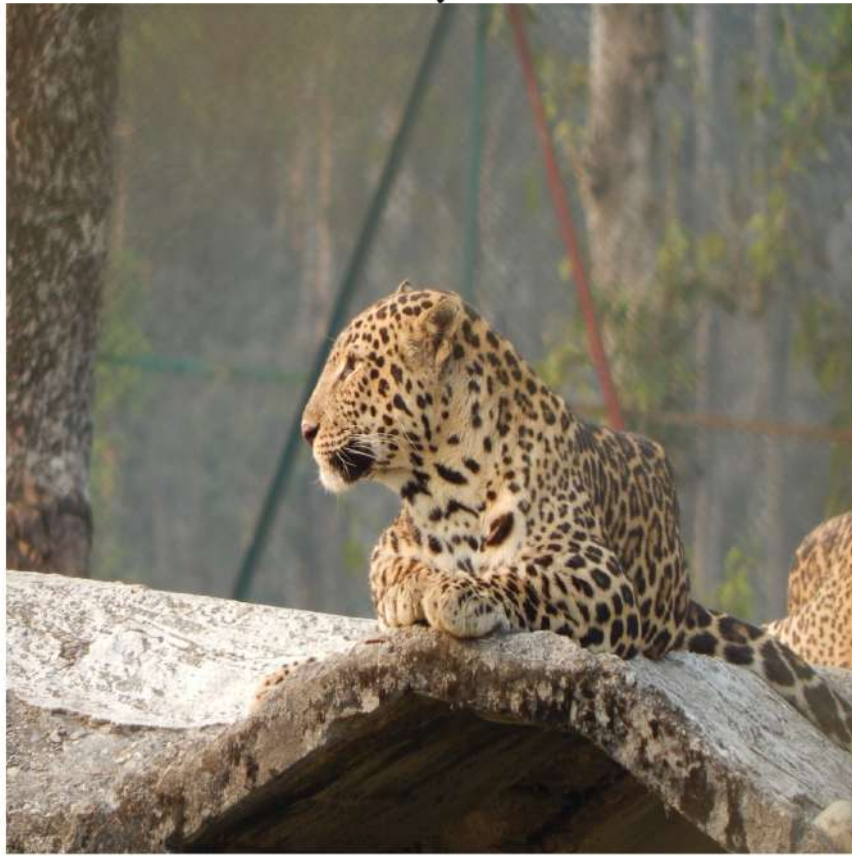


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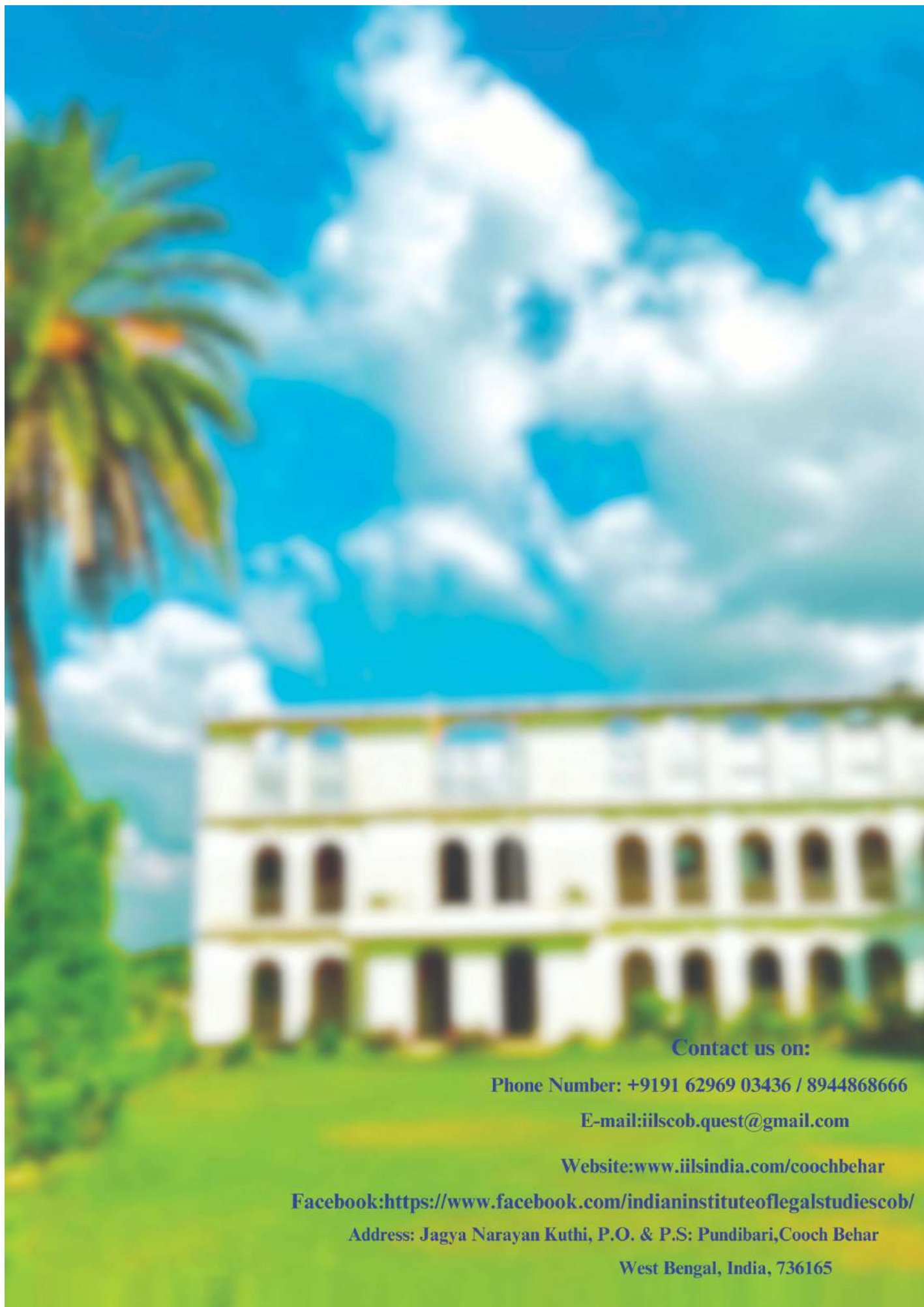


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