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Digital Constitutionalism:  
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# INDIA LEGAL

August 5, 2024 ₹ 100

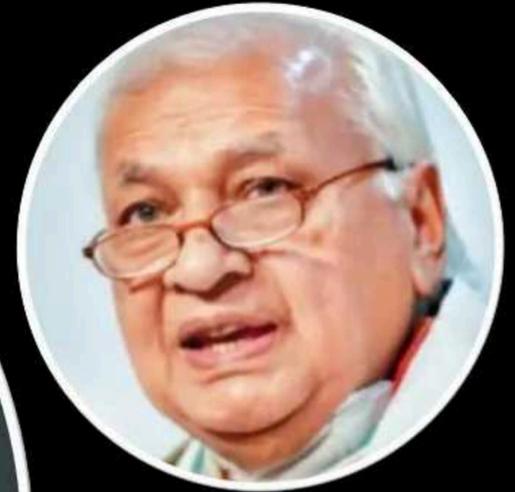
STORIES THAT COUNT



Banwarilal Purohit,  
Punjab



CV Ananda Bose,  
West Bengal



Arif Mohammed Khan,  
Kerala



Raghubar Das,  
Odisha



RN Ravi,  
Tamil Nadu

## ROLE OF GOVERNORS

# Handmaidens of the Centre?

As controversy clouds the governor's post in West Bengal, the constitutional shield protecting the gubernatorial role from prosecution comes under scrutiny from the Supreme Court

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AUGUST 5, 2024

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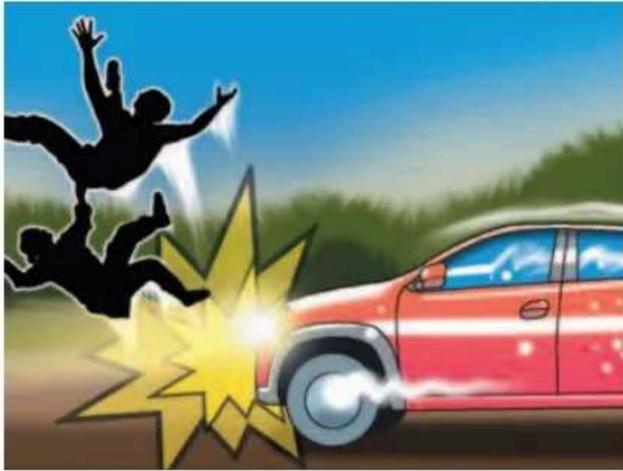
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### WORTH REMEMBERING

"Justice is a temporary thing that must at last come to an end; but the conscience is eternal and will never die."  
—Martin Luther, a German theologian and religious reformer, who was the catalyst of the 16th-century Protestant Reformation

"The judiciary must not take on the coloration of whatever may be popular at the moment. We are guardian of rights, and we have to tell people things they often do not like to hear."  
—Rose Elizabeth Bird, the 25th chief justice of the California Supreme Court

"The minute you read something that you can't understand, you can almost be sure that it was drawn up by a lawyer."  
—William Penn Adair "Will" Rogers, American cowboy, humorist, newspaper columnist, social commentator and stage and motion picture actor

## States have the power to levy tax on mining lands and quarries, says SC

In a landmark verdict, a nine-judge Constitution bench of the Supreme Court (by 8-1 majority) ruled that royalty paid by mining operators to the centre is not tax and that the states have the power to levy tax on mining lands and quarries.

The judgment was pronounced by the bench led by the Chief Justice of India DY Chandrachud and comprising Justices Hrishikesh Roy, Abhay S Oka, BV Nagarathna, JB Pardi-



wala, Manoj Misra, Ujjal Bhuyan, Satish Chandra Sharma and Augustine George Masih. However, Justice Nagarathna delivered the dissenting verdict.

The apex court ruled that the [Mines and Minerals (Development & Regulation) Act (Mines Act)] will not deny the states the power to levy tax on mineral

rights. The top court thus overruled its 1989 judgment in *India Cement Ltd vs State of Tamil Nadu*.

The majority judgment said that the legislative power to tax mineral rights lies with the state legislature and Parliament does not have the legislative competence to tax mineral rights.

Justice Nagarathna, however, observed that royalty is in the nature of tax, and the states have no legislative competence to impose any tax or fee on

mineral rights.

The Supreme Court in 1989 had held in *India Cement Ltd vs State of Tamil Nadu* that the royalty is a form of tax under the Mines Act and the imposition of cesses on such royalty was beyond the legislative competence of states.

## Farmers' stir: Supreme Court wants to form committee to resolve issues

The Supreme Court suggested the constitution of a committee comprising independent persons, which could negotiate with the farmers protesting at the Punjab-Haryana border and help in resolving their issues.

The bench of Justices Surya Kant, Dipankar Datta and Ujjal Bhuyan asked the states of Punjab and Haryana to suggest the names of suitable individuals who could be included in the committee.

The bench further directed that *status quo* be maintained by both the states at the protest site in order to prevent any flare-up at the Shambhu border.



The Court also sought a proposal from the two states to remove the barricades at the Shambhu border and prevent inconvenience to the general public.

The top court of the country passed the order on a petition filed by Haryana against the order of the Punjab and Haryana High Court. The High Court directed Haryana to unblock the Shambhu Border, which was closed in February this year to prevent the movement of protesting farmers from Punjab to Haryana.

The farmers have been protesting in support of their demands such as a statutory guarantee for the minimum support price for crops.

## Delhi court grants bail to Delhi minister Atishi in defamation case

Delhi court granted bail to Delhi minister Atishi Marlena in the criminal defamation case filed by the Delhi Bharatiya Janata Party media head Praveen Shankar Kapoor for levelling allegations against the BJP of poaching AAP MLAs.

Additional Chief Judicial Magistrate Tanya Bamniyal granted bail to the AAP leader, who had physically appeared before the court, directing her to file a bail bond of Rs 20,000 and one surety of the like amount. Senior Advocate Ramesh Gupta and Advocate Shailendra Singh, appearing for Atishi, sought time to scrutinise the documents before argu-



ing in the case. The Delhi court scheduled the matter for further hearing on August 8.

Praveen Shankar Kapoor had approached the court on April 29, this year, stating that after the case was registered by the CBI and ED regarding the now scrapped Delhi liquor excise policy, AAP and its leaders levelled allegations against the BJP.

After hearing the testimonies of the complainant witnesses, the court had on May 28 issued summons to Atishi. However, the court did not issue any summons to Delhi chief minister Arvind Kejriwal.

While summoning Atishi, the court said that it appeared that she by her spoken words which were intended to be read have made defamatory imputations which *prima facie* have lowered the reputation of the complainant amongst the right-thinking members of the society and the same has been made knowing and intending to harm the reputation of the complainant.

## Supreme Court refuses to cancel NEET-UG 2024, says no material points to systemic breach

The Supreme Court declined to cancel the NEET-UG 2024 exam on the basis of paper leak and malpractices. It stated that there was no material to indicate that the leak was systemic, thus affecting the sanctity of the entire exam.

The Court further mentioned that directing a re-examination will lead to serious consequences affecting more than 23 lakh students and will also disrupt the academic schedule, resulting in a cascading effect in the following years.

Acknowledging that there was a paper leak in Hazaribagh (Jharkhand) and Patna (Bihar), the apex court observed that there is no sufficient material on record to lead to the conclusion that the results of the exam stand vitiated in its entirety or that there was a systemic breach in the sanctity of the exam.

The Court mentioned that it was of the



view that ordering a re-examination or cancellation of the entire exam is not justified on the application of the settled tests propounded by decisions of the Court on the grounds of the material on record.

A bench of Chief Justice of India DY Chandrachud and Justices JB Pardiwala and Manoj Mishra pronounced the order in a batch of pleas seeking to cancel the NEET-UG medical admissions 2024 for paper leak and malpractices. The results of the exam were declared on June 4.

Furthermore, the Court also disapproved of the decision of NTA to treat two options as correct answers for one question. Agreeing with the expert report prepared by an expert team constituted by

IIT-Delhi regarding the ambiguous question, the apex court noted that both options are mutually exclusive and cannot stand together. The Court directed the NTA to re-tally the results accordingly.

The centre's stand was that the leak was localised in nature and the beneficiar-

ies were identifiable. The centre also underlined a data analytics report prepared by the IIT-Madras which showed no abnormalities in the results or indication of mass malpractice.

The Court also clarified that it is mindful of the fact that ordering a fresh NEET-UG test for the present year would be replete with serious consequences for more than two million students, along with disruption of the admission schedule, cascading effects on the course of medical education, prejudicial impact on the availability of qualified medical professionals in future, and serious element of disadvantage to marginalised groups of students for whom reservations have been made in the allocations of seats.

## Supreme Court sets clear boundaries for sentencing in attempt to murder cases under Section 307 IPC

The Supreme Court ruled that a person convicted in an attempt to murder case cannot be sentenced to rigorous imprisonment exceeding 10 years unless the punishment was imprisonment for life.

The bench of Justices CT Ravikumar and Rajesh Bindal passed the order, while highlighting the intention and adherence to the prescribed maximum sentence for attempted murder cases under the first part of Section 307 of the Indian Penal Code (IPC).

The Bench noted that the legislative prescription was unequivocal in terms of the punishment for attempted murder. The first part of Section 307 IPC specifically pre-



scribed a maximum sentence of 10 years imprisonment, while the second part entailed a life term if such acts caused injuries to the victim.

The Court said when in unambiguous terms the legislature prescribed the maximum corporeal sentence imposable for the conviction under Section 307, IPC under the first part and when the Court con-

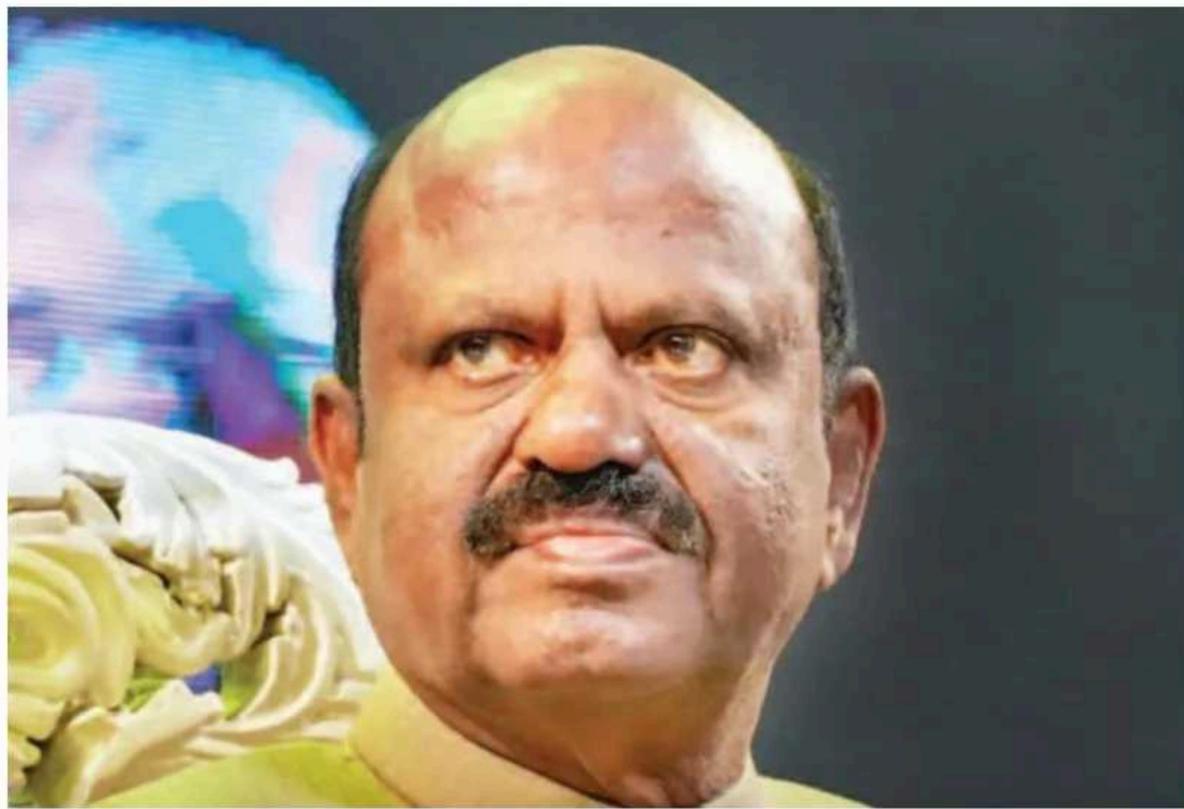
cerned upon convicting the accused thought it fit not to impose imprisonment for life, the punishment to be handed down to the convict in any circumstance cannot exceed the punishment prescribed under the first part of Section 307, IPC.

This interpretation firmly restricted the courts from imposing a sentence exceeding 10 years unless the convict was sentenced to imprisonment for life.

An attempt to commit murder has been retained as an offence with identical provisions under Section 109 of the Bharatiya Nyaya Sanhita, which came into effect from July 1, added the top court of the country.

It further highlighted that if a convict under the second part of Section 307, IPC was not sentenced to life imprisonment, the only other permissible punishment as prescribed under the first part was a term, which may extend up to 10 years and a fine.

Allegations of molestation have been levelled against West Bengal Governor CV Ananda Bose (right) by a contractual woman employee. In Punjab, the AAP government brought in a Bill seeking the removal of Governor Banwarilal Purohit (facing page, middle) as Chancellor of state-run universities. In Odisha, the Opposition wants action against Governor Raghubar Das' son for allegedly assaulting a government official.



# HANDMAIDENS OF THE CENTRE?

As controversy clouds the governor's post in West Bengal, the constitutional shield protecting the gubernatorial post from prosecution comes under scrutiny from the apex court

**By Sanjay Raman Sinha**

**T**HE gubernatorial post of governors is under controversy once again. As allegations of molestation are levelled against West Bengal Governor CV Ananda Bose by a contractual woman employee, in Punjab, the AAP government brought in a Bill seeking the removal of Governor Banwarilal Purohit as Chancellor of state-run universities. However, President Droupadi Murmu refused to clear the Bill. Meanwhile, the Odisha assembly was adjourned twice on July 23 as the Opposition demanded action against Governor Raghubar Das' son for allegedly assaulting a government official.

The governor's post, while seen as ceremonial, was once vested with grandeur

and respect. But now governors are seen as extensions of the centre and running into trouble with Opposition-ruled states. The political firmament is rife with mudslinging and matters have even reached the apex court.

In the West Bengal case, the Supreme Court bench agreed to examine the scope and extent of Article 361 of the Constitution, which provides immunity to governors from criminal prosecution. Article 361 grants immunity to the president and governors from legal proceedings. They are not answerable to any court of law for acts done in their official capacity, which means that they cannot face criminal proceedings, arrest or imprisonment during their term. Furthermore, civil proceedings against them



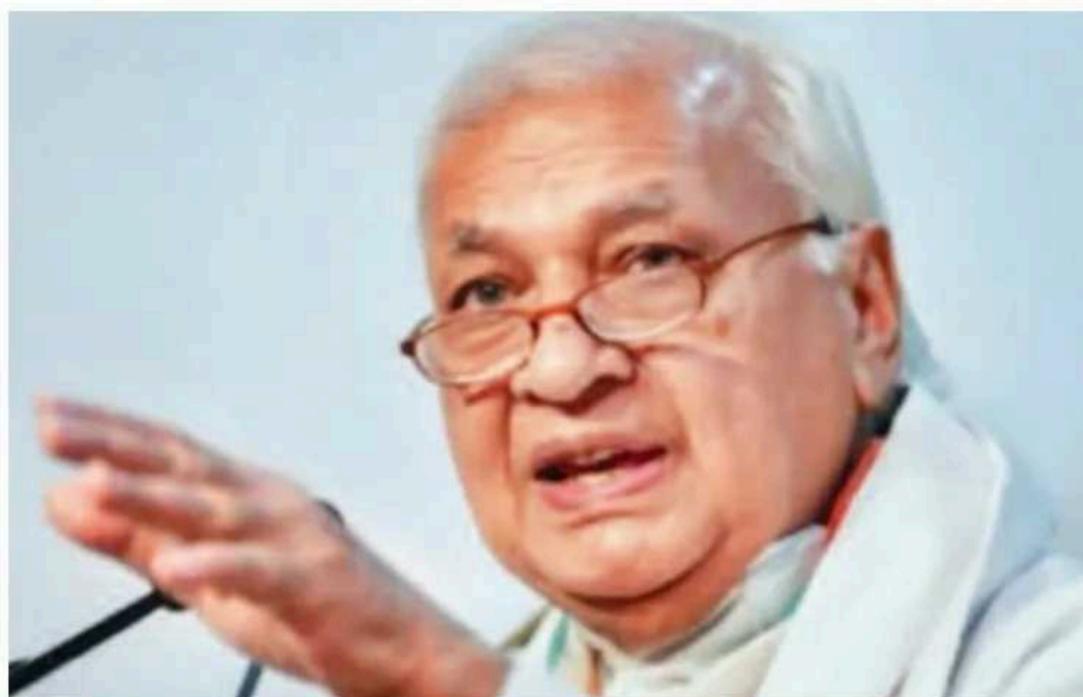
require a two-month notice for acts in their personal capacity.

This immunity is granted to ensure that they discharge their duties without fear of legal proceedings. It is a shield which the Constitution has bequeathed to them. However, this immunity is conditional as it is not absolute and can be subject to judicial scrutiny.

Of late, the conduct of many governors has become a matter of concern and initiated public debate on their propriety to indulge in politicking. This is more so when the

Constitution assigns them crucial responsibilities wherein its being apolitical and neutral is of prime importance. This is despite the fact that the post of a governor is nomenclatured as an “agent of the centre”.

**I**n the past, Kerala Governor Arif Mohammed Khan had a setback in his recurring stand-off with the CPI(M) government when the Kerala High Court quashed four nominations he had made to the Senate of Kerala University. The four students were activists of the RSS’s student wing, ABVP, ▶



Kerala Governor Arif Mohammed Khan (above left) had a setback in his recurring stand-off with the CPI(M) government when the Kerala High Court quashed four nominations he had made to the Senate of Kerala University. Tamil Nadu Governor RN Ravi too has often locked horns with the state government, primarily over delayed assent to bills passed by the legislature.



In *SR Bommai vs Union of India* (1994), the Supreme Court held that while Article 361 grants immunity to the President and Governors from criminal prosecution, it does not make their actions immune from judicial review. Similarly, in *Nabam Rebia & Bamang Felix vs Deputy Speaker*, the Court ruled that the decisions and actions taken by the Governor can be examined by the courts.

and it was alleged that they were recommended by the Sangh Parivar. Tamil Nadu Governor RN Ravi too has often locked horns with the state government, primarily over delayed assent to bills passed by the legislature. However, he did so later after much pressure.

**T**he governor (as is the President) is a symbol of constitutional propriety and should uphold its values uncompromisingly. This is not happening. Bills are being held up without reason and governors are cocking a snook at state governments and questioning their decisions. This has not only created bad blood between the two constitutional posts of governor and chief minister, but the centre is also seen in cahoots with the “agent”.

This is not the first time that a matter related to Article 361 has been brought to court. Over the years, many cases have made the courts interpret the scope and limitations of the Article.

*The Rajasthan State Electricity Board vs*

*Mohan Lal* (1967) case involved the question of whether the actions of the governor could be challenged in a court of law. Justices Vashishtha Bhargava, K Subba Rao (chief justice), JC Shah, JM Shelat and GK Mitter of the Supreme Court held: “Article 361(1) clearly provides that the Governor is not answerable to any court for the exercise and performance of the powers and duties of his office. However, this does not mean that the actions of the Governor, taken in his official capacity, are beyond the purview of judicial review. The immunity is personal to the Governor and does not extend to the actions taken by him in the discharge of his official functions.”

The *Rameshwar Prasad & Ors vs Union of India & Anr.* (2006) case involved the dissolution of the Bihar Legislative Assembly and the role of the governor in recommending the dissolution. The then Chief Justice of India KG Balakrishnan and Justices YK Sabharwal and Arijit Pasayat presided over the matter. The key question was whether the dissolution of the assembly under Article

356(1) could be ordered to prevent the staking of claim by a political party on the ground that the majority has been obtained by illegal means.

The bench held: “Article 361 provides immunity to the Governor for the exercise and performance of the powers and duties of his office. Governor is not answerable to any Court for exercise and performance of powers and duties of his office or for any act done. However, this does not mean that the actions of the Governor are beyond judicial review. The immunity extends only to the personal liability of the Governor and does not bar the challenge to the actions taken by him in the capacity of his office.”

Furthermore, while Article 74(2) prevents courts from reviewing the advice given by council of ministers to the president, it doesn't stop them from examining the underlying material that formed the basis of that advice.

Notably, Justice JS Verma in *Rameshwar Prasad* case noted: “The Governor's office is not a sanctuary for errant behaviour. While

nors from criminal prosecution, it does not make their actions immune from judicial review. The courts have the power to examine the actions taken by the President and the Governors to ensure they are within the constitutional framework and not arbitrary or mala fide.”

In *Nabam Rebia & Bamang Felix vs Deputy Speaker, Arunachal Pradesh Legislative Assembly* (2016), the role of the governor in summoning, proroguing and dissolving the legislative assembly of Arunachal Pradesh was under judicial review. The five-judge bench of Justices Jagdish Singh Khehar, Dipak Misra, Madan B Lokur, Pinaki Chandra Ghose and NV Ramana held: “The immunity provided under Article 361 to the Governor is not absolute and is subject to judicial scrutiny. While the Governor cannot be personally prosecuted, the decisions and actions taken by the Governor can be examined by the courts to ensure they adhere to constitutional provisions and principles of natural justice.”

Of late, the conduct of many governors has become a matter of concern and initiated public debate on their propriety to indulge in politicking. This is more so when the Constitution assigns them crucial responsibilities wherein being apolitical and neutral is of prime importance. This is despite the fact that the post of a governor is nomenclatured as an “agent of the centre”.

immunity is granted to ensure smooth functioning, it should not become a shield for unconstitutional actions. The actions of the Governor must be within the ambit of the Constitution and the law.”

In *SR Bommai vs Union of India* (1994), the judgment dealt with the dismissal of state governments and the imposition of President's Rule under Article 356. The nine-judge bench of the Supreme Court comprising Justices Kuldeep Singh, PB Sawant, Katikithala Ramaswamy, SC Agarwal, Yogeshwar Dayal, BP Jeevan Reddy, SR Pandian, AM Ahmadi and JS Verma delivered the momentous verdict. The question related to the scope and extent of judicial review of the president under Article 356(1) of the Constitution.

The bench held: “While Article 361 grants immunity to the President and Gover-

These cases clearly define the limits of actions of governors. While Article 361 protects them from being personally prosecuted while in office, it doesn't mean their official actions are above scrutiny. Caesar's wife is not above reproach, so to speak. The Supreme Court has consistently ruled that governors' decisions must follow the Constitution and can be reviewed to ensure they are legally proper and constitutionally appropriate.

As the flagbearers of constitutional values and morality, gubernatorial actions should be in line with its ethos. The political powers-that-be should ensure that governors are not made into handmaidens, and on their part, governors should realise that the trust and responsibility bestowed on them by the founding fathers of the Constitution makes it mandatory that they abide by Constitution ethics and morality. ■



Legal aid is generally provided to economically disadvantaged individuals, members of marginalized communities, women, children and other vulnerable groups. The concept of right to free legal aid came into existence with a landmark judgment in *Hussainara Khatoon vs State of Bihar* wherein the Supreme Court emphasised the need for free legal aid services to the needy persons at the cost of the State.

# LEGAL AID IN INDIA

It plays a vital role in implementing access to justice for the poor and the needy and aims at rendering free legal services to individuals not in the position to pay lawyer's fees. However, the concept is yet to reach its full potential due to several obstacles

**By Dr Abhishek Atrey**

**T**HE essence of the right to free legal aid is based on the principle that justice should not be constricted to those who can afford legal representation. It concedes that there are individuals facing legal proceedings, especially the marginalised and disad-

vantaged sections, who may be unable to traverse the legal system productively without professional assistance. Under the right to free legal aid, people in need are provided legal services at all stages which includes advice, consultation and representation which could be either fully funded by the government or legal-aid organisations. The



The Law Commission of India stated in its report on *Reform of Judicial Administration* published in 1958 that providing legal assistance to destitute litigants is a fundamental issue, not a minor procedural issue. The government drew some guidelines for legal-aid schemes in 1960. In 1976, Parliament inserted Article 39A in the Constitution, which entrenched free legal assistance as a cardinal dictum.

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**T**he Law Commission of India stated in its report on *Reform of Judicial Administration* published in 1958 that providing legal assistance to destitute litigants is a fundamental issue, not a minor procedural issue. The government drew some guidelines for legal-aid schemes in 1960. In 1976, Parliament inserted Article 39A in the Constitution, which entrenched free legal assistance as a cardinal dictum. Article 39A says that the State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities. This constitutional provision underscores the commitment of India to promote justice and provide free legal aid to the last person of India. It recognizes that access to justice is a fundamental right and steps must be taken to remove barriers that may prevent citizens from securing justice.

Initially under the chairmanship of

Justice PN Bhagwati, a Committee for Implementing Legal Aid Schemes was formed in 1980 to oversee and supervise legal-aid projects. Thereafter, based on Article 39A, Parliament enacted the Legal Services Authorities Act, 1987, which provides the legal framework for the provision of legal aid in India. Under this Act, the National Legal Services Authority (NALSA) was established in 1995 to facilitate the implementation of legal-aid programmes and services at the national and state levels, respectively, to formulate policies and guidelines for providing legal assistance in accordance with the statutory provisions, as well as to develop the most efficient and cost-effective legal service schemes. Under Legal Services Authorities Act, 1987, State Legal Services Authorities were also established in all states. Apart from this, the Bar Council of India also enacted Bar Council of India Legal Aid Rules, 1983. In *Sheela Barse vs State of Maharashtra*, it was held by the Supreme Court that getting free legal assistance is a fundamental right stipulated not only under Article 39A, but also under Articles 21 and 14 of the Constitution.

Legal-aid clinics are set up in various parts of the country to provide legal assistance at the grassroots level. These clinics are often run by lawyers and paralegals. Legal aid is generally provided to economically disadvantaged individuals, members ▶



Legal aid includes advice, representation in court, drafting of legal documents, preparation of pleadings, appeals and other services. It covers a wide range of matters, including criminal cases, civil disputes and family matters.

of marginalized communities, women, children and other vulnerable groups. The particular aspect of eligibility may differ from state to state.

Section 12 of the Legal Services Authorities Act, 1987, outlines the eligibility criteria, which include—members of the Scheduled Castes or the Scheduled Tribes; victims of human trafficking or beggars; women or children; persons with disabilities as defined in the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995; individuals in underserved circumstances such as victims of mass disasters, ethnic violence, caste atrocities, floods, droughts, earthquakes or industrial disasters and industrial workers; individuals in custody, including those in protective homes; in cases before the Supreme Court; individuals with an annual income of less than Rs five lakh; for cases before other courts; and individuals meeting the income criteria prescribed by state governments.

Legal aid includes legal advice, representation in court, drafting of legal documents, and other forms of legal assistance. It also covers a wide range of legal matters, including criminal cases, civil disputes, family matters, and more. According to Section 2(c) of the Legal Services Authorities Act, 1987:

“legal services” include services related to any case or legal proceeding before a court, authority or tribunal, as well as advice on legal matters, representation by an advocate in legal proceedings, payment of process fees, witness expenses and other charges associated with legal proceedings. In appropriate cases, legal aid also includes preparation of pleadings, appeals, paper books, including document translation and printing. Legal services can be rejected or withdrawn if it is found that the applicant has sufficient means to access justice and can afford legal services independently or the applicant does not meet the eligibility criteria. In some cases, legal aid can be denied if the case lacks merits or there is no reasonable legal action required.

There are certain category of cases which are excluded from the purview of legal aid such as defamation, malicious prosecution, contempt of court, perjury, election petitions or fine imposed up to Rs 50, economic offenses and offences against social laws. The legal services may be withdrawn in the circumstances where the applicant is found guilty of misrepresentation or fraud while receiving legal aid or if there is any material change in circumstances that renders the applicant ineligible for continued legal aid or when the aided person engages in misconduct, misbehaviour or shows negligence in their actions or if the aided person fails to cooperate with the assigned advocate or does not actively participate in legal proceedings. Legal aid can also be terminated in case of death of aided person except in civil cases where legal representation may continue on behalf of their estate or if the legal proceedings amount to abuse or misuse of the process of law or the legal services provided.

One major obstacle in getting legal aid is the poor and illiterate population’s lack of legal education and awareness. Many people are unaware of their basic rights and the legal aid services available to them. This lack of awareness hampers the goal of the legal-aid movement, as people are unfamiliar with initiatives like Lok Adalats. Another major factor behind the debilitated institutional system is a dearth of awareness of the pres-

ence of such legal help. Most often the accused is unaware of his rights and entitlement of legal representation. Another important factor is the view that such free services tend to be of poor quality. Besides, the legal services authorities are short of attorneys, and even if they are appointed, they may not be able to provide effective assistance.

**T**he legal-aid movement in India is yet to catch up. For now, it is unorganised, dispersed, and intermittent. Furthermore, it lacks coordination. The concept has not reached the level it was expected to initially and majorly collapsed. There is a lack of coordination. The concept of equal access to the availability of legal justice has nearly collapsed. Many advocates and lawyers earning well prioritise receiving proper fees for their services and they give priority to the cases in which they receive handsome fees. Only a few actively participate in social service programmes like legal aid. The scarcity of dedicated legal professionals willing to contribute their services becomes a barrier to delivering quality legal representation to those in need.

In order to create awareness, the masses need to be educated about their legal rights and potential legal remedies. We need to adopt several measures to accomplish this task such as connecting the law school legal clinics with local courts in various regions, which will let the needy to first contact the non-judicial professionals who will first lay hold of all the rights given by the Constitution. Another method could be to run campaigns in remote areas and connect with the masses via speeches in local languages in order to ensure that even the illiterate people know their rights. This work of raising awareness at different levels could be done by the NGOs. This could be followed by the idea of promoting the *pro bono* culture wherein the law students should be provided the social education.

In addition to this, the existing legal-aid system is deficient in structured and well-planned methods for tracking, analysing and providing feedback on the potency of the help offered to intended recipients. The enactment of the Legal Aid Defence Council System is a significant step in this direction,



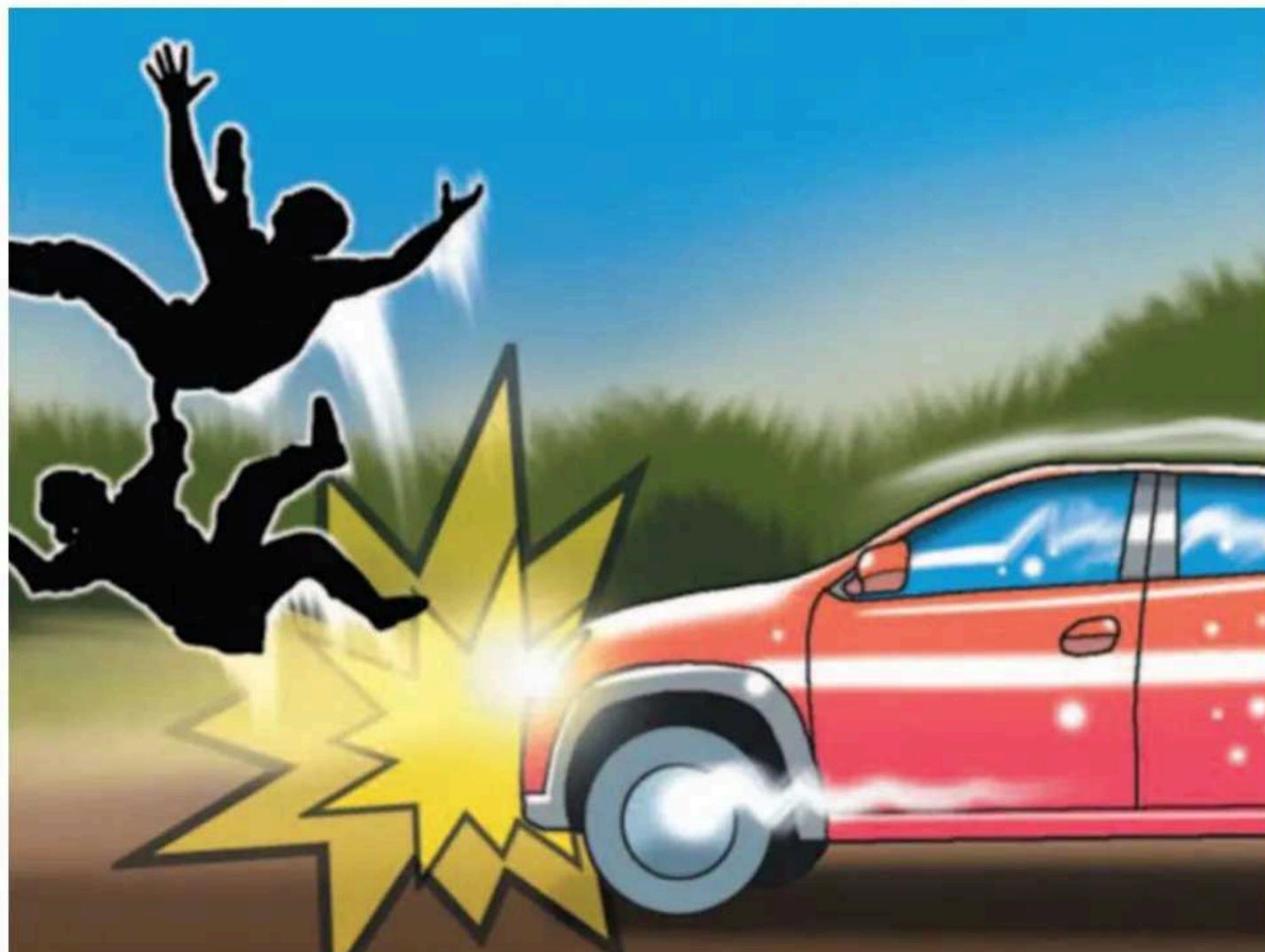
A major obstacle in getting legal aid is the poor and illiterate population's lack of legal education and awareness. This hampers the goal of the legal-aid movement as people are unfamiliar with initiatives like Lok Adalats (above).

but the absence of the infrastructure for live tracking of legal-aid cases by in-charge court officials severely limits the efficient provision of legal-aid services. The application of technology, for example, online legal-aid portals, virtual legal clinics, and e-filing systems are expected to swell in the distribution of legal-aid services. It is believed that this could be helpful in bridging the geographical gaps and make legal assistance more accessible. ■

—The writer is Advocate-On-Record,  
Supreme Court

In the past decade alone, India has witnessed a series of shocking hit-and-run cases by juveniles. All of them were characterised by drivers fleeing the scene immediately after the accident that not only claimed lives, but also raised glaring questions about road safety.

Despite the government endeavouring to enact stringent laws in order to ensure that the perpetrators are apprehended, it seems that we are still a long way from it.



# IN THE FAST LANE

There have been many cases of teens killing people in speeding cars. Most have escaped the hands of law by buying out the parties or because of the law's definition of "heinous crimes" by juveniles

By Dr Swati Jindal Garg

**P**ROVING once again that justice might get delayed, but is never denied, an insurance company has been directed by the Motor Accident Claim Tribunal (MACT) to pay Rs 1.98 crore compensation to the parents of a 32-year-old man who was killed in a hit-and-run involving a minor in 2016.

The MACT directed the company to pay the amount, constituting Rs 1.21 crore as

compensation and around Rs 77.61 lakh as interest, to the parents of Sidharth Sharma who died after being hit by a Mercedes driven by a minor in Civil Lines in Delhi on April 4, 2016. The fatal crash was recorded by a security camera where Sidharth is seen trying to cross the road while looking both ways. He had just bought takeout from a noodles stand and was heading home when he was hit by the speeding car despite trying to get out of the way. After hitting him, the

Mercedes went over a pavement and came to a stop as its front tyres burst. The teenager then fled with his friends. As per the detailed accident report filed by the police, the minor was driving the car rashly at such a high speed that after the collision, Sidharth was thrown 20 feet high into the air.

The Tribunal observed that the accused's father, Manoj Aggarwal, willfully cultivated the illegal behaviour of his son by ignoring the cost of fellow road users. Hence, the Tribunal also held the father responsible for failing to stop his minor son from driving. "Instead of preventing his minor son from driving a Mercedes, he chose to ignore the same, which implies tacit consent on his part. The very fact that at the time of the accident he was at home was all the more reason to stop his son from taking the car from the home for a joy ride," the Tribunal said in its order. Shockingly, the Delhi police chargesheet stated that despite the teenager being challaned earlier also for driving without a license and causing a similar accident, his father was careless and did not stop him.

Directing the insurance company to pay the compensation within 30 days, the Tribunal dismissed a plea by the father seeking exoneration of liability and granted the insurance company the liberty to recover the compensation amount from the father's company, under which the vehicle was registered.

**E**arlier this year, the apex court held that the 17-year-old would not go to jail for his crime as the act of the accused, a juvenile, did not fall within the category of "heinous offences" under the Juvenile Justice Act, 2015 (JJ Act). Shilpa Sharma, the sister of Sidharth Sharma, had said then that she was devastated by the ruling, but would continue her fight for justice. "The judges said that there is a flaw in the law, but decided to not make the changes and directed the legislators to make the changes. They had the power to change it but they chose not to," she reportedly said.

The Juvenile Justice (JJ) Act says that a juvenile can be tried as an adult in cases of "heinous" offences where the minimum punishment is seven years in jail. The Juvenile Justice Board ruled that the accused was fit



The Motor Accident Claim Tribunal directed the insurance company to pay within 30 days Rs 1.98 crore compensation to the parents of Sidharth Sharma (above) who died after being hit by a Mercedes driven by a minor in Delhi in April 2016.

to be tried as an adult, making him the first juvenile who would be tried thus after the government amended the law. In its five-page order, the Board observed that the young man was aware of the consequences of his actions and was in "no manner lacking in mental and physical capacity to commit the offence". A Delhi Sessions court had upheld the ruling, but the Delhi High Court decided against the order. This was challenged by Shilpa in the Supreme Court, where the bench of Justices Deepak Gupta and Aniruddha Bose noted that the offence of culpable homicide not amounting to murder under Section 304 of the IPC under which the juvenile was charged did not prescribe a minimum punishment period, but only a maximum punishment of life imprisonment or imprisonment up to ten years. Hence, it did not fall within the definition of "heinous offences" under Section 2(33) of the JJ Act as per which heinous offences are those for which the minimum punishment under the IPC or any other law is imprisonment for seven years or more.

The bench also noted that the law does not deal with a fourth category of offences, such as in this case. These are offences ▶

Earlier this year, the apex court held that the minor would not go to jail for his crime as the act of the accused, a juvenile, did not fall within the category of “heinous offences” under the Juvenile Justice Act, 2015. The Court said that...“an offence which does not provide a minimum sentence of seven years cannot be treated to be an heinous offence”.



where the maximum sentence is more than seven years’ imprisonment, but no minimum sentence is prescribed. The Court also urged Parliament to address this loophole till which time such offences will be treated as “serious offences” under the JJ Act. “...an offence which does not provide a minimum sentence of seven years cannot be treated to be an heinous offence. However, in view of what we have held above, the Act does not deal with the 4th category of offences viz., offence where the maximum sentence is more than seven years imprisonment, but no minimum sentence or minimum sentence of less than seven years is provided, shall be treated as ‘serious offences’ within the meaning of the Act and dealt with accordingly till the Parliament takes the call on the matter”, the Court order said. It also held that for an offence to be a heinous offence, a mandatory minimum punishment has to be there. So any offence which does not prescribe that mandatory minimum will fall into the category of “serious offences”. The Court further made it clear that it could not rewrite the law and that the Act had to be read in the best interests of children and not otherwise.

In the past decade alone, India has wit-

nessed a series of shocking hit-and-run cases by juveniles. All of them were characterised by drivers fleeing the scene immediately after the accident that not only claimed lives, but also raised glaring questions about road safety.

**T**he latest case was the Porsche one where a 17-year-old boy from Pune collided with a motorcycle, killing two persons. According to the police, the juvenile was reportedly intoxicated at the time of the incident. What has shocked the nation was that the boy was initially granted bail in less than 15 hours of the incident by the Juvenile Justice Board and asked him to work with the Yerwada traffic police for 15 days and write an essay on the incident.

The incident came to light when a friend of the deceased filed an FIR. The victims, both 24-year-old software engineers from Madhya Pradesh working in Pune, were identified as Aneesh Awadhiya and Ashwini Koshta. It was Awadhiya’s friend who lodged an FIR at the Yerwada police station. On investigation, it was revealed that the Porsche was travelling at an estimated speed of 160 km/hr when it crashed into the vic-

**The latest regime of hit-and-run laws has introduced stringent penalties, including up to 10 years’ imprisonment and a fine of Rs 7 lakh for drivers responsible for fatal accidents who attempt to flee the scene. The proactive steps being taken by courts will hopefully pave the way to a better and more guarded system.**



Recently, a 17-year-old boy from Pune driving a Porsche at high speed of 160 km/hr collided with a motorcycle, killing two persons. The victims, software engineers from MP working in Pune, were identified as Aneesh Awadhiya and Ashwini Koshta (inset, right).

tims' motorcycle.

The anger that erupted over the Porsche case had not even settled when another case of a similar nature came to light in Kanpur. A teenager, a son of a prominent doctor, allegedly rammed his father's car into two persons and killed them. He was sent to the juvenile home after a case was registered against him under Section 304A of the IPC stating that a car was involved in a hit-and-run incident. Post the registration of the case, the accused was detained and produced before the Juvenile Justice Board which sent him to a correctional centre.

Curiously, in this case too, it was found that the teenager was involved in another hit-and-run case, where he had injured four persons in Kanpur's Barra area. It is being alleged that the accused was allowed to roam free despite these cases. The father, too, was booked. Action will be taken against the officers in charge of the previous case for not filing a chargesheet in the matter, the ACP reportedly said.

Despite the government endeavouring to enact stringent laws in order to ensure that

the perpetrators are apprehended, it seems that we are still a long way from it. The latest regime of hit-and-run laws has introduced stringent penalties, including up to 10 years' imprisonment and a fine of Rs 7 lakh for drivers responsible for fatal accidents who attempt to flee the scene.

The proactive steps being taken by courts will hopefully pave the way to a better and more guarded system. A lot needs to be understood by affluent parents who seem to think that money will be the answer to all ailments. With the spurt in such cases and social media playing the role of whistleblower, hiding everything under the cloak of power and money will become more difficult.

However, while the intent behind the latest amendments, including those made to the JJ Act are correct, its application needs a lot of work and the entire system will need to be pulled up from the grassroots level in order to apply laws in letter and spirit. ■

*—The writer is an Advocate-on-Record practicing in the Supreme Court, Delhi High Court and all district courts and tribunals in Delhi*

According to senior officials of the Law Ministry, the latest trial of using AI to translate laws was only around 40 percent successful. As of now, the trials have not yielded usable results because AI is still being developed. One officer stated that the legal glossary is being fed into the software. The officers said that the Ministry and the National Informatics Centre are feeding in words from the legal glossary in Hindi and other Indian languages into the AI to improve results.

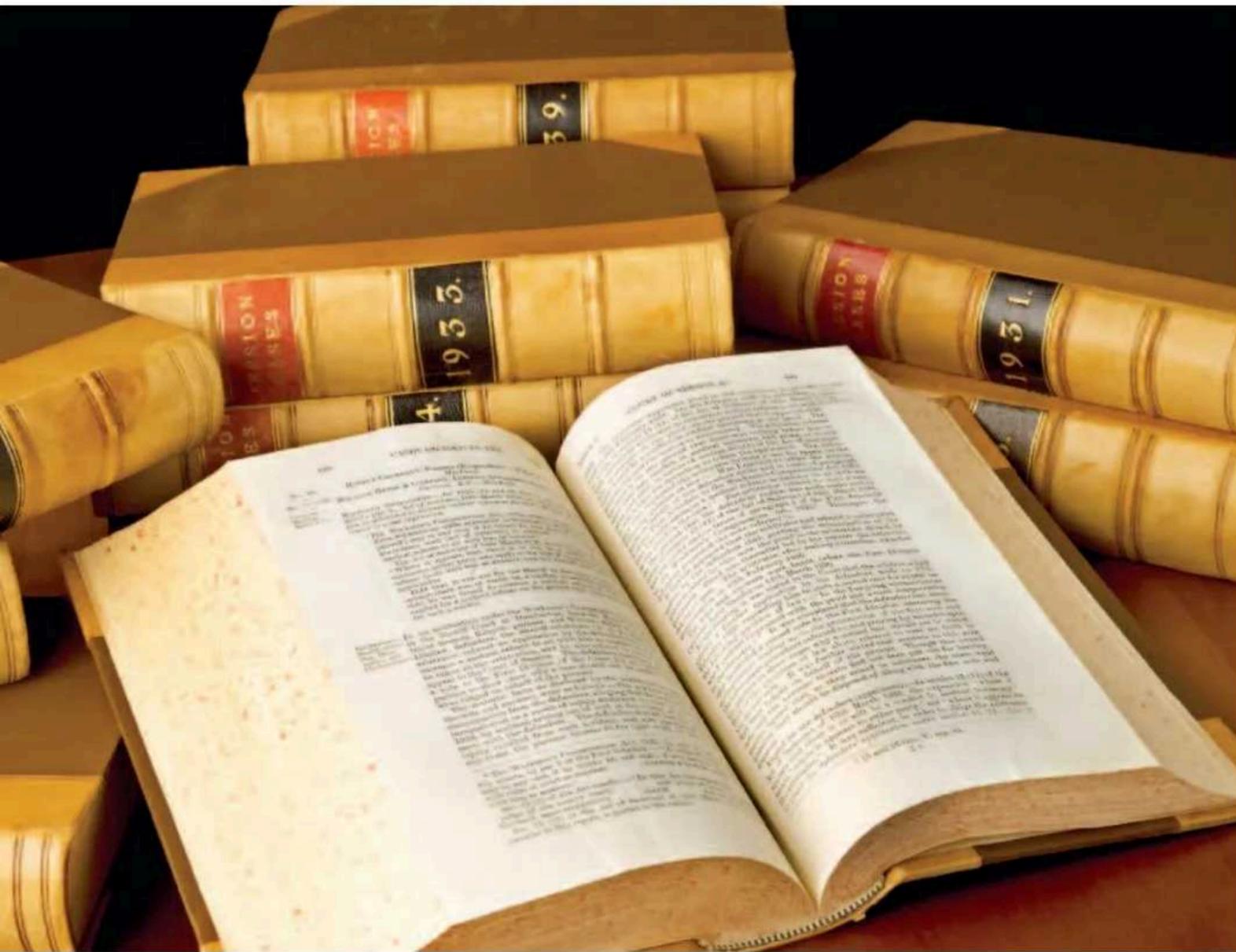


# INTELLIGENT MOVE

The Union Law Ministry is working on developing Artificial Intelligence to translate laws across multiple Indian languages. This comes at a time when the three new criminal laws have come into effect while their official translations into Indian languages are yet to be notified

**T**HE Union Law Ministry's purpose to develop Artificial Intelligence (AI) for translating laws focuses on streamlining the process, reduce dependency on state governments, and ensure timely and accurate translations across many Indian languages. According to senior officials of the Ministry,

the latest trial of using AI to translate laws was only around 40 percent successful. As of now, the trials have not yielded usable results because AI is still being developed. One officer stated that the legal glossary is being fed into the software. "We are expecting it to be ready by the end of the year 2024, after which we can start using the AI to translate laws. Right now, we are depen-



dent on the state governments to send us the translations,” he said.

The officers said that the Ministry and the National Informatics Centre are feeding in words from the legal glossary in Hindi and other Indian languages into the AI to improve results. While there are 22 Indian languages in the Eighth Schedule of the Constitution, translations are likely to be in 14 languages, including Bengali, Tamil, Gujarati, Urdu, Punjabi and Marathi, as not all languages are used in courts. The legal glossary in Hindi and other Indian languages prepared by the Ministry are being used to train AI.

**T**hese efforts come at a time when the three new criminal laws have come into effect on July 1, while their official translations into Indian languages are yet to be notified. Law Ministry sources said that state governments were asked in March to translate and submit these laws for vetting. The sources said that the process was expected to take around six months. Some

states have already sent drafts of the Bharatiya Sakshya (Second) Act, 2023, which is the new Evidence Act.

The Supreme Court has also used AI to translate its judgments. The project, from 2019, had translated 31,184 judgments into 16 languages as on December 2, 2023, ▶



The Supreme Court has also used AI to translate its judgments. The project, from 2019, had translated 31,184 judgments into 16 languages as on December 2, 2023, according to a reply by Law Minister Arjun Ram Meghwal in Lok Sabha in February.

In 2022, Prime Minister Narendra Modi inaugurated the All India Conference of Law Ministers and Law Secretaries through video conference. He stressed upon the use of regional languages in the legal system for ease of dispensation of justice. He emphasized that for “ease of justice”, new laws should be written in a clear manner and in regional languages so that even the poor can understand them easily.



according to a reply by Law Minister Arjun Ram Meghwal in Lok Sabha in February. Article 348(1)(a) of the Constitution states that all proceedings in the Supreme Court and in every High Court, shall be in English language. Clause(2) of Article 348 of the Constitution states that notwithstanding anything in sub-clause(a) of clause(1), the governor of a state may, with the previous consent of the president of India, authorize the use of Hindi Language, or any other lan-

guage used for any official purposes of the state, in proceedings in the High Court having its principal seat in that state. The Cabinet Committee’s decision, dated May 21, 1965, has stipulated that consent of the chief justice of India be obtained on any proposal related to the use of a language other than English in the High Court.

Under Article 235 of the Constitution, the administrative control over the district and subordinate judiciary in states vests with the concerned High Courts. As regards the use of Hindi or any regional language in lower courts, it is decided by the High Court and the state government concerned in consultation with each other.

Justice L Nageswara Rao is the chair of the Supreme Court’s Artificial Intelligence Committee, which was established in 2019. He stated that “new-age, cutting-edge technology of machine learning and Artificial Intelligence of the judicial domain was felt to be needed to enhance efficiency and productivity of justice delivery”.



**I**n 2022, Prime Minister Narendra Modi inaugurated the All India Conference of Law Ministers and Law Secretaries through video conference. While inaugurating the Conference, he stressed upon the use of regional languages in the legal system for ease of dispensation of justice. He emphasized that for “ease of justice”, new laws should be written in a clear manner and in regional languages so that even the poor can understand them easily and the legal language should not become a barrier for the citizens. “Local language plays a big role in the legal system for ease of justice. Academic

ecosystem will also have to be created for the youth in their mother tongue. Law courses should be in mother tongue, our laws should be written in simple language, digital libraries of important cases of High Courts and Supreme Court should be in local language,” he further said.

The language used in courts in India has seen a transition over the centuries with a shift from Urdu to Persian and Persian scripts during the Mughal period which continued in subordinate courts even during the British rule. The British introduced a codified system of law in India with English as the official language. After Independence, Article 343 of the Constitution provides that the official language of the Union shall be Hindi in Devanagari script. It, however, mandates that the English language shall continue to be used for all official purposes of the Union for a period of 15 years after the commencement of the Constitution. It further provides that the president of India may authorise the use of the Hindi language in addition to the English language for any official purpose of the Union during the period.

Justice L Nageswara Rao is the chair of the Supreme Court’s Artificial Intelligence Committee, which was established in 2019. He stated that “new-age, cutting-edge technology of machine learning and Artificial Intelligence of the judicial domain was felt to be needed to enhance efficiency and productivity of justice delivery.” While the Supreme Court is already using language technology to translate its rulings into common tongues, it has also initiated a groundbreaking initiative to use AI to support judges’ legal research. The goal of integrating AI into the legal system is to improve productivity and efficiency in the administration of justice while also decreasing the number of cases pending.

**H**owever, last year, the Delhi High Court held that AI can substitute neither human intelligence nor the humane element in the adjudicatory process. The Court said that ChatGPT can’t be the basis of adjudication of legal or factual issues in a court of law. Justice Prathiba M Singh stated that the accuracy and reliability of AI generated data is still in the grey area, and at



best, such a tool can be utilised for a preliminary understanding or preliminary research. The Court’s observations came while dealing with a lawsuit by luxury brand Christian Louboutin against a partnership firm involved in the manufacture and sale of shoes allegedly in violation of its trademark.

AI is a set of technologies that enable computers to perform a variety of advanced functions, including the ability to see, understand and translate spoken and written language, analyse data, make recommendations, and more. On its own or combined with other technologies (sensors, geolocation, robotics), AI can perform tasks that would otherwise require human intelligence or intervention. Digital assistants, GPS guidance, autonomous vehicles, and generative AI tools (Open AI’s ChatGPT) are just a few examples of AI in the daily news and our daily lives.

As a field of computer science, AI encompasses (and is often mentioned together with) machine learning and deep learning. These disciplines involve the development of AI algorithms, modelled after the decision-making processes of the human brain, that can “learn” from available data and make increasingly more accurate classifications or predictions over time. How that translates into law and the judicial process remains to be seen. ■

—By Adarsh Kumar and  
India Legal Bureau

Last year, the Delhi High Court held that AI can substitute neither human intelligence nor the humane element in the adjudicatory process. Justice Prathiba M Singh stated that the accuracy and reliability of AI generated data is still in the grey area, and at best, such a tool can be utilised for a preliminary understanding or preliminary research.



# DIGITAL CONSTITUTIONALISM?

As digital technologies advance, so do the threats to our fundamental rights. Just as the physical Constitution protects our rights in the real world, there is an urgent need for digital constitutionalism to safeguard our rights in the virtual era

**By Pawan Kumar**

India has the largest and most comprehensive Constitution (inset, above). Digital constitutionalism refers to the application of constitutional principles to the digital environment. It is not just a theoretical concept, but a practical necessity in the 21st century.

**I**N 2024, with global internet users surpassing five billion, the pervasive influence of the digital world on our daily lives is undeniable. The Internet has become an integral part of modern existence, shaping our social interactions, economic activities, and access to information. However, as digital technolo-

gies advance, so do the challenges and threats to our fundamental rights. In the case of India, where we boast of having the largest and most comprehensive Constitution, the question remains unclear if the physical Constitution can protect digital rights and well-being of citizens in the coming decades.

This necessitates a new paradigm: digital constitutionalism. Just as physical constitutions protect our rights in the real world, there is an urgent need for digital constitutionalism to safeguard our rights in the virtual era as well as challenges that are unimaginable. Digital constitutionalism can be said to encompass a way to address the complex dynamics of the digital realm. Digital constitutionalism refers to the application of constitutional principles and frameworks to the digital environment. It aims to safeguard fundamental rights such as privacy, freedom of expression, and access to information in the context of digital technologies. Constitutionalism has evolved significantly from its early incarnations, such as the *Magna Carta*, to contemporary Constitutions that enshrine human rights and democratic governance and in ensuring complete liberties. These documents have been essential in ensuring that citizen's rights are protected against the arbitrary exercise of power by either the State or individuals. The digital world reflects many aspects of the physical world, including the necessity for governance and rights protection. As we have laws and constitutions to regulate behaviour and protect rights in the physical world, we need similar frameworks to govern the digital arena.

**T**he erosion of privacy has become a significant concern with frequent data breaches and pervasive surveillance by both State and non-State actors. The collection, storage, and misuse of personal data pose severe risks to individual autonomy and security. Online censorship and the moderation of content by tech-giants have raised questions about the balance between free speech and the prevention of harmful content. The role of social media platforms in moderating speech and the potential for overreach are critical issues.

Digital technology even affects the balance of powers in the constitutional ecosystem. Historically modern constitutional law systems aimed to provide mechanisms to balance the power. The State/government is the main dominant actor within the polity and, consequently, existing constitutional instruments established ways to limit its power to guarantee individual fundamental



The Digital Personal Data Protection Act, 2023, represents a significant leap forward in India's efforts to establish comprehensive data protection regulations. This legislation seeks to safeguard personal data by outlining clear guidelines for its collection, processing, and storage.

rights. The digital divide and inequalities in access to digital technologies have profound implications for equality and social justice. Facilitating universal access to information and the internet is crucial for inclusive development. The Cambridge Analytica Scandal serves as a significant example, illustrating the misuse of personal data to manipulate democratic processes, thereby highlighting the urgent need for robust data protection mechanisms. China's Great Firewall showcases the extensive control exerted by the Chinese government over digital information, highlighting its impact on freedom of expression through State surveillance and censorship. The Iron Curtain of some countries can be mentioned as well.

The conception of digital constitutionalism frees itself from the ties anchoring it to the State dimension, in which the broader notion of constitutionalism emerged. In today's interconnected world, safeguarding of personal data stands as a paramount concern. As digital technologies permeate every aspect of our lives, ensuring the protection of personal information has become a critical imperative. Individuals should have the right to maintain control over their person-▶

Open dialogue and protection against censorship are foundational principles in the digital world. The policies must strike a delicate balance between preventing the dissemination of harmful content while preserving the fundamental right to free speech. This balance is crucial for fostering a vibrant and inclusive digital environment where diverse viewpoints can thrive without undue restriction.



al information, and robust legal frameworks are necessary to prevent unauthorized collection and misuse of data. This safeguarding of personal data is essential to uphold privacy rights and protect against potential abuses in the digital realm.

Open dialogue and protection against censorship are foundational principles in the digital world. The policies must strike a delicate balance between preventing the dissemination of harmful content while preserving the fundamental right to free speech. This balance is crucial for fostering a vibrant and inclusive digital environment where diverse viewpoints can thrive without undue restriction.

In the quest for equitable access to information and technology, bridging the digital divide emerges as a crucial imperative. By addressing these disparities in access, societies can promote inclusive development and enhance social equity. This effort involves not only providing physical access to digital resources, but also addressing barriers such as affordability, digital literacy, and infrastructure gaps.

Tech companies and governments alike must prioritize transparency and accountability in their actions concerning digital rights. This transparency ensures that stakeholders are informed about data practices, content moderation policies, and governance structures. Thus, holding these entities ac-

countable for their actions helps maintain trust and integrity in the digital ecosystem, fostering a responsible approach to digital governance and rights protection.

**T**he General Data Protection Regulation (GDPR) stands out as a pioneering model aimed at safeguarding privacy and enhancing data protection standards. Enforced across the European Union, the GDPR imposes strict regulations governing the collection, processing, and storage of personal data. It requires businesses and organizations to uphold transparency in data practices, obtain explicit consent for data usage, and ensure robust security measures to protect against data breaches. The GDPR thus aims to empower individuals by setting stringent standards that grant them greater control over their personal information. Additionally, it seeks to harmonize data protection laws across EU member-states, ensuring consistent and robust protections for all citizens within the European Union.

Simultaneously, the concept of a Digital Bill of Rights has gained popularity, proposing a comprehensive framework of digital rights that mirrors traditional human rights principles in the digital age. This emerging framework seeks to address the unique challenges posed by digital technologies, such as online privacy, freedom of expression, and access to information. Advocates argue that



The United Nations has embarked on efforts to establish a universal digital compact aimed at promoting consistent principles for digital governance and rights protection, worldwide. This initiative seeks to address cross-border challenges related to data privacy, cybersecurity, and internet governance, aiming to create a cohesive framework that respects and protects digital rights on a global scale.

just as fundamental rights are enshrined in constitutions to protect individuals from State overreach in the physical world, a Digital Bill of Rights would establish clear rights and responsibilities in the digital realm. It aims to ensure that individuals have equal protection online as they do offline, promoting a fair and rights-respecting digital society.

Together, initiatives like the GDPR and proposals for a Digital Bill of Rights highlight ongoing efforts to adapt legal frameworks to the realities of the digital age. By establishing robust protections and rights frameworks, these initiatives aim to mitigate risks associated with digital technologies while fostering an environment that upholds privacy, transparency, and accountability in the digital sphere.

**I**n India, after the passage of the Digital Personal Data Protection Act of 2023, the accountability of social media intermediaries has become more burdensome. The Digital Personal Data Protection Act of 2023 represents a significant leap forward in India's efforts to establish comprehensive data protection regulations. This legislation seeks to safeguard personal data by outlining clear guidelines for its collection, processing, and storage. By doing so, India aims to enhance privacy rights for its citizens and foster a secure digital environment con-

ducive to innovation and economic growth, but this is not the end.

On the global stage, the United Nations has embarked on efforts to establish a universal digital compact aimed at promoting consistent principles for digital governance and rights protection, worldwide. This initiative seeks to address cross-border challenges related to data privacy, cybersecurity, and internet governance, aiming to create a cohesive framework that respects and protects digital rights on a global scale. In Brazil, the enactment of the Internet Bill of Rights (Marco Civil da Internet) has paved the way for comprehensive legislation that protects digital rights in the country. This landmark law establishes principles for Internet governance, including freedom of expression, privacy protection, and net neutrality. Brazil's proactive approach serves as a model for other nations seeking to implement robust legal frameworks that balance digital innovation with the protection of fundamental rights online.

Big-tech companies such as Facebook and Google are increasingly acknowledging their responsibility in safeguarding digital rights. Initiatives like Facebook's Oversight Board and Google's AI Ethics Board signify proactive steps towards enhancing accountability and ethical governance within their platforms and services. These initiatives aim to address complex challenges such as con- ▶



**Big-tech companies such as Facebook and Google are acknowledging their responsibility in safeguarding digital rights. Initiatives like Facebook's Oversight Board and Google's AI Ethics Board signify proactive steps towards enhancing accountability and ethical governance within their platforms and services.**

tent moderation, privacy protection, and the ethical implications of artificial intelligence. These initiatives underscore a growing recognition among tech companies of their pivotal role in shaping digital environments responsibly. By implementing robust oversight mechanisms and ethical guidelines, these companies strive to build trust with users, regulators, and society at large while promoting a safer and more ethical digital ecosystem. Emerging technologies such as artificial intelligence, blockchain, and the Internet of Things present new challenges and opportunities for digital rights. These technologies can enhance privacy and security, but also pose significant ethical

and legal dilemmas.

As we are on the verge of creating a unified global framework it is imperative to tackle the cross-border complexities inherent in digital issues. International collaboration is key to standardizing regulations and ensuring robust protection of digital rights, worldwide. Equally crucial is empowering users through enhanced digital literacy. Individuals must grasp their rights and comprehend the impacts of digital technologies to navigate the digital landscape effectively and responsibly. Moreover, strengthening legal safeguards and enforcement mechanisms is essential to uphold and enforce digital rights effectively. This involves both updating current laws and developing new regulations that can adapt to the dynamic digital environment, thereby ensuring comprehensive protection for users in an interconnected global society.

**C**onstitutionalism is the idea which ensures the working of the Constitution by separating organs of the governments, avoiding despotism. It envisages checks and balances and puts the powers of three branches of government under some restraint, disallowing them to become uncontrolled and arbitrary. Digital Constitutionalism is essential in safeguarding our rights in these digital domains. As the digital landscape continues to expand, so must our efforts to ensure that it remains a space that upholds the fundamental rights and freedoms we cherish in the physical world. Governments, tech companies, and civil society must collaborate to craft and enforce digital rights frameworks that protect individuals and promote a fair and just digital society. Digital constitutionalism is not just a theoretical concept, but a practical necessity in the 21st century. As we traverse the complexities of the digital age, ensuring that our fundamental rights are protected in the virtual realm is crucial for a fair and just society. Through international cooperation, robust legal frameworks, and heightened awareness, we can create a digital world that upholds the values of democracy, equality, and human rights. ■

*—The writer teaches at the Amity Law School, Noida*

Complaints against judges cannot solely be because of a “bad” judgment or order which has gone against the party. In every interim order/final judgment, one of the two opposing parties may not like the order. But that by itself doesn’t become a case of complaint against the judge because he may have followed the law and appreciated the evidence and no bias or misconduct may be proven.



# JUDGES UNDER ATTACK

Unwarranted attacks on judges by advocates have riled the Supreme Court and lower courts, which have advised them to file review petitions and uphold the administration of justice

**“E**VERY Supreme Court judge has a great deal of experience,” Chief Justice of India (CJI) DY Chandrachud said while reprimanding a lawyer for criticising another justice of the highest court.

Attorney Ashok Pandey stormed into the CJI’s courtroom, claiming he was threatened with having his advocacy license revoked after receiving a negative ruling from a bench led by Justice BR Gavai. The allegation clearly incensed the CJI, who declared: “This

court has no intra-court appeal. You may file a review petition as a remedy if you feel that an order made by this court has wronged you. Each judge on this court has decades of experience in practicing law in addition to their extensive experience as judges.”

The attorney replied: “I was merely requesting the revocation of the fine order, but the judge asked me to leave the courtroom and even threatened to cancel my license.” The bench included Justices Manoj Misra and JB Pardiwala. CJI Chandrachud became irritated with Pandey and said: “I’ve been listening to you for a while, but I’m

starting to run out of patience. What would transpire in different courts makes sense to me. Would you kindly seek legal recourse?” Once more, Pandey objected and questioned the Court about how the public interest litigation system would function if a petitioner was penalised for filing a petition in person.

In an attempt to persuade the advocate, the CJI explained that although disputes can occasionally get out of hand in court and lead to tense exchanges between the parties and judges, justices of the Supreme Court were experienced and skilled at handling these circumstances.

**T**he top court had on January 2, 2023, dismissed with costs of Rs 50,000 Pandey’s plea seeking a direction to not consider advocates practicing in the apex court for judgeship of High Courts, calling it “meritless” and a “complete wastage of judicial time”. It had observed that there was nothing in the Constitution which prohibited lawyers practicing in the top court from being appointed as High Court judges. The bench scolded Pandey for failing to deposit Rs 50,000 and told him to do so in two weeks. The bench threatened to issue a contempt notice unless he paid the fine. Pandey had told the bench that according to his interpretation of Article 217 of the Constitution, a person who may have been enrolled with a state bar council and subsequently shifted practice to the apex court was ineligible to be appointed as a judge of that court. Article 217 deals with appointment and conditions of the office of a judge of a High Court.

Earlier, a bench of Justices BR Gavai and KV Viswanathan had slammed Pandey for not depositing a fine of Rs 1 lakh imposed on him when he had challenged the restoration of the Lok Sabha membership of Congress leader Rahul Gandhi.

Similarly, the Madhya Pradesh High Court in a judgment on October 25, 2023, found advocate Manoj Kumar Shrivastava guilty of contempt for false complaints and reckless allegations against judges. The Court had initiated *suo motu* contempt proceedings against Shrivastava after receiving a series of complaints and letters containing derogatory language directed at judges.



“This court has no intra-court appeal. You may file a review petition as a remedy if you feel that an order made by this court has wronged you. Each judge on this court has decades of experience in practicing law in addition to their extensive experience as judges.”

**—CJI DY Chandrachud while reprimanding Attorney Ashok Pandey who had complained about another apex court judge**

A division bench of Chief Justice Ravi Malimath and Justice Vishal Mishra had ruled that the language used in Shrivastava’s complaints constituted an attempt to scandalise and lower the authority of the Court, thus violating Section 2(c) of the Contempt of Courts Act, 1971. Shrivastava’s complaints contained serious allegations, including ▶



The Supreme Court had earlier dismissed with costs of Rs 50,000 Pandey’s plea seeking a direction to not consider advocates practicing in the apex court for judgeship of High Courts. The Court had observed that there was nothing in the Constitution which prohibited lawyers practicing in the top court from being appointed as High Court judges.

The Madhya Pradesh High Court found advocate Manoj Kumar Shrivastava guilty of contempt for false complaints and reckless allegations against judges. The Court emphasised that advocates had a dual role as officers of the court and agents of their clients, making it their duty to uphold the administration of justice and they must be mindful of the language used in their applications and conduct proceedings with respect and caution.



accusations of partiality, corruption, bias and improper motives against judges. Such allegations were found to undermine the Court's dignity and authority, and as a result, Shrivastava was held in contempt. The High Court cited the 1974 case of *Baradakanta Mishra vs High Court of Orissa*, emphasising that deliberate attempts to scandalise the court or its judges raise larger issues concerning judicial independence and public confidence in the justice system.

The judgment emphasised that advocates had a dual role as officers of the court and agents of their clients, making it their duty to uphold the administration of justice. As such, they must be mindful of the language used in their applications and conduct proceedings with respect and caution.

**A**lthough Shrivastava had filed applications to make the judges party to the contempt proceedings, the Court rejected these stating that such requests are not feasible in a criminal contempt case. The Madhya Pradesh High Court's ruling in this contempt case serves as a precedent for the legal profession's conduct and underscores the importance of safeguarding the judiciary's reputation against unwarranted attacks on its independence.

In 2019, the Sessions Court of Ahme-

dabad fined an advocate Rs 25,000 for seeking the prosecution of a sitting CBI judge, citing a habit of seeking criminal prosecution of judges. Advocate Devesh Bhatt filed an application for the prosecution of special CBI judge JK Pandya. The Court ruled that the judge had immunity when passing an order as part of his judicial function. Bhatt's past behaviour, including filing a complaint against a former High Court judge, had tarnished the image of the judiciary and led to his absence from courts. The Court emphasised the duty of advocates to respect judges and judicial decisions and avoid frivolous prosecution requests.

Complaints against judges cannot solely be because of a "bad" judgment or order which has gone against the party. In every interim order/final judgment, one of the two opposing parties may not like the order. But that by itself doesn't become a case of complaint against the judge because he may have followed the law and appreciated the evidence and no bias or misconduct may be proven. If a person has suffered from a bad or unjustified order, there is provision of revision, review or appeal to the higher judiciary. ■

—By *Abhilash Kumar Singh and India Legal Bureau*



Within three days, Kamala Harris (above) had enough delegates committed to her to absolutely be the nominee. She is a lawyer, was a prosecutor and state attorney general for 16 years, before becoming a US senator and then vice-president. Harris will be a favourite of younger voters and men and women who believe full family planning is a personal right even if you don't use it.

# AMERICA'S POLITICAL QUIZ SHOW

Predictions about whom America will choose as president resemble a fast-moving ping-pong match. In an unexpected bounce this week, President Joe Biden withdrew his name from consideration with Democrats selecting Vice-President Kamala Harris to oppose Donald Trump in November's election

**By Kenneth Tiven**

**A** MERICAN vice-presidents receive modest notice until thrust into a bigger role, and this 59-year-old Indian-American from California is no exception. After an underwhelming debate against Donald Trump, Joe Biden, 81, was pressured by politicians, pundits and voters doubting his ability to handle four more years. Biden waited, perhaps strategically, until the Republicans finished their selection of the 78-year-old Trump, and withdrew his name. He remains president until the winner is inaugurated on January 20, 2025. This leaves Trump in the election as the only “old man”, and he looked it, delivering a meandering, 93-minute-long extemporaneous speech at his party’s convention.

Democrats have gone from despair to delight, raising millions in campaign contributions in the 36 hours after Biden’s withdrawal. Within three days, Kamala Harris had enough delegates committed to her to absolutely be the nominee. Instant party unity. The big issue is the vice-presidential pick to broaden appeal in a nation where race and gender are “issues” for many voters. Democrats begin their convention in Chicago on August 19, followed by a 72-day marathon race to the election day. Biden, in a nationally televised address, said: “Nothing can come in the way of saving our democracy. That includes personal ambition. So, I have decided the best way forward is to pass the torch to a new generation.”

Harris, who is a lawyer, was a prosecutor and state attorney general for 16 years, before becoming a US senator and then vice-president. She told a news conference what will be repeated in the weeks ahead: “I took on perpetrators of all types: predators who abused women, fraudsters who ripped off consumers, cheaters who broke the rules for their own gain. So hear me when I say, I know Donald Trump’s type.” Republican Party officials have spent a year preparing to run against Biden. Displeased only hints at their dismay since this leaves Trump as the only old white man running. Republican frustration and fear was obvious in the racist and misogynistic attacks being deployed against Harris.



David Plouffe, who was Barack Obama’s campaign manager, expressed his pleasure and surprise at what he called a lame response to Biden’s withdrawal. Voters who want to see Trump defeated can be measured in dollars. In little more than two days, Harris has raised \$100 million dollars. This on top of the roughly \$110 million already in Democratic accounts available to her campaign. While there are limits in the US law on how much an individual can contribute to a campaign, there are no limits on how much an associated social action organization can raise and spend on a political campaign.

It did not go unnoticed by JD Vance, Trump’s pick to be the vice-president, tasked to complain in an email: “I know she has no grasp on reality. I KNOW her handlers will try every shady trick in the book to wipe us out. But YOU KNOW just as well as me - Democrats will fork over cash HAND OVER FIST for someone that was never qualified to begin with.” Vance, enthusiastically anti-Trump in 2015, shifted ideologically 180 degrees right to get elected as a senator in 2020. Comments he made about Harris in 2021 questioned her leadership because she did not have biological children. In a *Fox News* interview then, he had said: “We are effectively run in this country via the Democrats, a bunch of childless cat ladies who are miserable at their own lives and ▶

With the 59-year-old Kamala Harris as the Democratic Party’s presidential nominee, this leaves 78-year-old Trump in the election as the only old white man running. The Republican frustration and fear was obvious in the racist and misogynistic attacks being deployed against Harris. Now the match-up is between a lawyer, veteran prosecutor and a racist convicted felon with multiple criminal indictments ahead.



David Plouffe (above), who was Barack Obama's campaign manager, expressed his pleasure and surprise at what he called a lame response to Joe Biden's withdrawal. Voters who want to see Trump defeated can be measured in dollars. In little more than two days, Kamala Harris has raised \$100 million dollars. This is on top of the roughly \$110 million already in Democratic accounts available to her campaign.

the choices that they've made and so they want to make the rest of the country miserable, too. How does it make any sense that we've turned our country over to people who don't really have a direct stake in it?" It has now gone viral. Cat owners are not happy.

Recent focus groups have shown that many swing voters or marginal voters have vaguely negative impressions of Harris, but basically know little about her. So, she's largely a blank slate compared to Biden and Trump. Voters know who they are and tend to have very fixed opinions about them. Harris has been a vocal defender of women's right to medical autonomy, as opposed to state-mandated rules on abortion. Six Supreme Court justices have ruled against the long-standing *Roe vs Wade* case that had created a national right to abortions. Now, some states dominated by right-wing political leadership want to criminalize women who have to leave their own state to have an abortion. Harris will be a favourite of younger voters and men and women who believe full family planning is a personal right even if you don't use it.

During the 2020 primary campaign, Harris quasi-embraced a number of positions championed by the progressive wing of the party. A key example was her slightly modified version of Medicare for All. She also dipped into the push to end mass incarceration, and activism against police abuses. Internal party criticism of Harris focused on her tendency to adopt these activist positions without considering the liabilities in a general election then or later. Biden's

strength from a half-century in politics was caution in a political moment. He grew more cautious after chairing the Senate Judicial Committee, which conducted confirmation hearings of Clarence Thomas and essentially ignored Anita Hill's testimony that Thomas sexually harassed her when he was her boss in a federal organization.

**T**he Harris campaign will work to neutralize negative advertising based on things she said or did decades ago. Things can cut both ways: As district Attorney for eight years and then State Attorney General for eight years, her record, by today's thinking, is close to "tough on crime". This is useful in contextualizing her position when "lock em up" Republicans attack her as a West Coast liberal. So, she can embrace Biden's policy records she likes. In other words, the 2020 stuff is sandwiched by lots of material that tells a very different story. Perhaps from experience with Hillary Clinton in 2015, they now understand the key to rebut this stuff which must happen immediately.

Political polling indicates trends, not results. A poll for *CBS News* immediately after the Republican convention had Harris edging Trump with women voters, 52%-47%, beating him 76% to 21% with black voters, and against Gen Z voters 18-to-29 she had 62% to Trump's 37%.

Can the Republicans recalibrate a 78-year-old candidate who, in his entire controversial business career, has never worked for a boss other than himself? Did the shooting incident cause any emotional reflections on his part? In a monotone, he recited the shooting incident to the convention, but then launched into more than 75 meandering minutes of his rally rage hits. My bellwether source for conservative reaction to events said: "I watched the first part, but then after a few more minutes, I turned it off. Hilary Clinton, who lost to Trump in 2016, praised Biden for 'as pure an act of patriotism as I have seen in my lifetime'. Vice-president Harris is offering a vision of an America with its best days ahead of it and, rather than 'old grievances,'" she said. She pointed out that voters elected Black American Barack Obama in 2008, and she herself won the popular vote in 2016. "Abor-

tion bans and attacks on democracy are galvanizing women voters like never before, with Ms. Harris at the top of the ticket leading the way, this movement may become an unstoppable wave.”

**I**t is no mystery why Trump and his associates wanted Biden to stay in the race, especially as Democrats were telegraphing how much they wanted him out. Biden was losing his donors and running five polling points behind Trump. It looked like a slam-dunk win for Trump. Now they threaten implausible lawsuits to keep him in the race or force him to resign the presidency for, one supposes, misleading Trump. Now the match-up is between a lawyer, veteran prosecutor and a racist convicted felon with multiple criminal indictments ahead. Perhaps the most interesting political meme on the internet reads: “Why did God Save Trump? So He Could Get Beaten By a Black Woman.”

Young voters are likely to break strongly for Harris. “I think Kamala Harris is the only one that makes sense. She will get the votes Biden couldn’t. She could get the Black, Asian, Latino, women’s, LGBTQ+ and youth votes. She stands more for progress and equality than an old white dude and if she

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wins it will be historic,” says Will, 22, a construction worker from Portland, Oregon.

“My concern is we are facing a self-fulfilling prophecy; that people think it’s an impossible task to elect a Black woman to the highest office and as a result it becomes one. I think it’s quite the opposite actually. I feel Kamala is just what we need to energize young voters and get them to the polls,” says Lizzie, 28, an engineer from Idaho.

Peter, 27, a museum educator from Indiana, adds: “Kamala is not a perfect candidate, and I probably would have supported someone else if Biden had stepped down a year ago. I’m worried that she will struggle to differentiate herself from the administration’s policy on Gaza (as Hubert Humphrey struggled to differentiate himself from the

## The Harris agenda

**K**amala Harris is eager to go on the offense if elected as president. Winning and then gifted with Democratic control of the House and the Senate, she will push for things blocked for decades by Republican objections to helping Americans lift themselves into the middle class. Economic thinking that got a boost from Milton Friedman and President Ronald Reagan will be consigned to a file cabinet at the National Archives,

“We believe in a future where no child has to grow up in poverty,” she said in Wilmington. “And where every person has access to paid family leave and affordable childcare.” That’s music—and code—to progressives’ ears.

As a senator, Harris was a champion of the expanded child tax credit which provided annual tax breaks of up to \$3,600 per child for families. Joe Biden included it in his \$1.9 trillion Covid relief bill, but it expired after one year. Harris led the internal—and ultimately unsuccessful—effort to restore some version of the tax credit. Her plans include pushing for nearly \$2 trillion to establish universal pre-K education and improve elderly care and childcare—as well as a permanent tax cut for working class families. Her instincts are to trump Biden’s corporate tax proposal of 28 percent. In the past, she had talked about raising the rate to 35 percent in 2020.

—By Kenneth Tiven

Johnson administration’s policy on Vietnam), that she’ll be blamed for voters’ dissatisfaction with the *status quo*, and, of course, she will certainly face racist and sexist headwinds that Biden did not. I don’t have any concerns about her ability to do the job if elected, and I think she is perfectly capable of running a winning campaign, at least in theory.”

Just days ago, many Democrats feared a 1968 Chicago situation with protests getting out of hand at the upcoming Democratic National Convention. The seamless passing of the torch from Biden to Harris, signals the future not only of the Democratic Party, but of our nation. Her life is a counterpoint to Trump. How she navigates this unprecedented situation could mean the difference between democracy and autocracy. Will America give that task to a woman of Indian origin? Answer will be available in 10 weeks. ■

—The writer has worked in senior positions at The Washington Post, NBC, ABC and CNN and also consults for several Indian channels

The deadly landslides (right) have not just disrupted traffic in the region, but have also affected the livelihoods of people within the Aizawl district and the state of Mizoram. The Gauhati High Court took *suo motu* cognisance of a newspaper report that talked about landslides during the current rains along the Bawngkawn and Durtlang (Leitan) road, near Leitan in Aizawl.



# THE CRUMBLING HILLS OF INDIA

Mindless construction work in Aizawl is not only destroying the delicate balance of nature in this hill state, but is also set to destroy its economy in the long run. The Gauhati High Court has taken up the cudgels

**By Sujit Bhar**

**I**N an interesting development that reminds one of many such disastrous happenings in the hills areas of India, the Gauhati High Court recently took *suo motu* cognisance of a newspaper report that talked about landslides during the current rains along the Bawngkawn and Durtlang (Leitan) road,

near Leitan in Aizawl.

The landslide, as the newspaper report pointed out, was not a natural occurrence, but had happened because some construction work on the side of the road had chopped off major portions of supportive land. The division bench of the Court, comprising Justices Michael Zothankhuma and



Marli Vankung, took *suo motu* cognisance of the report.

The land was being cut with no concern for the land and hills around it and the purpose was to develop a petrol pump. The problem, as the bench observed, was that earth was being removed from steep cliffs, but the construction was in no way connected to the Master Plan for Aizawl Vision 2030. That Master Plan has specifically discouraged the development on slopes of more than 36 degrees.

The reason for that was obvious: Such steep slopes, which remain loose without proper support, would tumble down as a landslide in the first rain. These landslides have not just disrupted traffic in the region, but have also affected the livelihoods of people within the Aizawl district and the state of Mizoram.

What the report found and the bench concurred with was that the road connecting Kawnpui to Aizawl from Sairang was in very bad condition. That forced drivers of small



The Gauhati High Court said that as the authorities did not take any step to discourage construction activity on the Bawngkawn-Aizawl road, the Court has to step in considering that public interest outweighs private interest.

vehicles to take the alternative route from Bawngkawn to Durtlang towards Kawnpui. Heavy trucks, on 10 or more wheels, usually take the Aizawl-Khamrang-Kawnpui road, because it is less steep and wider.

This landslide has created a bottleneck in the busy road and local life has almost come to a standstill, with businesses suffering. Another alternative road that exists is longer and too winding, other than also being in a very poor condition.

**T**he Court observed: “It is surprising to learn that the authorities, which are the state government and the Aizawl Municipal Corporation (AMC) have not taken any steps to discourage construction activity on the Bawngkawn-Aizawl road... As the state government and the AMC are not interested in taking serious note of the issue at hand, this Court has to step in, keeping in view the fact that public interest outweighs private interest.”

The Court also observed that houses are being randomly built on either side of the road, and the AMC seems to have granted such permission. The Court wondered how, with the slope on either side being as steep as 60 degrees, could the AMC allow such construction activities.



The Bawngkawn-Aizawl road leads to one of the most scenic views of Aizawl. Located within the complex of Aizawl Theological College at Durtlang Hills, the View Point is the best place to see the city lights (right). The mindless construction and the resultant disasters will only drive tourists away, harming the local people further.



Adding to the Court's cognisance was a letter from the convener of Indian National Trust for Art and Cultural Heritage (INTACH), Mizoram Chapter, which states that construction on the steep, ecologically fragile slope poses significant threat to the environment, human and wildlife habitats. INTACH points out that the location of the construction site is on a slope that is already prone to landslides and erosion. The ongoing activity is exacerbating the situation, causing irreparable harm to the ecosystem and putting the surrounding community at risk, says the letter.

The Court has now made the following parties in the case and notices have been issued.

- INTACH Mizoram Chapter.
- The State of Mizoram (respondent).
- The Secretary to the Government of Mizoram, Land Revenue & Settlement Department (respondent).
- The Secretary to the Government of Mizoram, UD&PA (respondent).
- The Secretary to the Government of Mizoram, Home Department (respondent).
- The Deputy Commissioner, Aizawl District, (respondent).
- The Superintendent of Police, Aizawl District, (respondent).
- The Aizawl Municipal Corporation (respondent).

Sadly enough, the Bawngkawn-Aizawl road leads to one of the most scenic views of

Aizawl. Located within the complex of Aizawl Theological College (ATC) at Durtlang Hills, the View Point is the best place to see the city lights. Tourists are advised to go there at night, but the roads are treacherous now. The day sees the area covered in mist and a full view of the city is not available.

**T**ravel guides say that the View Point at ATC is about 6-7 km from the city centre and one has to use a bus to reach there. The plan for tourists is to take a bus and get down at Bawngkawn and transfer to another bus starting from there towards Durtlang Road and get down at Durtlang Leitan.

Tourism is a major contributor to the state's economy. Such mindless construction and the resultant disasters will drive tourists away, only harming the local people further.

Such activity and resultant environmental disasters are not new in India. This was seen at great cost in Joshimath and other places, which are now beyond repair. Even larger hill cities are too heavy today, resting on unsteady and loose soil.

Such activity not only disturbs the delicate balance of nature, but does irreparable harm to the environment. It is creditable that the Court has taken this up, and it is likely that it will set a commendable precedent for reckless authorities that go against all natural and other laws, just for more revenue. ■

# The Cyprus Divide

**T**his month marked the 50th anniversary of the Turkish invasion of Northern Cyprus. Turkish President Recep Tayyip Erdoğan visited the disputed eastern Mediterranean island for a military parade, where he announced the setting up of a naval base, while accusing rival Greece of wanting to establish a naval base of its own in Cyprus.

Greek Prime Minister Kyriakos Mitsotakis posted an image of a blood-stained map of Cyprus on his LinkedIn page with the words: “Half a century since the national tragedy of Cyprus.” The leader was participating in events marking “the black anniversary” of the month-long invasion which divided the island and left thousands dead and missing, raped and tortured. The invasion in 1974 saw Turkish troops seize 37 percent of the island’s north with an estimated 2,00,000 Greek Cypriots and 45,000 Turkish Cypriots displaced in the process.

Last fortnight, one side celebrated while the other side mourned. Both sides remain divided on its future. Cyprus gained

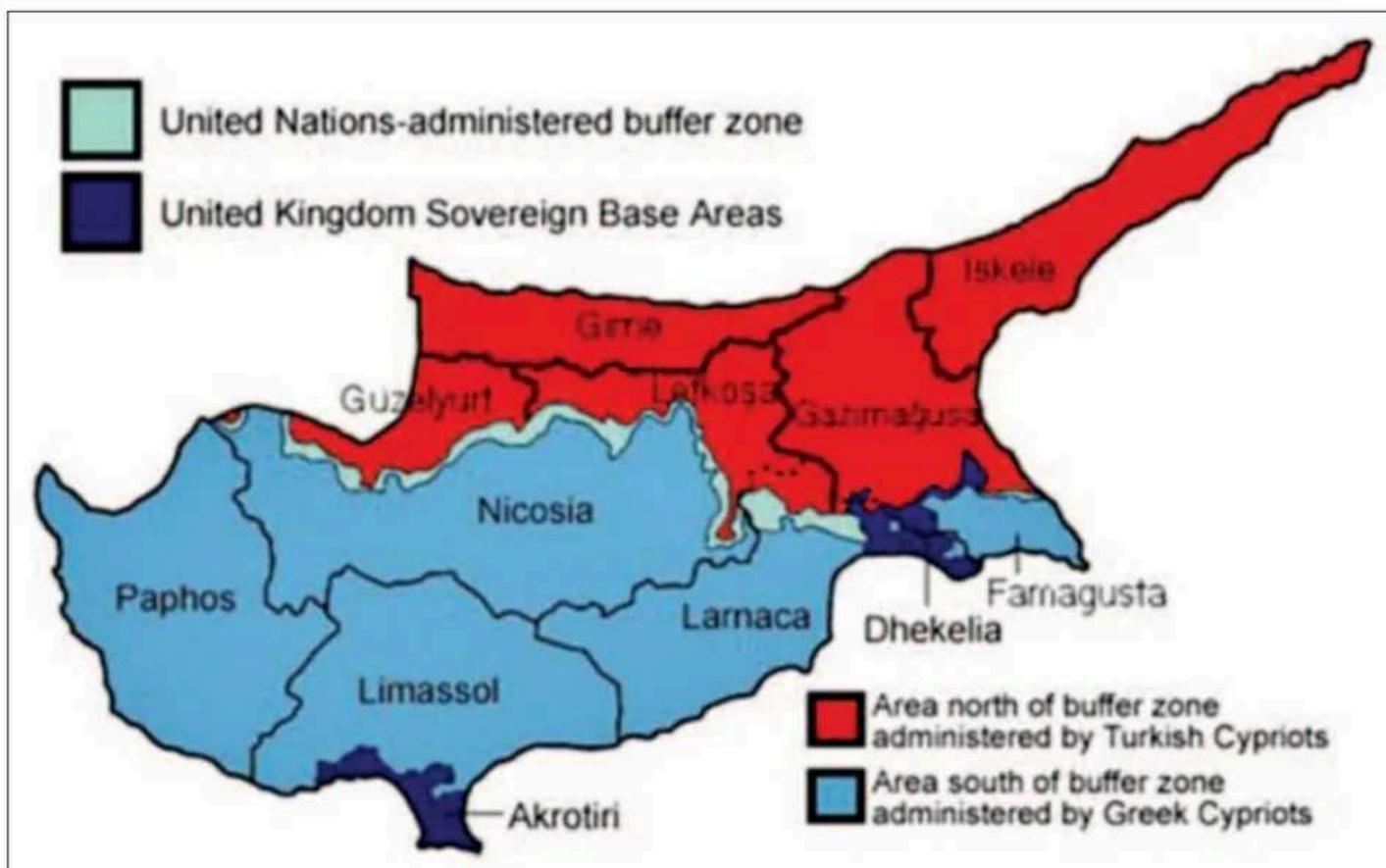


Turkish President Recep Tayyip Erdoğan visited the disputed eastern Mediterranean island and announced the setting up of a naval base, while accusing rival Greece of wanting to establish a naval base of its own in Cyprus

independence from Britain in 1960, but a shared administration between Greek and Turkish Cypriots quickly fell apart following violence that saw Turkish Cypriots withdraw into enclaves and the dispatch of a United Nations peacekeeping force. In 1974, Turkey captured more than a third of the island and expelled more than 1,60,000 Greek Cypriots to the south. Cyprus has since been split by ethnicity, with Greek and Turkish Cypriots living on either side of an UN-patrolled border.

In 1983, Turkey installed what it calls the Turkish Republic of Northern Cyprus—a breakaway state recognised only by Turkey. Cypriot President Nikos Christodoulides said last week that reunification was the only option.

A divided Cyprus joined the European Union in 2004 as Greek Cypriots overwhelmingly rejected a UN plan to end their differences with Turkish Cypriots. The last round of UN-backed talks to reunify the island collapsed in 2017. Since then, tensions have remained high with Erdoğan in power, as witnessed on the anniversary of a bloody invasion that left it a divided country 50 years ago.



## Blood Money

**M**oscow is offering its citizens huge rewards if they agree to fight in Ukraine. Moscow Mayor Sergey Sobyenin announced a one-time signing bonus of 1.9 million rubbles (about \$22,000) for city residents who join the military, according to a statement from his office last week. Moscow residents who are fit and in conformity with age restrictions would earn as much as 5.2 million rubbles (\$59,600) in their first year of service, the statement added. To add to the mercenary sweetheart deal, those willing to fight in Ukraine will also be guaranteed one-time cash payments between \$5,690 and \$11,390 for injuries sustained on the battlefield while for any recruit killed in action, the family would be paid the equivalent of \$34,150. For young Russian civilians, in a war-ravaged economy, that is a tempting offer, but it also exposes a larger malaise: the loss of regular soldiers as the invasion of Ukraine enters its third year.

Russia's casualty numbers are not released, but over 70,000 soldiers were



Russian President Vladimir Putin had ordered a partial mobilisation of able-bodied Russian citizens in 2022, which basically meant conscription. Moscow is now offering its citizens huge rewards if they agree to fight in Ukraine

likely killed or wounded in May and June alone, the UK defense ministry has estimated. Military analysts who have been following the war and relying on ground reports from reporters or independent sources estimate that Russia has lost 87 percent of the active troops it had prior to launching its invasion of Ukraine and

two-thirds of its pre-invasion tanks. This was also the number listed in a US intelligence assessment provided to Congress and reported by *CNN* in December 2023. Putin had ordered a partial mobilisation of able-bodied Russian citizens in 2022, which basically meant conscription. Since then, Russia has turned to mercenaries in other countries after the collapse of the Wagner Group. These include recruits from India, Nepal, Afghanistan and some Africans as well. Many were conned, recruited as “helpers” and then sent to the frontline after rudimentary training and provided with weapons to fight in Ukraine.

India's Central Bureau of Investigation said last month that it was aware of at least 35 Indian nationals who had been trained for combat and sent to fight in Ukraine against their will after being recruited for jobs in Russia through agents or social media. Some of them have been “grievously injured,” the agency said. One of those duped into fighting for Russia was Prince Sebastian, a fisherman from Kerala, who managed to escape and return home, traumatized and suffering from wounds inflicted on the frontlines.



Prince Sebastian from Kerala was duped into fighting for Russia. However, he managed to escape and return home, traumatized and suffering from wounds inflicted on the frontlines

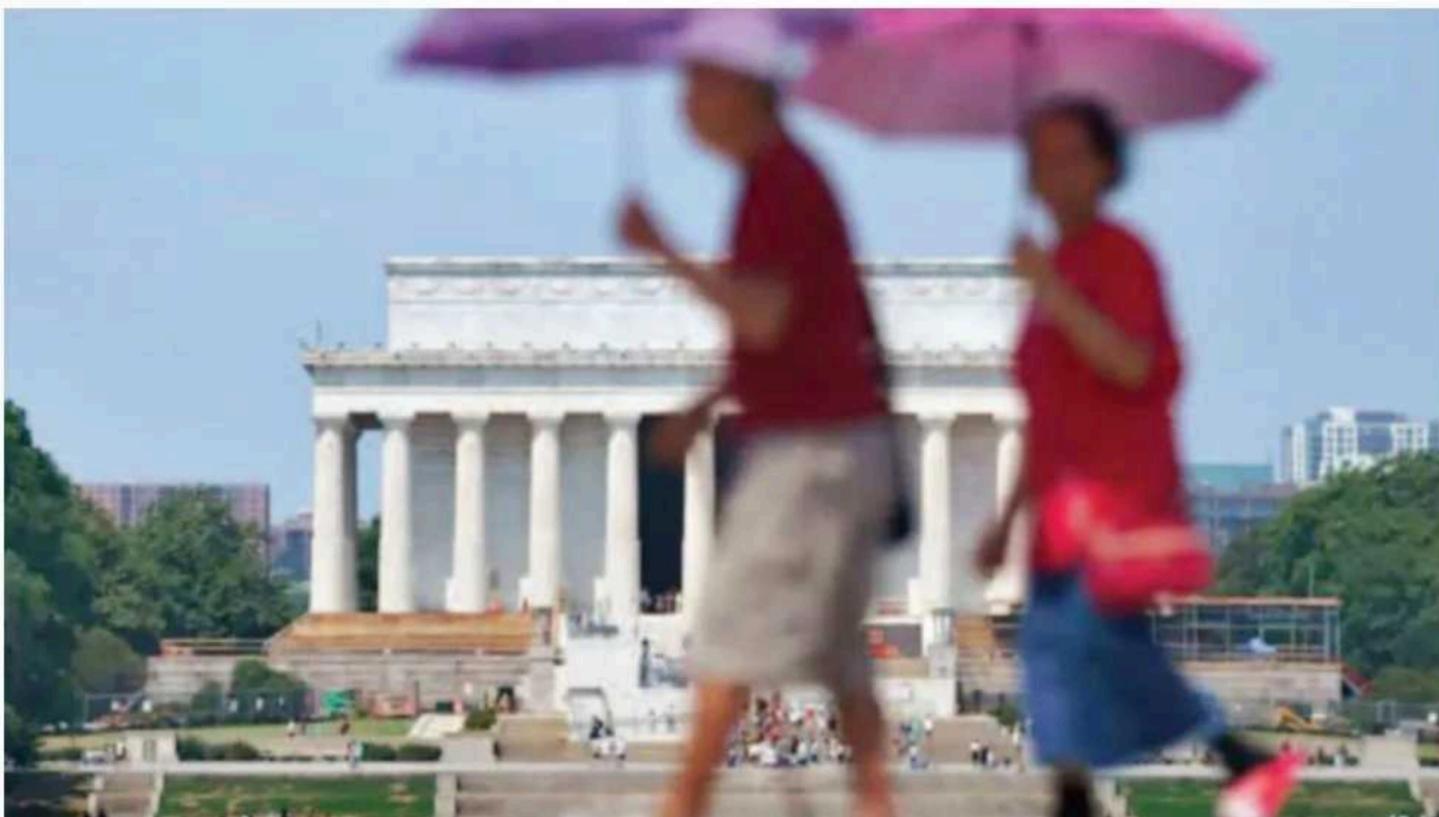


July 21, 2024 was recorded as the hottest day on Earth since at least 1940, according to the European Union's Copernicus Climate Change Service. Average global temperature was recorded at 62.76 degrees Fahrenheit (17.09 degrees Celsius)

### The World's Hottest Day

**J**uly 21, 2024 was recorded as the hottest day on Earth since at least 1940, according to the European Union's Copernicus Climate Change Service. Average global temperature was recorded at 62.76 degrees Fahrenheit (17.09 degrees Celsius). The previous record was set last July. Global

climate records are typically broken by very small margins, fractions of a degree. In this case, it was just 0.01 degrees Celsius above 2023's record. This considers all the overnight temperatures and the afternoon temperatures averaged across the globe. A report from scientists at Climate Central, the Red Cross, and World Weather Attribution found that climate change added nearly a month's worth of extremely hot days over the last year.



Hundreds of cities across the United States have experienced record heat for a prolonged period this summer

Hundreds of cities across the United States have experienced record heat for a prolonged period this summer. Before 2023, the warmest global temperature was 0.3 degrees cooler, which is considered extremely significant. Human-caused climate change continues to be a driving factor for extreme weather events. Some scientists have suggested 2024 could surpass 2023 as the hottest year since records began, as climate change and the El Nino natural weather phenomenon—which ended in April—have pushed temperatures ever higher this year. The heat is literally on.

## Olympian Fashion

Paris is the fashion capital of the world, so it is no surprise that the upcoming summer Olympics starting next week will see fashion take centre stage in the Olympic uniforms designed for participating countries during the Opening Ceremony. *Forbes* has listed the ones to look out for and they include:

**Mongolia:** Label Michel & Amazonka, led by designers Michel Choigaalaa and Amazonka Choigaalaa, created a storm on social media when they unveiled the official uniform for Mongolian participants, garnering praise from many quarters.

**Chinese Taipei:** Justin Chou, founder of avant-garde street-wear brand JUST IN XX, is the official outfitter for team Chinese Taipei, an official Olympic name for Taiwan.

The tailored two-piece suits to be worn by the athletes during the Olympics opening ceremony blends sustainability with the crafts of local artisans. Chou turned the artwork “Mountain Range of Taiwan” by Taiwanese artist Paul Chiang into a beautiful printed fabric for the suits, the blue waves representing the natural beauty of Taiwan’s landscape.

**Canada:** Athleisure giant Lululemon are the masterminds behind Canada’s chic uniforms, blending style and functionality. The red-and-white jacquard bomber jackets are emblazoned with traditional Canadian maple-leaf motifs, reminiscent of edgy street-style pieces that you normally see on a runway.

**USA:** This is the ninth time in a row that Ralph Lauren is the official outfitter for Team USA. The look is quintessentially American and classic Ralph Lauren: navy blazers with red and white trimming and the Olympic logo, striped Oxford shirts, and light-wash denim jeans.

**Sierra Leone:** Adidas in collaboration with the London-based fashion label Labrum produced the official Olympic team kit for Sierra Leone. The collection features elements that pay homage



Mongolia



Chinese Taipei



Canada



USA



Sierra Leone



France



Great Britain

to the country’s cultural heritage, including windbreakers adorned with a distinctive white and blue print inspired by cowrie shells.

**France:** The host country plans to make a grand entrance, donning custom-tailored tuxedos designed by luxury brand Berluti. “Berluti has brought together the savoir-faire and experience of its artisans to ensure that the French athletes look their very best,” reads an official statement. Men and women will sport midnight-blue wool tuxedos with lapels in shades of blue and red, main colours of the French flag.

**Great Britain:** British brand Ben Sherman is returning for the third consecutive year to dress Team Great Britain. The opening ceremony

uniform consists of a white bomber jacket with navy sleeves and a floral design embroidered on the back. Made up of the rose, thistle, daffodil, and shamrock, the design represents the four nations that make up the United Kingdom. The jacket will be paired with a knitted polo featuring a geometric red-and-blue pattern, crafted from an organic cotton blend, as well as oxford trousers with a Union Flag waistband.

## Reducing Screen Time

Recently released technology gadgets are pointing us to an unimaginable future where our lives are no longer dominated by screens. The launch of products like Apple Vision Pro, Samsung Galaxy Ring, Rabbit R1 and Humane AI Pin have one thing in common: to change our relationship with screens.

The **Vision Pro** from Apple is a mixed-reality headset that aims to extend apps beyond the confines of a physical screen. It is described as a “spatial computer” where digital media is integrated with the real world. Physical inputs—such as motion gestures, eye tracking, and speech recognition—can be used to interact with the system. Its high price is a deterrent and it is mainly meant for use indoors as opposed to walking down the street with it strapped to your face.

**Samsung’s Galaxy Ring** offers the option of tracking wellness without the distractions of a display on your wrist. The underside of the ring has three sensors that collect data like heart rate, body temperature, or sleeping habits.

The **Humane AI Pin** is a gadget you clip it to your shirt, talk to it, and it uses generative AI to answer. It is a standalone device with its own SIM card, and no screen. It has a laser that projects menus and text onto your palm so you can interact with Wi-Fi settings and media playback controls. Marketwise, it hasn’t quite caught on.

The **Rabbit R1** is not a phone, it is a small hand-held device which is meant to accomplish some of the same things as your phone. It can answer questions, call an Uber, play music on Spotify, translate speech, generate images, identify nearby objects with its camera and record voice memos. These devices are still evolving and not likely to challenge your smartphone any time soon, but it does suggest that the challenge to wean us away from our screens is getting interesting.



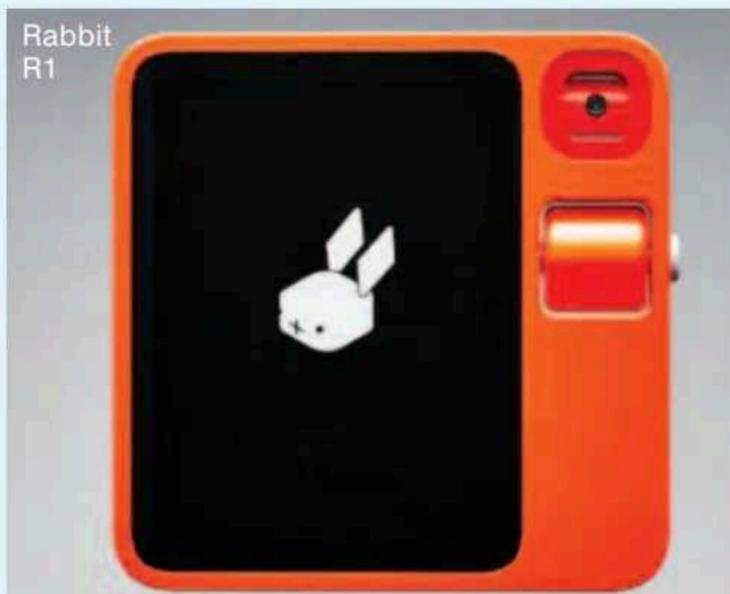
Vision Pro



Galaxy Ring



Humane AI Pin



Rabbit R1