ISSN-2583-2476

SHARDA UNIVERSITY
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SHARDA LAW REVIEW

A DOUBLE BLIND BIANNUAL PEER REVIEWED JOURNAL



PUBLISHED BY

SHARDA SCHOOL OF LAW

SHARDA UNIVERSITY

GREATER NOIDA

UTTAR PRADESH

Vol.3| Issue: I| June 2025

Sharda Law Review
ISSN: 2583-2476

Vol. 3 Issue: I June 2025

FOREWORD MESSAGE

Law has emerged as one of the most promising career choices in recent years. With a large number of students opting for law as their career with a defined vision, Sharda School of Law, Sharda University, is providing a great opportunity to students through its 5-year integrated UG programs—B.A. LL.B. and BBA LL.B. SUSOL also offers LL.M. and Ph.D. programs that focus on quality research in the field of law.

Sharda Law Review, under the flagship of Sharda School of Law, is a bi-annual, peer-reviewed journal that has consistently published work on various contemporary legal issues covering both national and international domains. Sharda Law Review strives to offer a platform to academicians, practitioners, and scholars for their thoughtful contributions to academic discourse, while simultaneously building analytical and editorial skills.

Sharda Law Review offers a robust platform for scholarly engagement, with its thorough peer-review process upholding the quality and relevance of every contribution to the legal field.

The present issue comprises articles and research papers on numerous contemporary legal issues, emerging trends, and innovative legal ideas, all of which foster critical thinking and intellectual discourse in the field of law.

Prof. (Dr.) Rhishikesh Dave
Dean, Sharda School of Law
Chief-Editor, Sharda Law Review

Sharda Law Review

ISSN: 2583-2476
A Double-Blind Biannual Peer Reviewed Online Journal

Sharda Law Review [SLR] is a double-blind biannual online peer-reviewed journal published by the Sharda School of Law - Sharda University, Greater Noida. The Journal consists of editorial advisors of the highest repute legal luminaries and dignitaries. The first edition of the journal was published in the month of August, 2021 and now this is the second edition of publication.

In the contemporary world of the knowledge society, understanding the legal dimensions of an individual's life constitutes the major crux and thrust of social science research. Against this backdrop, the Sharda Law Review (SLR) stands to serve as a mirror to all these conflicting currentsof Law & Society. It publishes research writings, book reviews and case-comments in the Socio- Legal field that seek to explain different aspects of individual in relation to their society, polity, economy, culture, and psychological well-being. The journal covers a wide variety of sub-fields in the area of social science research mainly focusing on the conflicting currents of socio-cultural- economic, psychological, and political aspects of human life in a contemporary globalized society.

The aim of Sharda Law Review is to avail platform to intellectuals and academicians for expression of their original ideas and creations whether in the form of Research Paper, Article, Case Comments or Book Reviews, etc. The journal is published twice in a year during the 6th and12th Month of every Calendar year.

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- The abstract must expressly include the originality and usefulness of the idea that the author wishes to put forth and must categorically mention the specific contribution of the article beyond the existing available literature.
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FROM EDITOR-IN-CHIEF……!

As we present another volume of our esteemed law journal, I am pleased to introduce this issue as a constellation of intellectually stimulating and thought-provoking articles that address pressing legal challenges. Sharda Law Review is a bi-annual, peer-reviewed journal committed to publishing high-quality research and analysis on contemporary legal issues. In a constantly evolving legal environment, the journal serves as a platform for academicians, practitioners, and researchers to engage in meaningful intellectual discourse and promote scholarly exchange.

This issue explores several of the most urgent legal matters of our time. It features insightful articles on topics such as personality rights, the protection of whistleblowers, gender justice, cybercrime and data privacy, and the legal dimensions of artificial intelligence, among others. Our contributors comprising esteemed academicians, legal practitioners, and research Scholars bring their expertise and fresh perspectives to these complex issues. The research presented here reflects both the sophistication and relevance of modern legal concerns, offering innovative approaches and contributing to ongoing debates in the legal domain.

I extend my heartfelt gratitude to all the contributors for their thoughtful and original insights. I am equally thankful to our reviewers and editorial team, whose dedication and perseverance through the demanding editorial process have made this publication possible.
Finally, I deeply appreciate the trust and support of our readers, who continue to engage with and uphold the journal's mission. I hope you find the content in this issue informative, engaging, and intellectually enriching.

Prof. (Dr.) Rhishikesh Dave
Editor-in-Chief,
Sharda Law Review

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SHARDA LAW REVIEW

[ISSN 2583-2476]

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A Critical Study on the Role and Protection of Whistle-Blowers against White-Collar Crime in Indian Politics

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Abstract

Corruption as a white-collar crime is a prolonged challenge in the Political system of India. The role and contribution of Whistleblowers in exposing such elite crimes and criminals have been immense, but their contributions are not that smooth, they have been subjected to oppression, threats, physical harm, reputation or even life threats. This study will discuss the roles and responsibilities of whistleblowers, provide insights into the forms of whistleblowers and the significance of whistleblowers in political corruption, and provide clarity on why it is essential to protect the rights of whistleblowers. It will give an understanding of the protections that are provided to whistleblowers in the Whistle Blower Protection Act, 2014 and other legislatures that protect and encourage whistle-blowing in India, will also elaborate on the Right to Information Act as a legal instrument to acquire information about the irregularities, it will also highlight the challenges which are faced by whistleblowers in disclosure of the truth. The study will also provide a list of whistle-blowers who have stood against the corruption and irregularities in Politics without caring about themselves and standing firmly with Justice. The study would also provide suggestions to ensure better protection of whistleblowers to combat corruption in India.

Keywords: Corruption, Whistle Blower, Whistle Blower Protection Act, Politics, Disclosure.

1. Introduction

“Whistleblower” originated from the German word “whistle”, which indicates activities of exposing or unveiling a wrongful act and bringing it to an end. It constitutes actions taken by individuals to reveal any form of abuse of power, immoral acts, and corrupt practices, in an organization both public and private or committed in an individual capacity. The individual who assists and comes forward to aware people of illegal acts is the key feature of “Whistleblower”. According, to Leedy, a fine journalist stated “In every sphere, there are gaps in our understanding and unresolved issues waiting to be resolved. We bridge these knowledge gaps and address the unresolved problems by posing pertinent questions and actively seeking answers to them. The purpose of research is to offer a systematic approach to acquiring those answers by diligently examining the evidence using the framework of the scientific method.”

At the beginning of the 1970s, an eminent activist, Ralph Nader, eradicated titles like “informers” and “snitches” which were negative to hear and replaced them with a sophisticated and respectful title “whistleblower”, this was much more liked by the people and ear-pleasing to all. His intention for coining this term was to give a motivated approach to every individual to expose the truth in a respectable manner, devoid of any kind of stigma. An individual plays a pivotal role in detecting and reporting issues regarding corporate irregularities, both public and private which comprises of breach of trust, conflicts of interest, corruption, fraud, scams, administrative lacuna, questions on credibility, biased conduct, non-compliance to ethical and legal norms, workplace injustice, employee grievances, illegal extortion of money, etc.

These crimes are generally of a nature that cannot be easily detected by regulatory authorities, as it is usually committed within the organisation itself, and protections such as indoor management and corporate veil play a vital role in protecting the operation of the companies, making it more critical in examining such irregularities within an organisation or public office. The people who successfully identify the disparity and bring it to the notice of the competent authority for further investigation can be termed Whistleblowers, therefore it becomes the individual's obligation to inform and disclose the factual evidence upon which the allegations are based. That individual can be someone within the organisation or someone outside the organisation, the main concern would be to render information, and foster transparency and accountability.

To motivate and encourage these kinds of initiatives in reporting and researching, the regulatory agencies have brought about some protective measures and support for these Whistleblowers, which would inculcate a sense of security and safeguard their rights. In Ancient India also, we see references to the conceptualisation of whistleblower had its prominence, in the words of Kautilya "Any informant (suchaka) who supplies information about embezzlement just under perpetration shall, if he succeeds in proving it get as reward one-sixth of the amount in question: if he happens to be a government servant (bhritaka), he shall get for the same act one-twelfth of the amount."

This concept has a well-defined resemblance to the whistleblower, and there was a reward for the informant (Suchaka) if they could successfully detect financial fraud, the reward stipulated was one-sixth of the questionable amount, and if the informant was a government servant (bhritaka), he would be rewarded with one-twelfth of the disputed money. The reward distribution was made in this way for the government servants, it was obligatory to perform their duty to ensure a corruption-free administration, whereas, the external informant's job was much more challenging. On the other side of the coin, if an informant shifts from his statements given against the accused, would be thoroughly penalised, which may be even a death sentence. Though this was a rigid and harsh form of punishment, it would create deterrence in the mind of the informant before giving any kind of statement, to defame or conspire against any innocent officials. He also initiated a self-checking mechanism, which would be headed by a Chief Officer (Adhikarna) responsible for identifying corruption cases.

2. Forms of Whistle blowers

The definition of "whistleblower" can be stated as "any individual making public interest disclosure" Further "the public interest disclosure" can be interpreted as specific disclosure pertaining to a criminal act, legal violation, causing threat to public health and safety, corrupt practices or causing any harmful impact on the environment. Whistle-blowers can be broadly classified into various types depending on their relation with the institution and understanding the typology is crucial to determine the protection they need.

1. **Internal Whistle-blower**

   These are the individuals who are employees within the institution itself and they discover some dysfunctionality in the organisation and report these irregularities to the competent authority. These are mostly reports of unethical practices in the company's

functioning, misconduct, managerial concerns, etc. These disputes are majorly resolved within the organisation itself by typical methods of disciplinary committees, redressal committees, etc.

2. **External Whistle-blower**

   These are individuals who lose their hope in internal dispute resolution and choose to report the wrongful act to other individuals or authorities outside the institution, at times including regulatory agencies, enforcement bodies, journalists, NGOs, legal bodies, media, and public support agencies. External whistleblowing runs on the notion of public responsibility and social justice.

3. **Alumni Whistle-blower**

   These are individuals who were former employees or members of the organisation and have discontinued their service, yet they come forward to reveal the ill practices that they encountered during his/her employment, they are not further associated with the organisation but feel obligated to state the truth about the organisation to prevent from any sort of mishaps.

4. **Open Whistle-blower**

   These are the individuals who do disclose their identity and openly object without any pressure or fear, these individuals are more prone to threats and backlash from the people they expose, but their courage increases the credibility of the matter and attracts more attention.

5. **Personal Whistle-blower**

   These are individuals who have been solely targeted within the organisation and causing harm to the individual's reputation, position in the organisation, security and deprivation of rights. These individuals prima facie tend to defend or glorify personal injustice.

6. **Government Whistle-blower**

   These are the individuals who engage themselves to enshrine the corrupt and illegal practices in the arena of public services and government entities. These individuals raise questions about the government's accountability and transparency.

7. **Corporate Whistle-blower**

   These are individuals who unveil the corporate irregularities in the companies and business organisations such as fraud, breach of trust, environmental policies, etc.

3. Legal Frameworks for the Protection of Whistle-blowers in India

Companies Act, 2013

Publicly listed companies must have a vigil mechanism to report unethical or illegal activities by employees or senior executives as per Section 177(9) of the Companies Act, 2013, therefore, companies are required to have a whistleblower policy to provide protection against the victimization of those who report wrongdoing. But the mere existence of the policy is not enough. The success of any whistleblower policy depends on the spirit of the policy in the first place-how genuine the organization is in promoting transparency and how commensurate the organization is in dealing with the issues raised. Any such policy should not only facilitate complaints but rather create an overall culture where speaking is safe, supported, responsible, and taken seriously. Even passive behaviour towards serious issues should breach this culture of reporting, as silence permits wrongdoing to prevail.

Here are some essential characteristics of a genuinely effective whistleblower policy:

- **Clear Reporting Channels:** Organizations should have a clear process that allows anyone to raise a concern, whether junior or senior staff. In an ideal situation, this should be facilitated by someone of very high authority, such as the Chairman of the Board, so that he/she can ensure fairness and accountability.
- **Open to All:** Every member of the organization should feel free to report any wrongdoing. No one should feel that their role or position excludes them from raising their voice.
- **What Should Be Reported:** It should state in clear terms the specific categories of offences that must be reported, such as alleged discrimination, negligent performance quality, fraud, and alleged misuse of company funds.
- **Serious and Fair Investigations:** Upon the submission of any complaint about wrongdoings by employees, senior management should treat that issue in a serious light and commence a full investigation. Maliciously bringing false complaints must also have consequences.
- **Zero Tolerance for Retaliation**: It is very vital that whistleblowers are protected against any acts of retaliation. The policy should clearly state that any form of harassment, punishment, or subtle retaliation will not be tolerated.

- **Total Confidentiality:** The identity of the whistleblower and the subject matter of the complaint should always remain confidential in order to ensure their safety and tranquillity.
- **Accountability against Misusers:** While the actual whistleblower should be protected, the policy should also contain provisions against misuse. If somebody files a false complaint, knowing it to be false, they are liable for punishment.

There is a rather exhaustive process prescribed under the Companies Act, 2013 for the inquiry, inspection, and investigation, from Sections 206 to 229 in one single chapter. This scheme allows the detection of corporate misconduct with more finesse and gives inspectors and auditors outside the enterprise a greater opportunity to play a role in finding the truth. In many ways, these external agents can be considered whistle blowers.

4. Security Exchange Board of India

In 2003, SEBI took a major step toward enhancing transparency and accountability in corporate India when, by an August 26, 2003 circular, it amended the Principles of Corporate Governance under the standard Listing Agreement. One of the key amendments was the introduction of Clause 49, which encouraged the establishment of a whistleblower policy. The objective was to provide employees with a safe and confidential avenue for reporting instances of unethical behaviour, violations of company policy, or misconduct without fear of retaliation.

At that time, it was not mandatory for an organization to formulate such a policy. However, several progressive organizations adopted it on their own as they viewed it as making their internal ethics stronger, enforcing accountability, and encouraging good governance by making space for employees to speak up. Although not mandatory, companies would still have to declare whether they had such a mechanism and state the number of complaints received thereunder, how many had been resolved, and how many were still pending. This transparency offered stakeholders an opportunity to assess the level of ethical conduct promoted by the company and the seriousness with which it addresses internal issues.

Later, in a significant move toward strengthening corporate governance, SEBI repealed the old Listing Agreement and instituted the SEBI (Listing Obligations and Disclosure Requirements) Regulations, 2015. Under Regulation 22, the existence of a whistleblower

mechanism became mandatory for all listed companies. This regulation establishes a formal and protected channel through which the employees and directors of a company, irrespective of standing in the organization, can report any acts of unethical practices, fraud, or violations of law.

5. Whistle Blower Protection Act, 2014

Ever since 1993, historical imprints of the 'whistleblowers' laws in India' date to N. Vittal, the then chief vigilance commissioner for the first time in a proposal for the introduction of a dedicated law of whistleblower protection. The subject gained momentum in December 2001, which was the time when the Law Commission of India suggested that the enactment of such legislation must therefore become the priority if corruption was to be dealt with adequately; in its report titled ‘Public Interest Disclosure Bill’, the Law Commission submitted the report to Arun Jaitley, who was the minister for Law, Justice, and Public Affairs at the time, along with a draft bill.

In January 2003, a draft of the Public Interest Disclosure (Protection of Informers) Bill, 2002 was circulated. However, the emotional triggering point for this case transformed the nation on account of the brutal assassination of Satyendra Dubey, a project director at the National Highways Authority of India (NHAI), as this development occurred later in the same year. Dubey had the rare courage to expose corruption in highway projects, for which he paid the supreme price. His murder evoked a wide-outcry amongst the general public and the media about the need for immediate legislation to protect whistleblowers. In early 2004, given mounting popular pressures, the Supreme Court of India directed the government to set up an interim mechanism to hear cases of whistleblowing until a law could be enacted.

In May 2004, the Government of India issued a resolution to empower the Central Vigilance Commission (CVC) to receive complaints regarding corruption in central government institutions. There were other developments after this period. The Right to Information Act was notified in October 2005, giving citizens the right to demand information and transparency. The draft Public Services Bill of 2006 called for the government to establish mechanisms for the protection of whistleblowers within six months of the enactment of the bill. In 2007, the Second Administrative Reforms Commission's report again strongly recommended the enactment of specific legislation to protect whistleblowers. Meanwhile, in 2005, India was a signatory (not yet a ratified member) to the UN Convention Against

Corruption, which encourages member states to promote the reporting of corruption and shield whistleblowers, witnesses, and experts from retaliation.

Eventually, things moved in the legislative direction. The bill was introduced at the Lok Sabha in the morning session on August 26, 2010, by Prithviraj Chavan, then Union Minister of State for Personnel, Public Grievances and Pensions, in the name of the Public Interest Disclosure and Protection to Persons Making the Disclosure Bill, 2010, popularly referred to as the Whistleblower Bill. Lok Sabha passed the Bill on December 27, 2011, with various amendments. Legislating was very belatedly achieved on the 21st of February 2014 after the Parliament passed the Whistleblowers Protection Act, 2014. After some further amendments to the original Act, these were circulated in Rajya Sabha on August 5, 2013. Later, the Whistleblowers Protection (Amendment) Bill, 2015 to refine the original Act, was introduced in the Lok Sabha on May 11, 2015, and passed in a couple of days on May 13, 2015.

6. Protections under the Whistle blower's Protection Act, 2014

The Whistle Blowers Protection Act was constituted to inculcate legal protection to whistle-blowers and build a cultural significance in obtaining transparency and accountability within the public sector.

Section 2(f) provides for the definition of who can be addressed as a "Whistleblower", it states any individual, including a public servant, "who makes a protection disclosure about corruption, wilful misuse of power, or criminal offences by public functionaries". This also denotes individuals inside and outside the organisation.

Section 4 of the act emphasises the disclosure initiated in 'good faith' with regard to the corruption, abuse of authority, or misuse of public funds, and further specifies that such disclosures can be of Government departments, Public Sector Undertakings, and Public Officials including MPs, MLAs, etc. The disclosures made should be made out of utmost good faith.

Section 3 of the act, lays down the list of competent bodies to whom the protection disclosure can be made, which includes the Central Vigilance Commission (CVC), State Vigilance Commission(SVC), Comptroller and Auditor General(CAG), and heads of the specific

departments or public entities. The competent authority is obligated to do a preliminary inquiry and if required can also order for full-fledged investigation.

Section 11, of the act gives protection against Victimization of the whistle-blowers, such as transfer, demotion, suspension from service, dismissal, threat, harassment, or even physical harm. It protects from any disciplinary or administrative actions against the whistle-blowers for making disclosure.

Section 12 of the act deals with the compensatory criteria, which states if a whistle-blower is subjected to loss or physical harm, due to disclosure, they would be eligible to claim compensation for the same from the competent public authority.

Section 4(4) r/w Section 16, states that the identity of the whistle-blower should be confidential during all the stages of investigation, inquiry or report, only under special circumstances, it could be revealed, but that should be with the consent of the whistle-blower.

7. Significance of Whistle Blowers in Political Corruption

Indian politics thrives on power and authority, most political authorities are tempted to strengthen their position to remain in power and secure their monopoly in governance, and having such endless power and connections, they believe they can be shadowed by the offences they commit. The fear determinant is merely pertaining to their power and lack of accountability in the government. This becomes challenging to determine the irregularities and corruption in the form of bribery, money laundering, embezzlement, etc. In such instances, the role of whistle-blowers becomes supreme as they are the individuals to report such practices by such government officials, Ministers, or MLAs, reporting such crimes takes a lot of courage as the people alleged to be committee such act is not layman, they have a greater extent of authority, and proving guilt against such person is technically difficult and can even lead to life-threatening situations.

According to the 2024 EY Global Integrity report (India), highlighted the reasons for non-reporting of the cases in India are lack of trust in the resolution, loyalty towards the political party and organisation, pressure upon them to remain silent, refraining from their social responsibility in addressing the irregularities, etc. The 2023 report by Transparency

International, exclaims that only 35% of the Whistle-blowers, who came forward and reported had their confidence in the existing law for their protection.

To combat corruption or any form of financial crime in India, it becomes essential to protect the rights of the whistle-blower as if they do not feel secure, they would never come forward to report these crimes. In most instances, a counter FIR is lodged against the whistle-blowers, on the grounds of defamation and harm to reputation, especially in political cases, this concern should also be addressed and proper remedy against this should also be provided.

8. Conclusion

The rising concerns of corruption in India, cannot be solely capable for the CVC, ED, SVC, and CBI, to address and becomes nearly impossible at times to be efficiently identified, thus the cooperation of the whistle-blowers is extensively relevant, especially the internal whistle-blower. Whistleblowing is, indeed, more than just a mechanism offered by law; it is a courageous action and social sentiment. In India, where corruption and threats to public welfare affect people's trust in them deeply, whistleblowers become invisible heroes. They gather the courage to expose misconducts otherwise left in the dark, fulfilling a very important function in ensuring justice and accountability in these institutions. In this study, we have examined how whistleblowing can bring transparency and thereby serve the cause of a more just system, even in the face of grave threats to the whistleblower. From situations involving corporate fraud to malfeasance by the government, the anecdotes and frameworks discussed here demonstrate the strength of one voice standing for truth.

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Analysis on International Perspective on Law of Sea

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Abstract

As the ocean supports international trade and other forms of energy production and mineral extraction, and hence acts as a major economic activity, it really is an important natural resource for the "blue economy". SDG 14 focuses directly on marine sustainability as we work toward achieving all sustainable development targets. Multiple maritime zones receive framework definition as it outlines clear standards for coastal state rights and responsibilities in marine biodiversity and ecosystem protection. The present research aims to give an overview of international maritime laws in brief, especially its sources, frameworks, and sustainable ocean governance. This study also considers international treaties and landmark judicial decisions that steer the fair and sustainable utilization of marine resources towards sustainable environmental and legal equilibrium.

Keywords: Ocean Law, Marine Rights, Sustainability, Coastal Protection, Blue Economy.

1. Introduction

The Law of the Sea is an important subject of public international law that offers a full legal structure for the rights and duties of states and other world organisations concerning the use, preservation, and preservation of marine and ocean environments. It is relevant in peacetime and has importance because it facilitates the use of the seas in a responsible and just manner, and allows for coordinated interaction between states on a number of issues, including maritime navigation, the sustainable use of marine resources, and the protection of the marine environment.

The Law of the Sea addresses broader, more global issues than those reflected in private maritime law which addresses commercial matters such as shipping conduct, contractual responsibilities, and marine insurance. Broadly the Law of the Sea addresses issues such as

the delimitation of maritime boundaries, the conservation of marine biodiversity, and the sustainable use of ocean resources. These are issues that necessarily cut across borders and require international cooperation and governance.

The Law of the Sea overlaps with two additional SDGs, SDG 12 and SDG 13, as sustainable governance of marine resources contributes to responsible environmental stewardship and climate change mitigation. Because oceans not only serve as significant transportation corridors, they also contain untold amounts of biological and mineral wealth. It is the responsibility of the international community to protect oceans through legal instruments.

The Law of the Sea is not just a legal instrument, but the foundation of global environmental governance and sustainable development. As pressures on marine ecosystems increase from society, the Law of the Sea is needed to promote equity, peace, and ecological sustainability is even greater.

Maritime law, with the assistance of UNCLOS in recent outcomes, seems to prioritize peaceful cooperation, legal certainty, and environmental protections. Due to overfishing, pollution, and other illegal activities, the oceanic ecosystems are inscribed in a state of destruction, and international cooperation is imperative in order to counter-balance ecological interests and establish global justice under the auspices of UNCLOS, which aligns with SDG 16.

Maritime disputes encompass boundary issues, resource distribution, and criminal jurisdiction. These are resolved by International Courts and Tribunals, all of which add to strengthening institutions of law and peaceful resolutions of conflict, as denoted in SDG 16. The Law of the Sea is a direct legal regime for how the ocean can be used and therefore is a legal regime that can and does contribute to sustainable development globally in relation to protecting marine ecosystems while supporting justice, peace and prosperity toward coastal and island States.

2. Legal and Institutional Framework

There is not an overarching, unified legal regime that governs the law of the sea. Instead, the law of the sea is composed of a multi—layered structure that encompasses both customary international law and treaty-based sources. These instruments range from unilateral agreements to bilateral agreements between states, to multilateral treaties negotiated between

many states. Provisions of international law have come to come to constitute customary international law - whose rights and obligations arise from state practice that governments generally recognize is binding as law - and provisions of treaty-based law have involved formal agreements between states, the provisions of which expressly define the entitlements and responsibilities of states with respect to issues at sea. The final application illustrating customary law, treaty law, and legislative, policy, and judicial process, are examples of a constantly changing and evolving legal system that determines how states behave in relation to law of the sea issues including but not limited to maritime conduct, territorial waters, navigation rights, resource extractive capacity, and the protection of the sea.

a. UNCLOS (1982)

"The 1982 United Nations Convention on the Law of the Sea (UNCLOS)" functions as the fundamental document which presents an extensive structure for transcending and establishing international maritime law throughout peaceful times. The "Constitution of Oceans" gets its name from UNCLOS which emerged as the product of the 1973-1982 session of the "United Nations Conference on the Law of the Sea (UNCLOS III)". The earlier four conventions of 1958 have been replaced by this single legal instrument that functions as the main regulator for maritime matters. The 320-article convention with its 9 annexes defines all aspects of global ocean management while addressing various ocean governance and usage matters. UNCLOS represents a landmark development in worldwide maritime legal developments. The Convention addresses established maritime issues while protecting the marine environment and regulating fishing activities and seabed mining among other activities.

b. Key Features of UNCLOS, 1982

A structured overview of the key substantive provisions of the Convention reveals several significant developments and innovative concepts in the traditional framework of the law of the sea:

- The Convention establishes two core maritime zones by combining territorial sea provisions with contiguous zone provisions that result in 12 nautical mile territorial seas followed by 24 nautical mile contiguous zones.

- Transit passage represents a special maritime system that enables ships and aircraft to sail without interruption through international straits according to the Convention definition.
- The Convention establishes a mechanism for island nations to establish archipelagic waters as sovereign spaces when connecting outermost islands through straight baseline procedures under specified conditions.
- A Coastal State has full natural resource control in their Exclusive Economic Zone reaching 200 nautical miles of the coast.
- Within their Exclusive Economic Zone States preserve their fundamental rights to perform traditional maritime activities including navigation and submarine cable installation and aircraft overpasses and other sea operations.
- States engage in exercises of due regard within their EEZ to protect maritime cooperation and minimize conflicts with other nations.
- Through its "Common Heritage of Mankind" designation the United Nations controls the management of extra-national seabed resources so they will benefit all of humanity.

c. Treaties and Customary International Law

The United Nations Conventions on the Law of the Sea from 1958 and 1982 have significantly developed customary international law within this domain. A few customary rules continue to exist unconnected to written conventions or formal treaty incorporation. These rules maintain their binding force upon states because states accept them as law through their consistent general practice.

d. International Tribunal Law of the Sea

It's important to remember that significant achievements came about after the signing of the "United Nations Convention on the Law of the Sea (UNCLOS) on 16 November 1994 and the establishment of the International Tribunal for the Law of the Sea (ITLOS) by the creation of the Tribunal on 21 October 1996 and the establishment of UNCLOS guidelines on 10 December 1982 at Montego Bay Jamaica in a UN sponsored grassroots intergovernmental mechanism". The ideal process to find land-based institutional solutions for spatial problems began with the third United Nations Law of the Sea Conference that established ITLOS through an intergovernmental mechanism. A total of 21 judges were elected to the Tribunal during August 1996 to achieve equitable geographic distribution among its membership.

Although ITLOS provides a global legal framework for governing all aspects of ocean space, its jurisdiction is not mandatory; States participating in cases decide voluntarily whether ITLOS has jurisdiction in their matters. The Tribunal maintains its operation base in Germany with full accessibility to member states of the 1982 Convention while it actively resolves disputes that concern ocean resource management.

3. The problem of human rights at sea

Illegal unreported unregulated fishing operations combined with the treatment of individuals at sea constitute a pressing human rights matter which affects individuals onboard ships. Human rights violations including exploitative contracts and physical abuse with instances of forced labor along with torture and murder affect monthly thousands of fishers among the approximate 30 million people at sea constantly.

The COVID-19 pandemic worsened the human rights issues faced by seafarers primarily through abandonment cases. Irregular migration falls under multiple legal frameworks which create obstacles for determining adequate human rights protection jurisdiction and responsibility. States pass legislation which achieves their policy goals even when it might violate their international human rights responsibilities.

The GDHRAS achieves alignment with SDG 16 which focuses on a just and inclusive maritime environment through its universal application to all sea-based individuals regardless of their position or location. The GDHRAS offers a foundation for normative change which can help various SDGs succeed through its activities in defending maritime human rights while promoting sustainable maritime practices.

4. Conclusion

With sea-level rise threatening coastal populations around the world, the impacts on governance and state sovereignty and territorial integrity present important and complex legal questions, especially under international law. It is clear we must also consider things like ex-situ sovereignty or the presence of a government that may be recognized as deterritorialized, plus the ability to hold on to Exclusive Economic Zone (EEZ) rights. As of now, countries have expressed variant opinions on the rights and recognition of a state that loses its land; therefore, there are innumerable implications for legitimacy, identity, and political power in countries who are impacted by climate change and the emerging importance of the possibility

of some states being submerged. More broadly, the consequences could limit actionable ideas related to recognition of states and impose regulatory mechanisms that recognize international law, notably the umbrella for SDG 16 in promoting peaceful and inclusive societies. International legal reform is urgent as we near the conundrum of states losing land with potential repercussions regarding global statelessness rather independently from climate change. In addition, climate-induced displacement illustrates a major void in international refugee and human rights laws. The 1951 Refugee Convention excluded climate migrants, a disadvantage which prevents them from even obtaining legal protections, asylum entitlements, or resettlement opportunities. While some initiatives have begun making strides, like the Kampala Convention and Pacific Access Category visa, nothing address climate migrants comprehensively in a binding legal way.

These legal deficiencies must be addressed to protect vulnerable communities, relating directly to SDGs 13 (Climate Action) and 1 (No Poverty). Firstly, extend the legal definition of who can be classified as a refugee, secondly recognize when governments are deterritorialized, and thirdly develop legally binding frameworks for climate migrants. Additionally, strengthen regional and bi-lateral agreements, institute financial compensation regimes, and create a Climate Displacement Fund to ensure both immediate and long term support of affected populations. In the end climate displacement is not simply a legal issue but also a human rights crisis, with global justice and accountability on the line. Failure to act may endanger the lives and futures of millions of people, making it relevant to SDG 16 and the SDG framework as a whole. Expecting the International Community to formally commit to immediate and enforceable means to protect the rights and dignity of the most vulnerable populations is critical as we fight this common challenge.

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Cyber Crimes against Women in India: A Social Perspective

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Abstract

Concept of cybercrime against women is used for any unlawful action that used laptop computer and alike electronic tools e.g., Mob. phones, e-mail, Internet, social media platform etc. as its pressing device for offences against of women. In other words, it is gender-based violence against Women by use of computer and information and communication technologies. It has been significantly increasing over the years, with rising number of internet users in the country. The estimated numbers of e-literates in the country are around 60 crores now and their number has increased exponentially, as it was estimated to be only 40 crores in 2019. Women were more victimized to such crimes, because of the accessibility with anonymity available in the cyber space. Since one can hide and fake his identity in the internet, the facility is misused by criminally minded persons to commit such crimes. This research attempted to find out the Social, Psychological causes & effects of Cybercrime against women. Study attempted to assess the various forms and extended level of cybercrimes against women & Law & legislations dealing with cybercrimes against women.

Keywords: Cyber-crime, Women, Social, Internet, Website

1. Introduction

The internet is used in practically all facets of daily life. Thanks to the internet, man can now readily access everything while sitting still. In addition to social networking, online shopping, data storage, gaming, online learning, and online employment, the internet may be used for anything a person can think of. The occurrence of the internet and its benefits increased along with the idea of cybercrime. Aside from its significance, it also presents challenges and deters girls and women through activities like SMS and MMS spoofing, bullying, cyber stalking, hacking, transmission of morphing, obscene materials and sexual defamation, blackmailing, misrepresentation and financial gain, e-chats, hate speech, online grooming, and harassment by offensive phone calls. Teenagers' use of the internet to communicate builds strong bonds, friendships, and romanticism, all of which have an important effect on romantic relationships.

Virtual companionship, courtship, and passion eventually lead to the violence needed to perpetrate a murder. The right to free speech and expression is also violated by cybercrime, in addition to privacy. Criminals take advantage of this feature of the internet to carry out unfair crimes in the cyber world, which has its own virtual reality where anyone may conceal or even make up their identity.

At the Seminar on 'Cyber Crimes against Women' the Chief Justice of India said that "The World Wide Web allows users to circulate content in the form of text, images, videos sound. Websites are created and updated for many useful purposes, but they can also be used to circulate offensive content such as pornography, hate speech and defamatory materials. The widespread circulation of such content is particularly harmful for women. The pervasive gender discrimination in our society is further heightened since the digital medium provides the convenient shield of anonymity and fake identities. Errant persons become more emboldened in their offensive behaviour since it is presumed that they will not face any consequences." (Balakrishnan, p. 1) (2009)

1.1 Objectives

To find out the Social, Psychological causes & effects of Cybercrime against women. The Study also outlined the various forms and extended level of cyber-crimes against women, law & legislations which are dealing with cybercrimes against women iin India.

1.2 Research methodology

This study is descriptive in nature. The required secondary information was gathered from a number of websites, including those run by the Indian government, magazines, journals, and other publications.

2. **Extended level of cybercrimes against women in India**

India had a spike in cybercrimes against women between 2018 and 2020. The number of cases filed for distributing sexually explicit information online has increased 110%, from 3076 to 6308, according to NCRB (National Crime Records Bureau).

As per NCRB report Uttar Pradesh (2120) witnessed the largest number of cases of sexually explicit content online, followed by Assam, even according to the Mumbai police detained a 3rd suspect in the "Bulli Bai App" instance (1,132).

According to the report, there were 872 instances of cyberbullying and stalking of women in Year 2020, up from 739 in year 2018. Publishing or sending sexually explicit content resulted in a conviction rate of 47.1%, compared to cyberstalking and bullying cases, where the conviction rate was far lower at just 27.6%. In 2020, 600 men and 19 women were jailed for offences, according to the study. Additionally, it included details on the causes of the reported and committed cybercrimes, with "sexual exploitation" being the second-most common cause after "fraud."

It may be noted that the NCRB, data is based on the number of articles showed instnces registered by Police and is in no way the indicator of actual figure of Cybercrime instances in the society. It was a case of major under-reporting and therefore actual state of affairs in the country in this regard is anybody's guess. Most of the women victims of Cyber Crime do not seek legal recourse for reason of victim blaming and shamming. NCRB estimated that only 10%, of the Cyber Crime reported, pertain to offences against women.

The five most vulnerable States in the Country having highest number of cases of Cyber Crimes registered as per NCRB Reports are Uttar Pradesh, Karnataka, Maharashtra, Assam and Andhra Pradesh, while in case of Cyber Crime against Women, Karnataka and Maharashtra are the State having highest number of registered cases. States also shows a phenomenal increase in number of Cyber cases registered during successive year. In UP, which has the highest number of cases registered during the years 2016, 2017 and 2018 there has been 188% increase in 2017 from 2016 and 126% increase in 2018 from 2017. Similarly, in cases of registered cases of Cybercrimes against women in Uttar Pradesh, the increase in 2018 from the year 2016- 2017 was 128%. The Karnataka, which has the highest number of Cyber Crimes against women, an increase of 173% during 2018 from previous year, has been noted. This is based on the data released by NCRB on registered cybercrimes.

Table-1, Cyber Crime against Women 2020

SL	State/UT	Cyber Blackmailing/ Threatening (Sec.506, 503, 384 IPC r/w IT Act)	Cyber Pornography/ Hosting/ Publishing Obscene Sexual Materials (Sec.67A/67B(Girl Child) of IT act r/w other IPC/SLL)	Cyber Stalking/ Cyber Bullying of Women (Sec.354D IPC r/w IT Act)	Defamation/ Morphing (Sec.469 IPC r/w IPC and Indecent Rep. of Women (P) Act & IT Act)	Fake Profile (IT Act r/w IPC/SLL)	Other Crimes against Women	Total Cyber Crimes against Women
[1]	[2]	[3]	[4]	[5]	[6]	[7]	[8]	[9]
STATES:								
1	Andhra Pradesh	5	21	145	1	22	181	375
2	Arunachal Pradesh	0	0	0	0	0	1	1
3	Assam	2	211	1	0	182	675	1071
4	Bihar	0	3	11	2	4	27	47
5	Chhattisgarh	0	34	2	0	2	79	117
6	Goa	0	1	1	0	0	17	19
7	Gujarat	7	17	26	1	2	224	277
8	Haryana	1	64	19	1	16	121	222
9	Himachal Pradesh	0	31	7	0	7	7	52
10	Jharkhand	0	3	0	0	0	17	20
11	Karnataka	0	142	1	0	1	2715	2859
12	Kerala	0	113	14	1	5	113	246
13	Madhya Pradesh	6	52	28	2	2	184	274
14	Maharashtra	12	75	388	0	15	1142	1632
15	Manipur	0	3	3	0	0	20	26
16	Meghalaya	1	7	0	1	0	30	39
17	Mizoram	0	1	0	0	0	0	1
18	Nagaland	0	0	0	0	0	2	2
19	Odisha	1	292	0	220	13	34	560
20	Punjab	1	22	14	0	18	55	110
21	Rajasthan	3	24	12	1	3	195	238
22	Sikkim	0	0	0	0	0	0	0
23	Tamil Nadu	7	147	7	17	17	111	306
24	Telangana	19	11	100	1	14	504	649
25	Tripura	0	2	0	0	1	0	3
26	Uttar Pradesh	0	325	76	0	13	335	749
27	Uttarakhand	0	23	1	0	4	44	72
28	West Bengal	6	10	17	1	7	303	344
	TOTAL STATE(S)	**71**	**1634**	**873**	**249**	**348**	**7136**	**10311**
UNION TERRITORIES:								
29	A&N Islands	0	1	1	0	0	1	3
30	Chandigarh	0	1	1	0	0	8	10
31	D&N Haveli and Daman & Diu	0	0	0	0	0	3	3
32	Delhi	0	8	12	0	5	26	51
33	Jammu & Kashmir	3	10	0	2	1	9	25
34	Ladakh	0	0	0	0	0	0	0
35	Lakshadweep	0	1	0	0	0	1	2
36	Puducherry	0	0	0	0	0	0	0
	TOTAL UT(S)	**3**	**21**	**14**	**2**	**6**	**48**	**94**
	TOTAL ALL INDIA	**74**	**1655**	**887**	**251**	**354**	**7184**	**10405**

3. Social Reasons & Consequences of cybercrime against women:

The reason for this is that males associate a family's respectability with the honour of its female members, leaving women susceptible. Gender disparities in India have a significant impact on child-rearing practises. Female children are meant to be quiet and submissive, whilst male children are taught to be rugged and muscular. For fear of being labelled, females

are trained to ignore their voices. They have become accustomed to neglecting critical concerns by claiming that nothing has transpired as a result of this style of nurture.

“Society decides the ole of men and women. Men have to be serious, dignified, responsible, rational, unemotional, bold and dynamic, whereas women must be coy, understanding, patient, compassionate, emotional, and must accept sacrifice for her family" (Geetha, 2002). “Indian society is predominantly patriarchal in nature ,& this is a major reason for women becoming victims of cybercrime” (Halder & Jaishankar, 2011b).
As Halder and Jaishankar (2011a) explained in their study that “the progression of secondary victimization was started “after the victim begins interacting with reporting agencies, her family and friends and society as a whole” (p. 4). According to the study of Halder and Jaishankar (2008) She avoids coming to the police station out of concern that she will bring shame on her family.

The majority of the victims of the violation were women and children. Studies have shown that users of social network in India have increased significantly, from 202.7 million in 2016 to 326.1 million in 2019, and that figure is expected to reach 390 million in 2021, with 40 percent of women and 60 percent of men engaging. Only 25 percent of the women in this 40 percent category, however, are even vaguely aware of cybercrime. Due to the victim's hesitation, shyness, and concern over tarnishment of the family's reputation, the bulk of cybercrime stays undetected. The girl frequently thinks she is to responsible for the crime. Because of their worries, women occasionally fail to report crimes, which causes the offender's emotions to be more damaged.

4. The Physiological & mental health Consequences of Cyber Crime against Women

Indian Traditional social structure has been changed due to rapid development in every spheres. With the growth of westernization, urbanization, industrialization & globalization Indian family structure had been transformed. Nuclear families have been increasing in society. Women, especially stay-at-home moms, look for help outside of their immediate family to combat sadness and loneliness. Women have a propensity to confide in and rely on strangers for this reason. With the aid of modern technology, ladies may simply communicate with them while at home via chat rooms, video chat, instant messages, etc. (Halder & Jaishankar, 2011b). ”. According to study -Halder & Jaishankar,2011b-“In order to come out

of the loneliness, they indulge in chatting. Mostly conversation takes place among friends or family members, but sometimes unable to find any close friend, women indulge in chatting with strangers. Chattings with a stranger might be a cathartic experience. They made the assumption that women were more emotionally expressive than men because of predictable aptitude. Parkins (2012)

It was simple for the perpetrator to gain the trust of lonely ladies for that cause. Females often divulge many personal facts while they are feeling upset. That wasn't only limited to personal information; they also frequently share details about banks, properties, families, and communicate personal information like phone numbers and images. This kind of information might be used against the woman by the perpetrator to cause harm, which was one of the key reasons for several extremely serious cybercrimes. Sometimes it got to the point where it may have caused rape, murder, kidnapping etc. After getting that kind of information, the wrongdoer can use that information against the woman for causing damage, and it was one of the main factors for causing some of terrible cybercrimes. Sometimes it became so intense that it may lead to rape, murder, kidnapping etc. (Halder & Jaishankar, 2011b). Most of the time, these offences were committed knowingly, although priming can also play a role.

By Finn and Banach (2000) these forms of risks in their research were mentioned. These risks arise as a result of online socialisation. (Halder & Jaishankar, 2009), This can occasionally result in the emergence of emotional relationships between people of different genders; women were often the victims of those relationships because of their emotional vulnerability. Family members are anxious about their privacy, therefore sharing and caring practises have faded into the background. As a result of these activities, relationships are superficial. Despite the fact that people live together, nobody has time for anyone else due to the increasing pressures of work. Women, particularly homemakers, are disproportionately abused inside families, since men are preoccupied with their career pursuits and social circles. As a result, existential crises are common among women. When people are unable to discover solutions to their current life crises, they frequently relapse into their past, leading to feelings of isolation and sadness.

Cybercrimes against women have a negative impact on the dignity, psychology, and mental health of women. Their lives are negatively impacted by their ongoing concern about their safety and reputation. The forms, nature and manner of cybercrimes are constantly evolving,

with ever-evolving technology. There are studies to tell that psychological and social consequences of Cyber- crimes to victim's life are serious and even potentially incapacitating. Anxiety, sadness, negative feelings, social avoidance and even higher risk of suicidal attempts are reported. Moreover, it has become a question of deprivation of rights of women ever since the UN declaration of right to internet as a human right for women. The psychological trauma to women gets aggravated multi fold, when the Cyber Crimes are not committed by strangers but many a times the perpetrator is intimately known to the victim and sometime, he is even partner or former partners. As such, the harassments are not limited to online platform but also involve threat of physical harms. The Cyber Crime, therefore, gets mixed up to become both online as well as off line. The Cyber Crimes against women are also being used as a powerful tool of social censorship to a women's voice as her right to speech. The sexist and misogynistic language used by the perpetrator of the crime is also intended to silence women's voice.

5. Forms of Cybercrimes against Women & legal remedies

Following are some typical forms of the prevalence of cybercrime against women in the nation and the legal options available to stem the threat:

(i) **Cyber- Harassment**: When it comes to women, cyber harassment is frequently sexual in nature and mostly entails continuous and unwanted sexual advancement through various platforms, such as e-mails, messaging apps, social media, chat rooms, games, etc., where people participate by showing the content/views. It entails publishing, transmitting, or disseminating unfavourable, malicious material about someone in order to degrade them and assassinate their reputation. Since the perpetrators frequently use false identities—and perhaps even numerous false identities—it becomes challenging to identify them.

Legal remedies -The magnitude of cyber harassment/bullying is quite significant and courts also take such offence seriously, as even compromises arrived with the women and accused and subsequent request for questioning the proceedings was not accepted by Maharashtra High Court (Shreya Singhal Vs UOI). The offence of trolling, bullying and black mailing are dealt with the provision in IPC for criminal intimidation though anonymous communication (Section 503, 504 and 507 of IPC) and Section67 of the IT Act 2008.

(ii) Cyber Stalking: involved persistently following a person's activity for a long time across the internet by various methods for tracking her online behavior e.g. messaging on the notice boards frequented by the victim, constantly sending e-mail to the victimMen typically pursue women, with the intention of harassing or terrifying the target. A man's reasons for cyberstalking women are typically-

(i) Sexual harassment,
(ii) Obsession for love,
(iii) Revenge and hate or
(iv) Ego and power trips.

A stalker usually follows the victim everywhere and threatens her by repeatedly calling her, or sending messages through e-mail, SMS. The stalker usually creates a fake profile on social media to approach the victim. He even uses the profile and photograph of another person to pose and falsely project his profile as a real one. The stalker keeps an eye on the activities of the victims from their check in the platform of social media such as Facebook, Instagram etc. & gauge the behavioural pattern of their victim, quite accurately. With the victim's address, the stalkers even find the surroundings of the victim by using Google map street view. Some tech–savvy stalker can find it from the photos posted by the victims on the social media through the geo-tag of the photo, if it is digital, as then it contains details of time and location of the pictures, which can be read with the help of special Apps. Even stalk ware are available, which is a type of spyware and tracks the location, enables access to text and browsing history, and even makes audio recording, without any knowledge of the victims.

Legal remedies-The most frequently reported form of cyberstalking is a flagrant invasion of an individual's privacy. After hacking/cracking a woman's personal information and stealing her identity, Section 354 D of the IPC defines and punishes the crime of stalking as occurring when a man follows a woman, contacts her or repeatedly tries to connect with her for personal interaction despite the woman's obvious disinterest in doing so. This crime also includes monitoring the use of the Internet, E-mail, or any other type of electrical communications.

(iii) Cyber Pornography: Cyber space is used to generate design distribute, display or import obscene material. Women who use the internet run a significant danger from this action since they are unaware of how their online behaviour is being captured and shared.

Additionally, the main theme of the pornographic videos is aggressiveness, and there is a clear link between the consumption of pornography and incidents of violence against women. The porn also generated new expectations of sexual behaviour from women, which may lead to higher divorce rate, infidelity etc. There are various other social implications of pornography on women. It reflects sexually explicit subordination of women, de-humanizing of women by treating her as a sexual object or commodity.

Legal remedies- Cyber pornography has therefore, been covered as a crime under Section 67 of IT Act 2000, although it is also covered and punishable under various sections of IPC e.g. 292, 292A, 193 and even 509 (outraging the modesty of women). Additionally, Section 354 A of IPC inserted in 2013 deals with sexual harassment by way of showing pornographic material to a woman against her will, a provision useful when Whatsapp, e-mail or other means are used for the purpose. Section 67A of the IT Act also prohibits publishing and transmitting in electronic form any material which contains sexually explicit act or conduct as a punishable offence.

(IV)Morphing: Editing the original picture of a women and morphing it by use of technology with another picture and then resorting to blackmail with a threat to release the morphed picture is another common crime against women. Women's picture available on social media is generally used for this purpose. The incidents of morphing were increasing by being used against celebrities, who were easy prey, but even ordinary women were targeted for black mailing, taking revenge and to harass/tarnish the image of a woman in her family/friends/social circle. Morphing the image of a woman and creating/distributing and sharing it as a non-consensual image even if it is not a pornography also needs to be regarded as crime against women. Though 'morphing' as such is not mentioned in IT Act 2000 or any other law and is not recognized as a crime, but it may be regarded as a tool used for committing crimes against women and the offender may be booked on the intention for which the morphed image is used or threatened to be used.

(V)Email spoofing: Fraudulent e-mail activity in which sender addressed is altered to conceal the actual sender is called e-mail spoofing. False identities are typically used for such mailings to collect private photographs and personal data from unwary women, which are then used to blackmail the women.

Legal remedies-E-mail spoofing and impersonation attracts provisions under Section 415 and 416 of IPC under the category of cheating and impersonation. It is also covered under Section 66 D of the IT Act.

(VI) Voyeurism: It entails a man violently entering a woman's personal space. Its features include the ability to record and share pictures of women performing intimate acts in public with no expectation of being seen.

6. Legal remedies

The act is covered under Section 354C of IPC. The act is punishable under Section 66 E of the IT Act.

Indecent representation of women (Prohibition) Act. 1986(No. 60 of 1986)

According Section 4 –"Bars the production, distribution or circulation of any material containing indecent representation of women in any form."

"An Act to prohibit indecent representation of women through advertisements or in publications, writings, paintings, figures or in any other manner and for matters connected therewith or incidental thereto".

Indecent representation of women (Prohibition) Act. 1986

1. **Prohibits all forms of advertising that represent indecent images of women.**
2. **Prohibits of publication or sending by post of books, pamphlets, etc; containing indecent representation of women.**

In addition to developing different units at Central level, Grant is also provided to States/ UTs for similar development and activities and for setting up of Cyber Forensic Training Lab, Training of police, prosecutors and judicial officers etc. Moreover, a large number of civil society organization and NGO are working to protect women from Cyber Crimes by way of educating them, supporting them and even taking up their cases further.

7. Cyber Safety of Women against cybercrime

Keeping in view the increasing number of women/ girls in the Cyber space, particularly in the age group of 18-24, and their vulnerability to severe harassment and exploitation, the legislative and law enforcement arrangements needed to deal with those taking advantage is not enough. It is equally important that women themselves are mindful of the danger, they need to be educated to become conscious of the ramifications and made well-equipped to take adequate preventive measure. Security precautions are necessary for any woman to protect herself from the menace of cybercrime are disseminated by various Institutions, particularly the cyber security cell of the Central Government and State Government.

Government of India has also taken following steps to ensure safety of women against Cyber Crime:

National Cyber Crime Reporting Portal: The portal is managed by Ministry of Home Affairs. It has a separate channel for reporting crime against women/child related crime and reports can be filed in an anonymous manner or in a formal manner with a facility to track the action taken. The complaints filed are dealt by law enforcing agencies/ police.

A reporting website for cybercrime has now been made available by the Indian government at www.cybercrime.gov.in as part of the National Mission for the Safety of Women. The Indian government has taken a proactive step with its programme to encourage prompt reporting and resolution of cases of online harassment. Additionally, a website invites women who are concerned about social disgrace to report such offences from the privacy of their homes. On this website, complaints may also be made in an anonymous manner.

In addition to this, one can submit a formal complaint to the city's police station or cyber-crime cell (if one doesn't already exist). Keep in mind that there is no special governmental jurisdiction over cybercrime. Any police station or cybercrime cell can receive a report, regardless of where the crime was committed.

(IFF Lab) Incognito Forensic Foundation: Combating Cybercrimes against Women:

A private forensics lab in Bangalore named Incognito Forensic Foundation (IFF Lab) focuses on digital and cyber forensics. It has a cutting-edge digital forensics lab with the most recent digital and cyber forensics equipment. This, along with the support of the top forensics'

experts in the field and seasoned business leaders, sets IFF Lab different. IFF Lab provides law enforcement agencies, as well as other corporate and governmental institutions, with a variety of awareness and training programmes in addition to its core services for investigation and cyber security.

Scheme for preventing cybercrime against women and children: Ministry -Home Affairs is implementing the scheme to handle the issues and develop facilities to check cyber-crimes against women.

The scheme has component of

(a) online reporting unit

(b) forensic unit

(c) capacity building unit

(d) R&D unit and

(e) awareness creation unit.

NCW (National Commission for women) & the Ministry -Women & Child Development:

Women can report any incident of harassment or violation of their rights to the National Commission for Women. Contact information for the Commission can be found at complaintcell-ncw@nic.in or via phone at 011-26944883 and 011-26944880. One can also contact the Ministry by calling at +91-11-23381611 or by sending an email at nic-mwcd@gov.in. Additionally, you can contact the current Under-Secretary at the Ministry at bbb.shankar60@gov.in or +91-11-23381611.

F.I.R & Cyber Cell:

To aid cybercrime victims, the National Cyber Crime Reporting Portal was established. You can contact the proper authority by using their list of Nodal Officers for the cyber cell of each State.

Additionally, you have the option of submitting a First Information Report (F.I.R.) to your neighbourhood police department. Problems with jurisdiction shouldn't arise in this situation. The F.I.R. will therefore serve as evidence of your quick action.

8. Conclusion

Technology uses the power in an institutionalised and sophisticated manner, claims Foucault (1980). It enabled us to fully grasp our understanding of how women are victimised. According to Foucault, the power of technology has altered gender-based interactions and contributed to the persecution of women. The Indian government has passed a number of gender-related laws that protect women's basic legal rights at the federal and state levels. The level of awareness should be raised through public awareness campaigns, media interventions given through television, radio, newspapers, and other mass media, such as adult internet users of contemporary cyber cultures. Public awareness efforts can make a significant difference in how people feel about gender norms and help shift those feelings.

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Data Privacy and Cybersecurity in Industrial IoT: A Legal Framework with a Focus on India

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Abstract

Over the past decade, the Industrial Internet of Things (IIoT) has infiltrated industrial operations to such an extent that many operations get more for less or at least faster through connectivity. However, this development brings in serious questions related to data privacy and cybersecurity, more so in countries like India, where the digital infrastructure is growing into an exponential phase. This paper discusses the legal framework of protection of data privacy and cybersecurity in relevance to IIoT use cases with a special emphasis on India. This exploration uses a doctrinal research framework to analyze the laws of Digital Personal Data Protection Act, 2023 and quantify it against the canvas of components of global standards like GDPR. It spotlights particular gaps in India's regulatory framework, including challenges with enforcement and tech vulnerabilities. It underscores the need for holistic policies which work in tandem with best practices tailored to the specific demands of India's industrial and tech ecosystem. The study also recommends concrete measures to improve legal protections and the safe and responsible use of IIoT systems.

Keywords: Data Privacy, Cybersecurity, Industrial IoT, Legal Framework, India

I. INTRODUCTION

The Industrial Internet of Things (IIoT) is a paradigm shift in the way industry has been operating for a long time enabling connectivity between sensors and people. Thanks to IIoT, smart facilities have become smart because data from industrial processes can be exchanged at every given moment, transforming the whole area of industrialization; be it manufacturing or energy or logistics or whatever else. Nonetheless, this merge of technology brings challenges that are directed with data protection and battle against the Cyber assault on industrial systems.

Given the enormous amount of sensitive data generated and transmitted by these systems, data privacy and cybersecurity represent a crucial part of IIoT. Cybersecurity breaches place organizations at considerable risk to the continuity of their operations, and they expose those organizations to financial and reputational harms. In such countries, an initiative like "Make in India" and "Digital India" is encouraging industries to adapt to digitalization. All facilities that are part of IIoT infrastructure need to be perfectly secured as industrial sectors undergo significant change to be in tune with global demands. India’s legal and regulatory regimes are still evolving, even as technologies undergo rapid transformation, resulting in large voids that envelop all aspects of data privacy and cybersecurity issues specific to the Indian context.

Regarding India, there are not enough effective laws dealing with data protection laws, there is less awareness of the security hardships to industries, and the IIoT do not have any standardized laws and guidelines–suggesting that there are several hurdles which may lead to security issues. All of these gaps can lead to challenges that will impact the adoption of Industry 4.0 technologies leading to national development. The importance of this study stems from its potential to fill these gaps by critically looking at Indian legal frameworks, juxtaposing them to global standards and suggesting actionable recommendations. By adopting the emphasis on data privacy and security with respect to IIoT, this study underlines the necessity of strong legal

measures for protecting India's industrial future and making it compatible with international best practice.

II. RESEARCH OBJECTIVES

This paper attempts to reflect critically on the current state of legal regimes for data privacy and cybersecurity in the IIoT sector, in India. It aims to assess how these frameworks tackle the challenges created by the quick digitalization of industrial processes. Judgements made in the study highlight the gaps between India's legal and regulatory landscape, of the global standards such as GDPR and NIST guidelines, revealing areas in dire need of development. Lastly, the paper also shares implementable steps to strengthen India's legal frameworks, making them more comprehensive and aligning them with standard best practices globally for the safe adoption of IIoT technologies.

III. RESEARCH METHODOLOGY

It utilizes doctrinal research methodology, being particularly concerned with the detailed examination of legal texts, statutes, policy documents, and judicial decisions on issues of data privacy and cybersecurity in Industrial IoT. Through an analysis of primary and secondary legal sources, the research investigates the shortcomings of India's regulatory framework and juxtaposes them against global standards and practices to devise a solution.

IV. CONCEPTUALIZATION

The IIoT is part of speedy growth in IoT development, where, rather than relying on chipset development to build product suites, IIoT focuses on connecting devices, sensors, and systems to facilitate better productivity and more efficient performance. The inclusion of this technology has transformed industries through Automation, Efficaciousness and Data-driven decision-making. But the linked property of IIoT is expected to face major challenges related to data privacy and cybersecurity as sensitive commercial data become susceptible to breaches and

cyber threats. To be able to tackle these challenges, a strong legal framework is needed that governs data protection but also gives a safe harbor for IIoT technologies.

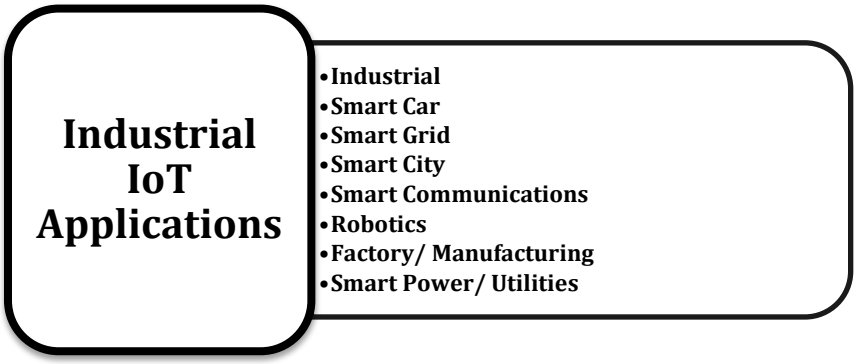


Figure 1: Key applications of Industrial IoT

Expertise is framed around the convergence of law and technology, examining the role of regulation to address IIoT risk. This research examines the international standards of data sovereignty, cybersecurity governance, and comparative legal analysis. Data sovereignty calls for the localization of data storage and processing within a country's borders, an issue relevant in India in light of the country's developing data protection framework. Cybersecurity governance outlines how the laws and policies governing cybersecurity are meant to protect the integrity and security of these industrial systems.

V. LEGAL AND POLICY LANDSCAPE

A. Global Frameworks:

This is particularly true at the international level where important regulations influenced the legal framework of data privacy and cybersecurity in the IIoT domain. Now, the EU's General Data Protection Regulation (GDPR) is an innovative set of rules defining high-water marks in data protection and privacy protections. It requires organizations to have strong data protection policies, secures the rights of data subjects, and sets up expensive fines for those who don't comply. Applicable to IIOT, GDPR manages the collection/processing/storage of ID data that is generated through devices that are interconnected; focusing on accountability and transparency. NIST in the United States has also provided a detailed risk-based framework to increase security

that cuts across industries. The National Institute of Standards and Technology (NIST) Cybersecurity Framework consists of voluntary guidance and best practices for managing cybersecurity risk for identifying, protecting, detecting, responding, and recovering from cyber threats. Its focus on a structured cybersecurity framework firmly established it as a de facto standard that will be applied across industries worldwide — even in the contexts where IIoT is actively being used. Countries such as Germany and Japan have mature IIoT policies and have embedded these global standards into their country policy. Germany's "Industrie 4.0" includes robust cybersecurity protections in its priorities for linking systems, and Japan's national Cybersecurity Strategy urges collaboration of public and private sectors to counter cyber risks.

B. Indian Framework:

India is currently in the process of drafting its data privacy and cyber security laws to address IIoT-related issues. The Digital Personal Data Protection Act, 2023 is the latest in a string of laws designed to protect personal data. There are provisions on data localization, rights of data principles and obligations of data fiduciaries. The Act is just a step in the right direction, but it solely focuses on personal data, and there are few provisions to effectively manage data generated from IIoT systems. In India, the primary legislation governing electronic commerce and cyber security is the Information Technology (IT) Act, 2000 (Amended). It includes provisions for secure electronic transactions, sanctions for cybercrimes and regulations for intermediaries. Nevertheless, the broad-ranging measure—many of whose provisions now feel out of place—hardly helps in dealing with the multilayered challenges of IIoT regulations in the 21st century. In addition, dedicated sedans are nowhere to be found in the industrial squad. Indian Computer Emergency Response Team (CERT-In) guidelines provide for other cybersecurity measures. This is followed by mandatory reporting of cyber incidents, adoption of secure practices and periodic cybersecurity audits. The guidelines are applicable to this discussion but they have no enforceability, nor do they amend any findings on the unique risks faced within IIoT environments. The most glaring lacunae in India's regulatory regime are the absence of sectoral standards on IIoT security and data privacy. Unlike the EU which has GDPR and the U.S. which has NIST, there is no consolidated and integrative approach in India which covers the legal, technical and operational spectrum of IIoT governance. Enforcement mechanisms are also brittle, and sectors often struggle to comply with fragmented policies.

Table 1: Comparative Analysis of Legal Frameworks for IIoT

Aspect	Global Frameworks	India's Frameworks
Data Protection	GDPR ensures comprehensive data protection with transparency, accountability, and stringent penalties for non-compliance.	Digital Personal Data Protection Act, 2023, has a narrower scope, limited enforcement, and weaker penalties.
Cybersecurity Risk Management	NIST provides a structured framework for proactive risk management and cybersecurity for industrial systems.	IT Act, 2000 (Amended), lacks detailed provisions for risk management, especially in IIoT-specific contexts.
Implementation Strategies	Germany integrates GDPR with its Industrie 4.0 initiative for secure IIoT systems.	No cohesive strategy to integrate cybersecurity and data protection with industrial initiatives.
Collaboration	Japan promotes public-private partnerships to ensure practical and effective cybersecurity measures.	Limited collaboration between government, industries, and private sectors results in fragmented approaches.
Standardization and Guidelines	Global frameworks emphasize clear, detailed guidelines for IIoT deployment and security.	Absence of standardized IIoT-specific regulations and guidelines for industries.

This comparison elucidates the limitations of IIoT legislature in India compared to international standards (GDPR and NIST), which offer guidelines for having a structured approach towards data transparency, accountability, and risk management. In India, these challenges make it very difficult to provide adequate protection as there are no enforced rules and regulations specifically over IIOT platforms. While the decentralised initiatives such as for the DPDPA and data localisation are acknowledged, the dearth of coherence and a sectoral policy only adds to the

woes, hindering India from securing its Industrial systems. India can learn lessons on introducing sustainable IIoT from countries such as Germany and Japan.

VI. CHALLENGES IN IMPLEMENTATION

A. Industry-Specific Challenges:

The IIoT has brought never-before-seen levels of connectivity and automation to industrial processes but has also introduced substantial vulnerabilities. The configuring, interconnectedness, and interdependence of IoT-enabled systems result in a large attack surface that is open to cyberattacks. These vulnerabilities can also be used by hackers to disrupt operations, steal sensitive data or cause system failures with consequences of financial and reputational losses. To make cybersecurity more complex IIoT ecosystems are extremely diverse with so many different types of devices and platforms, on which there is often no generic protocol for security. They are not going to reduce your focus on data breaches because you know IIoT systems will generate and transmit a vast amount of industrial data and sensitive operational information. To made for Industries, Espionage or competitive displacement of industries, because the data without protection can be compromised. Cross-border data flows are another contextual risk as data stored or processed in different jurisdictions may not always be afforded the same legal protection. This is a contributing factor to the challenge of enforcing regulations around data privacy and security causing the industries to be exposed for regulatory loopholes.

B. India-Specific Challenges

India has its own set of challenges that make it difficult to enforce laws for IIoT. One major problem is weak enforcement of laws on the books, such as the IT Act and, more recently, the DPDPA, which lack tough compliance mechanisms. This sometimes means that entire industries are poorly defended against cybersecurity risks. Moreover, the lack of standard IIoT security guidelines is another issue. Industries, therefore, resort to ad hoc measures, which lead to inconsistent practices that do not reflect the specific risks induced by IIoT. The problem is exacerbated by technological and infrastructural constraints. The Advanced cyber security tools and expertise are practically non-existent for most of the Indian industries. This leaves critical

industries vulnerable to cyber threats, and slows down the widespread adoption of IIoT technologies in a secure manner. This has to be tackled to build a resilient industrial ecosystem in India.

VII. RECOMMENDATIONS & SOLUTIONS

A. Legal Recommendations:

Legal systems need to be reworked by India so that it is at the same level with global contenders to meet IIoT challenges. In close correlation with global mandates such as GDPR, India's Digital Personal Data Protection Act must also have special provisions on industrial data privacy and cybersecurity. This would assure full compliance for operational data sensitive data generated by IIoT systems. Stronger enforcement mechanisms are equally as critical. Regulators must be adequately resourced to carry out their supervision, investigate violations, and punish violations. Also important are regulations regarding data transfers across borders so that industrial data could not be lost through being stored and processed in many territories. While ensuring a certain level of international cooperation these guidelines must safeguard India's data sovereignty.

B. Technical Solutions with Legal Implications:

Considering strengthening technical measures is a key part of securing the IIoT ecosystem, though they should be complemented by legal obligations. Encryption standards and secure communication protocols need to be adopted a necessity for all IIoT deployments. These technologies are well-placed to protect sensitive industrial data from unauthorized access both in transit and at rest. Data localization tailored to India's industrial requirements can also play a critical role. Data localization, which means storing critical industrial data within the border, can help industries in two ways: first, it limits the industries themselves from global/domestic cyberattacks and the second, helps in de facto compliance with Indian laws. But such policies need to strike a balance so that we do not build walls between the world's innovation and trade.

VIII. CONCLUSION AND FUTURE SCOPE

With the explosion of IIoT in India, fast-moving complexities call for equally sustainable blanket legal protection measures for data privacy and cybersecurity[1]. The study indicates the key gaps in India's regulatory environment including a narrow range of legislation, weak enforcement mechanisms, and no specific rules to guide the industry. It compares frameworks in India and also outside India with globally accepted standards like GDPR and NIST to identify the areas where India is behind (for example, in cross border data governance and standardized cybersecurity practices). Filling these gaps is critical to building a secure industrial ecosystem, which is essential for realizing the country's digital and economic aspirations.

These are grim outcomes for policy makers, industries and lawyers alike. Strengthening the enforcement mechanisms, establishing specific and comprehensive rules and regulations aimed at IIoT and working together public-private partnerships is needed to address existing and emerging risks associated with IIoT. Legal policies for protection need to integrate technology-based solutions such as encryption and data localization. Research may follow on sector specific regulation in relation to the broader needs of IIoT adopting industries. Cross-disciplinary research between law and technology would for instance result in new impac changes that might solve the problem creatively and abbenda. Focusing on it will make India a shining example of secure and sustainable industrial digitalization of the world.

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Ethical and Legal Dimensions of AI-Powered Facial and Anthropometric Detection of Child Malnutrition in India

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Abstract

Malnutrition remains a public health issue of great concern in India. 35.5% of children under the age of five are stunted and 32.1% are underweight, disproportionately affecting rural and disadvantaged groups, as per the NFHS-5. Standard diagnostic procedures are not scalable or practical for populations in remote areas. This paper attempted doctrinally to examine the viability of an AI-powered, image-based decision-support system for detecting child malnutrition based on facial morphology and anthropometric measurements. The paper uses a doctrinal research methodology to examine policy frameworks such as POSHAN Abhiyaan, WHO child growth standards, and national digital health missions. The paper also relies on legal-ethical literature on responsible AI and child rights in handling health data. The research idea conceptually describes how the recognition of facial photographs, following standards of anthropometry, would ideally aid ethical health screening of populations. The piece anticipates these systems in such a role towards augmenting intervention at its beginning stages, equalising its occurrence, and enabling decentralised yet ethical models for healthcare. The suggested framework helps establish a non-invasive, ethically grounded framework for detecting malnutrition among children that adheres to the principles of digital health and the well-being of the child in India.

Keywords: Child Malnutrition, Facial Image Processing, Anthropometric Standards, AI Ethics, Doctrinal Health Law

1. INTRODUCTION

Child malnourishment continues to be a deep-rooted and entrenched public health issue in India, with significant impacts on national productivity as well as human development. According to the National Family Health Survey (NFHS-5, 2021), 35.5% of children are stunted among those younger than five years of age, 32.1% of children are thin (underweight), and 19.3% of them experience wasting. These rates, even slightly better than previous surveys, depict deep nutritional inequities between rural and urban populations, further worsened by socio-economic factors, maternal health, and low levels of access to nutrition services. At the global level, the World Health Organisation estimates that nearly 149 million under-five children are stunted and 45 million wasted, thereby putting into perspective the requirement of scalable and timely interventions. Even in India, despite many national programs like ICDS and POSHAN Abhiyaan, field-level evaluation of malnutrition persists mainly by resource-intensive subjective methods unavailable to remote or disadvantaged areas. Here, Artificial Intelligence (AI) offers a revolutionary route towards filling the diagnostic and data gaps of early malnutrition detection. AI-powered image analysis, i.e., facial image processing and feature detection, provides the potential for non-invasive, quick, and inexpensive nutritional diagnosis. Combined with WHO-offered anthropometric standards, these AI-based approaches can increase accuracy and reliability in early detection. Nevertheless, their use in the health examination of children should be thoroughly weighed with ethical sensitivity, especially the susceptibility of the target group. These systems must necessarily become compatible with constitutional and international child regimes regarding rights, respect data privacy, and be equitable in unequal socio-economic settings. The article examines the doctrinal potential of AI-based facial recognition technologies as a diagnostic instrument for identifying child malnutrition within the framework of broader debates in ethical AI, health equity, and digital rule-making in India.

2. LEGAL, ETHICAL, AND PUBLIC HEALTH BACKGROUND

Health rights are fundamental under Article 21 of the Indian Constitution, judicially interpreted to provide a person with nutrition, medical care, and a dignified way of life, especially for the child. It is also binding on India, as the signatory and ratifying state to the Convention on the

Rights of the Child (UNCRC) in 1992, to provide access to the highest attainable level of health for all children. Still, malnutrition continues to affect children from socio-economically vulnerable groups disproportionately. Legislative protection, though eloquently articulated, is often marred by implementation gaps, most significantly within early-detection and intervention procedures. India's public health profile includes focused schemes like the Rashtriya Bal Swasthya Karyakram (RBSK) launched under the National Health Mission, with a focus on early detection of developmental delays, including those of nutritional variety, among children aged 0–18 years. This is supported by POSHAN Abhiyaan, the national flagship program of India, in 2018, targeting stunting, undernutrition, and anaemia through convergence between health, ICDS, and sanitation. POSHAN Abhiyaan aims at technology-enabled real-time monitoring using ICDS-CAS (Common Application Software), per the Ministry of Women and Child Development. However, reports such as the NITI Aayog Nutrition Strategy 2021 note that coverage remains patchy, particularly in tribal and rural areas where malnutrition is highest. The National Health Policy (NHP) 2017 envisions a "Digital Health Ecosystem" to improve health delivery and governance. It enables the application of digital technologies, including AI, for population health management and disease surveillance.

The policy values the influence of new technologies but also recognises the necessity of safety, security, and ethical use, particularly in situations involving sensitive health data. In AI ethics, transparency, data privacy, and algorithm bias are highlighted, primarily when used on susceptible groups such as children. OECD Principles and UNESCO 2021 Recommendation on the Ethics of Artificial Intelligence further underscore human control, justice, and respect for human dignity. These are an integral component of thinking concerning AI-led health interventions that are both technologically justified and socially and morally justifiable. Thus, any digital health intervention to detect child malnutrition must be assessed based on technical efficacy and its legal validity, alignment with child protection norms, and adherence to digital health regulation ethical norms.

3. RESEARCH OBJECTIVES AND METHODOLOGY

The overall purpose of this paper is to evaluate the viability and ethical legitimacy of using AI technologies, namely, facial image analysis and anthropometric feature extraction, within child malnutrition detection programs in India. This question resides at the nexus of legal requirement, public health demand, and technological potential. The research seeks to assess whether AI-based diagnosis systems can be developed by national and international child rights frameworks, alongside enabling fair and inclusive public health interventions. The paper utilises a doctrinal legal research approach, which entails critical examination of constitutional provisions (Article 21 in particular), statutory regimes such as the Juvenile Justice (Care and Protection of Children) Act, 2015, and international documents such as the UNCRC. The research also analyses prominent public policy initiatives such as POSHAN Abhiyaan, RBSK, and National Health Policy (2017) and newer guidelines on the ethical use of AI by international organisations such as OECD and UNESCO (2021). Drawing upon a synthesis of legal texts, policy reports, and academic analyses, this research aims to develop a normative framework for child-centred and accountable AI deployment in India's digital health ecosystem.

4. CONCEPTUAL SYSTEM DESIGN (AI MODEL OVERVIEW)

The conceptually AI-driven decision support system articulated herein is designed to support early child malnutrition identification by non-invasive, ethically driven technologies. The system is based on the complementarity of facial image analysis and anthropometric landmarking to detect undernutrition signs. The structure of the theoretical model in the current section outlines the system's data gathering modules, the algorithm of analysis, and ethical bounds in a public health and legal-ethical framework.

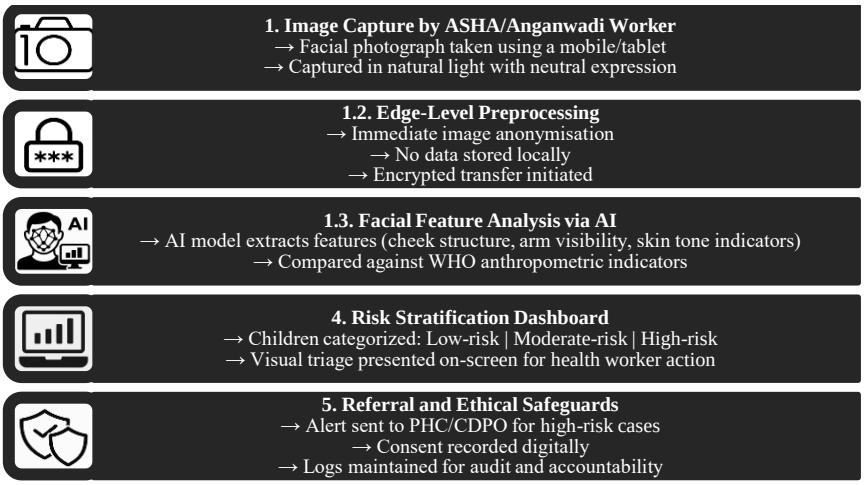


Figure 1: Workflow of the AI-Powered Decision Support System for Child Malnutrition Detection

The lowest level of the system is image capture, whereby images of children's faces are captured using mobile phones or tablets held by Accredited Social Health Activists (ASHAs) or Anganwadi workers. The system can work even in low-resource environments through offline-first mobile applications, which synchronise information when an internet connection is available. This aligns with the POSHAN Abhiyaan goals, which enable digital empowerment of frontline health workers through the ICDS-CAS platform. Natural light photography and expressionless facial expressions provide consistency and reduce error when analysing. After photo taking, the system performs facial landmark analysis using pre-trained deep models, conceptually equivalent to convolutional neural networks (CNNS), without addressing any performance metrics in this paper. Such models detect signs of malnutrition like sunken cheeks, thin upper arms, and skin elasticity alterations. According to WHO Child Growth Standards, these are subsequently verified against anthropometric standards, especially mid-upper arm circumference (MUAC), weight-for-height, and head circumference. While the system never substitutes physical examination, it provides an electronic screening tool at the point of care for case identification to be referred to medical assessment. The design includes built-in data protection processes and consent procedures to facilitate ethical deployment. No picture is retained on the local machine beyond the processing phase for inspection. Facial information is encrypted and processed by secure platforms alone, and derivative indicators are isolated and shared with healthcare agencies. This policy is in keeping with guidelines outlined in India's

Digital Personal Data Protection Act, 2023, which seeks minimum data collection, purpose limitation, and data protection. Caregiver permission is a mandatory precondition, and the model incorporates this within its application front-end via open, plain-language questions to facilitate informed comprehension. The system output in decision-making is presented as an easily consumable visual dashboard that classifies children into low-risk, moderate-risk, and high-risk categories. Triage assists the health workers in prioritising follow-ups but does not provide medical judgment, thereby maintaining boundaries between digital support and clinical autonomy. Alerts are escalated to Primary Health Centres (PHCS) or Child Development Project Officers (CDPOS) to take action under schemes such as RBSK. In addition, the system is non-discriminatory, inclusive of different skin tones and regional anthropometric differences, and reduces algorithmic bias. The UNESCO Recommendation concerning the Ethics of AI (2021) prioritises fairness, equity, and non-maleficence, particularly where AI systems interact with children. This design embodies those principles in that data is not utilised for purposes outside the scope of nutrition assessment, and how the decisions are transparent and accountable.

5. DATA STANDARDS AND REGULATORY ALIGNMENT

To be clinically relevant, legally compliant, and ethically decent, the envisioned AI child malnutrition detection framework should conform to internationally acceptable standards of information and regulatory standards. Clinically, the framework uses anthropometric measures set in the WHO Child Growth Standards and is used globally for tracking physical development in children under five. These are foundational mid-upper arm circumference (MUAC), weight-for-height z-scores (WHZ), and height-for-age z-scores (HAZ) indices on which wasting, stunting, and being underweight may be accurately determined. The model combines facial recognition feature detection measures to supply an evidence-based, internationally applicable risk-stratification output. Regarding the regulatory and data privacy perspective, the system is GDPR compliant, particularly in its data minimisation, purpose limitation, and right to be informed requirements. Since facial data is treated as biometric data, they are considered sensitive personal data. In the context of India, the Digital Personal Data Protection Act, 2023 (DPDP) extends similar protection while focusing on fair processing, capping data storage, and protecting children's data under Section 9. The suggested system analyses only non-identifiable

information, retains no image data upon assessment, and anonymises its outputs to ensure continuous compliance. Furthermore, child-specific consent procedures are woven into the user interface of the application. Based on UNCRC and developing home jurisprudence, the model requires informed parental or legal guardian consent. Consent is facilitated by multilingual prompts and audio-visual indicators suited to low-literacy contexts, ensuring active participation in data sharing. Together, these standards constitute a strong basis for ethically and legally justifiable deployment of AI in pediatric health surveillance.

6. NORMATIVE ANALYSIS AND DOCTRINAL FINDINGS

Using AI to detect child malnutrition is a great promise of harmonising newer technology with India's constitutional and ethical responsibility towards child welfare. The right to development, dignity, and health, particularly for vulnerable classes like children, falls under Article 21 of the Indian Constitution, which includes the right to life. The Paschim Banga Khet Mazdoor Samity v. State of West Bengal (1996) case saw the Supreme Court acknowledge the State's duty to ensure timely and adequate health care, reiterated in several public interest litigations about child nutrition and health. From a positive legal perspective based on norms, using an AI-supported decision support system is consistent with the State's positive obligation to identify, prevent, and curtail malnutrition under national programmes such as POSHAN Abhiyaan, ICDS, and RBSK. Nevertheless, technological interventions must align with the ethos of constitutional morality, i.e., equality, non-discrimination, and fairness of procedure. Artificial intelligence systems, especially dealing with sensitive biometric data, cannot amplify current health inequalities or be used without transparency and informed consent. The doctrinal analysis observes that adopting facial image processing for initial screening against malnutrition is not violative of the privacy right protected under Justice K.S. Puttaswamy v. Union of India (2017), as long as necessary precautions are put in place. These are parents' informed consent, purpose limitation in data use, data minimisation, and anonymisation principles duplicated in the Digital Personal Data Protection Act, 2023. The regime also complies with the principle of best interests of the child in the UN Convention on the Rights of the Child (UNCRC), to which India is a signatory, through early intervention in health without intrusive interventions or expensive infrastructure. From an ethical leadership to governance model, the system promotes AI explainability, transparency, and

fairness principles embedded within the OECD AI Principles and UNESCO's 2021 Recommendation on the Ethics of Artificial Intelligence. By not creating black-box algorithmic choices and making any output comprehensible by front-line health workers, the system fosters trust and increases accountability in the public sector. The system also ensures digital inclusion through providing accessibility and use within low-resource contexts, minimising digital inequality for rural health surveillance. The evidence indicates that the proposed AI system, with proper regulation, can be a constitutionally permissible, ethically acceptable, and functionally effective tool to enhance child health outcomes in India.

7. POLICY IMPLICATIONS AND FIELD RELEVANCE

The application of AI-based decision support systems for child health surveillance has immense potential to aid India's public health program even further, especially for continuous programs like POSHAN Abhiyaan, Rashtriya Bal Swasthya Karyakram (RBSK), and Ayushman Bharat Digital Mission (ABDM). While these programs are focused on early detection and intervention, they are often hindered by infrastructure and human resource deficits in rural and tribal regions with the highest rate of child malnutrition. Facial image analysis software using AI can be used at the grassroots level by Accredited Social Health Activists (ASHAs) and Anganwadi workers to transform front-line health delivery. Since these workers are already stationed within communities and conducting growth monitoring tasks, giving them mobile-based AI software would facilitate quick, non-invasive examination without needing medical training. It aligns with the NITI Aayog 2021 report, calling for scalable, technology-based interventions to close India's healthcare access divide. Regarding digital nutrition surveillance, the model would improve data collection and reporting under the POSHAN Abhiyaan's ICDS-CAS platform, already implemented in many states. Real-time reporting is essential but remains isolated owing to poor internet connectivity and the need for manual data entry. Overall, the offline-first capability of the AI system and auto-analysis would minimise human oversight and maximise data accuracy, making surveillance more robust and actionable. The model aligns with India's vision of a "Digital Health Ecosystem" per the National Health Policy (2017). Empowering decentralised, ethical data gathering and care prioritisation ensures improved resource planning and policy targeting. In addition, incorporating AI ethics guidelines into system design, like transparency,

fairness, and non-maleficence, makes the model appropriate for integration into the National Digital Health Blueprint (NDHB) and the Health Data Management Policy, 2020. Most notably, such technologies can contribute to facilitating the UN Sustainable Development Goal 2 (Zero Hunger) and Goal 3 (Good Health and Well-being), in the specific form of monitoring and managing wasting and stunting. With sufficient institutional protection, health worker training modules, and tools for facilitating compliance with law, AI-powered malnutrition detection platforms can evolve from pilot initiatives into state-funded, scaled-up health interventions.

8. CHALLENGES AND ETHICAL RISKS

While AI-powered systems for detecting malnutrition have future potential to transform power, several ethical and pragmatic concerns need to be carefully addressed. The top among them is the threat of algorithmic prejudice, particularly given that models get trained on prejudice-ridden or incomplete datasets that are demographically biased. Facial pattern variation in regional, ethnic, and socio-economic populations can result in misclassification or underclassification, with a higher probability among marginal and tribal groups. Such has implications for the equity and justice pillars of ethical AI regulation, as identified by UNESCO's 2021 Recommendation on the Ethics of Artificial Intelligence. The other major problem is the risk of misdiagnosis, potentially due to low-quality images, environmental factors, or software constraints[2]. False positives or negatives may burden health systems or delay required intervention without clinical confirmation. Privacy violations of data are also critical. Facial images are individual biometric data, and carelessness can result in confidentiality breaches or abuse, particularly in areas of weak digital infrastructure. Even though strong data protection is necessary under the Digital Personal Data Protection Act, 2023, rational implementation in rural areas is sporadic. Lastly, the digital divide of equipment unavailability, network gaps, and inadequate digital literacy may restrict equitable roll-out. Addressing these barriers entails strategic investment in digital health infrastructure, local-level capacity building, and inclusive design.

9. CONCLUSION AND FUTURE RESEARCH

This article has doctrinally examined AI integration into child malnutrition detection through facial image analysis and anthropometry, emphasising its concordance with India's treaty obligations under international child rights treaties and constitutional requirements. This study

demonstrates that artificial intelligence-powered decision support systems, if they are ethically programmed and used within a rights-based framework, can serve as effective adjuncts to the Indian public health agenda, particularly in addressing recurring issues of malnutrition among children under five years. Based on informational self-determination, digital sovereignty, and child-centred governance values, the model conforms to national legislations such as the Digital Personal Data Protection Act, 2023, and international guidelines such as the UNCRC and GDPR. Doctrinal discoveries of this research set the grounds for beginning policy pilots under initiatives like POSHAN Abhiyaan and RBSK, particularly in districts with malnutrition vulnerabilities. Trained ASHAs and Anganwadi workers must implement such pilots via privacy-compliant, offline-capable AI interventions. For ethical deployment assurance, legal-tech regulations must be framed by the Ministry of Health and MeitY, keeping in mind AI explainability, consent protocols, and biometric data safeguards for children's applications[3]. In future research directions, interdisciplinarity among technologists, ethicists, paediatricians, and legal academics is critically needed. To improve AI models ' fairness, scalability, and responsiveness for child health surveillance, areas such as federated learning, context-aware AI, and age-sensitive data governance are worth looking into. Comparative law research across jurisdictions using AI in healthcare, e.g., Estonia, UK, Brazil, could yield valuable lessons regarding regulatory innovation. Lastly, technology is not a replacement for human judgment in health care. Still, it can supplement timely intervention and equitable access provided it's embedded in strong legal frameworks and guided by the ethical imperative to act in the best interests of all children.

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Indian Gender Biasness and Property Rights of Hindu Women

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Abstract
God has created all living beings in a unique way, some have four legs some have two and some have no legs, some have wings and some have height, some have x and some have Y. That uniqueness in creatures has been planned by God not by a coincidence but for the dependence, Hence every living being is dependent on each other even a Mother Earth is dependent on Humans to maintain its beauty and appreciate it's Charm. But according to every scripture and text Women are the most powerful creature in this entire world, even once lord Shiva says in Shiv Puran that : If a woman gives up doubt, then she herself will become Shiva (Agr naari Shaka tyag dei toh wo khud Shankar Ban jayegi). A woman is a perfect example of a person who is managing work properly. She is good in everything from making food to make home attractive. As in reality she is all rounder who is a good Chef, an event manager, a doctor , an Economist , a psychologist and etc. A women is the pillar of the society whether working in a corporate sector or dealing with house hold works.
Keywords: Gender, Rights, Women, Property, Law

1. INTRODUCTION

Creator loves balance which can be easily traced in Samkhya school of Indian philosophy. Samkhyakarika, a classical Samkhya text, the earliest complete and extant one, upholds a sharp dualism positing two independent realities, 'prakrti', the primordial matter that evolves and creates the colourful world, and 'purusha' the spirit, who is a mere passive observer/witness. The characteristics attributed to prakrti, matter, and purusha, the spirit, are identified with the physical woman and man, respectively. It might also be construed that the constructions of the nature of prakrti and purusha reflected the roles of women and men in early societies. In the first part of this paper the author delineates the dualism of prakrti and purusha as found in the Samkhyakarika, while in the second part is discussed the impact of the same on the constructions of female subjectivity.

As women are good in everything hence it wouldn't be fair if we deprive them with their basic as well as natural rights. What actually a property is ? How can it be considered as a basic fundamental right?

In today's world everyone wants to be financially independent. Moreover it is good for an individual as well as nation too to increase its Economic stability and to be away from financial crisis. In India women are more than 50% of population and to be honest no nation can develop itself while depriving the 50% of population of their basic, fundamental as well as property rights. Women in India were tried to remove their property rights from all sides by the male dominated society. But how long will a woman be kept away from her rights? Many educated people came forward and took forward the fight for women's rights.

The women's right to property has been a concern of every period whether it's Ancient or Modern. There are two jurisprudence schools of Hindu law i.e Mitakshara and Dayabhaga by Vijnaneshwara and Jimutvahana respectively ; they are not only commentaries but also they do not enact but explain and are evidence of customs prevailing at the time, and on the basis of them the Hindu Law has been Codified in 1955 as HMA 1955, HSA 1956 etc .

The ancient History of Hindus has much liberalisation than today's world . At that time everyone was more open minded towards each other and eager to accept as well as respect their decisions. Males were supporting Women's in their growth if they wanted to achieve something, otherwise the males were in the habit of treating her like a queen who didn't need to go out for the livelihood. What actually is manu smriti ? Basically One of the many legal books and constitutions among the several Dharmastras of Hinduism is the Manusmiti (Sanskrit), commonly known as the Mnava-Dharmastra or Laws of Manu.

Manu says many things regarding women that she can suppose to be independent in her entire life, she always needs to be dependent on father, husband and her son according to phases of her life i.e childhood!, As a married woman!, And as a mother respectively. But there was a reason for it, It is like women are Saraswati, as well as Lakshmi of house and If she is left free, she can even assume the form of Kali to right the wrong, but then it will be impossible to stop her. But people take these quotes otherwise and try to dominate women which was not even expected and forget about the other quotes of the Manusmriti i.e. Where women are honoured, divinity blossoms there. And where they are Dishonoured, all actions remain unfruitful. and "na strīratnasamaṃ ratnam। which means There is no jewel like a woman.

The real issue came into existence when the Right of 'Inheritance' of land arrived in society. Earlier the main ingredients to live were tortilla, clothes and a house but now the requirements of a human being are exaggerating themselves which is not only limited to the ingredients which are mentioned above but also having more requirements like Money as well as Jewelleries and Property, who will be the heir of property, what are the rights related to property, what is the right way to alienation of the property. As the People are being run by the Purush Pradhan Society hence the rules for the property were made by them only, In which the space of women was null. Where biases were begun since Ancient time, Females' inability to read the Vedas and other sacred scriptures, or shastras, in general must have had an impact on both their formal and informal standing. It served as the cornerstone upon which women's dependent status was established. The following phrase appears in the Narada Smriti, the first work to deal completely with law in its strict sense: "It is through independence that women go to ruin, even when they are born into noble families. As a result, the Lord of Creatures has given them a dependent condition. The legal status test is provided by this. The inability of women to learn is the foundation of every text from various sages regarding the perpetual tutelage of women that we are quoting right now.

There is not even a single thing that a little 'daughter', married 'woman', or an old 'mother' of a son can do on their own in their own home," Manu says in describing the responsibilities of women. The sage says in the following poem, "A woman must never be independent. A woman must always be subordinate to her husband, her sons, and her father in childhood, adolescence, and after the death of her master." She always needs to be dependent on father, husband and her son according to phases of her life i.e childhood!, As a married women!, And as an mother respectively; woman is never suited for independence, Manu writes in chapter ix, which discusses the eternal laws for husband and wife who follow the path of duty whether they are together or apart.

In the view of Dr. A.S. Altekar, "However, despite the fact that few of the Hindu Justices had seriously begun that, Hindu society not really accepted the notion of women's pe rma-net resilience .

One of the means by which a nation's life is established is through the law, and the proprietary position of women under Hindu law provides an important test of Hindu civilisation. It is impossible to study law in isolation from social and economic processes since law is the product of these forces. Any system of law where women have a proprietary position reflects the community's attitudes towards them at the time the law was created or developed. In the view of Sir Henry Maine, "The degree of a state or community's

advancement in civilization is measured by the degree to the 'property' rights provided to the 'females' regarding ;Despite the fact that the claim is occasionally made to support it, it is quite far from being a simply gallant common-place. During the colonial era in India, Indian Women of Hindu religion did not have equivalent rights as men. Under the Hindu law, which was largely based on traditional customs and practices, a woman's right to property was limited and dependent on her marital status.

Before marriage, a Hindu woman would inherit properties via her parents, further being married her property rights were restricted as well earlier and somehow restricted in today's world as well. Moreover, in reality she could not inherit property from her husband or other male relatives, as it was believed that a woman's primary role was to serve her husband and family and not to hold property.

2. DISCRIMINATION IN COLONIAL ERA:

ThE discrimination against women in property rights was perpetuated by British colonial laws, which upheld traditional Hindu customs and practices. In 1937, the HWRPA was passed, which aimed to give rights to women of Hindu religion to inherit land or other properties, Act had limited success, as it only applied to women who were alive at the time of its enactment and did not apply to property that had already been inherited.

These fragrant flowers I offer thee. Strung in a garland of rhymes…
Each poetic blossom is full of glee. Their fragrance brings peace sublime.
Advice
That is amusing. Easy to understand and charming …
Simple moral education Knowledge that appeals to emotion….
----Savitribai Phule

In colonial India, Savitribai Phule was perhaps the first feminist philosopher. She did not fit the stereotype of an Indian woman who was a submissive follower of her husband. She is a woman's mother. Her worldview focuses on educating people and releasing women from so-called Indian tradition. She was a strong woman who backed her husband in all of his extreme plans. She was a well-known person in her era and an independent revolutionary.

Our great writer Rabindra Nath Tagore also contributed for women empowerment and said "*For we women are not only the deities of the household fire, but the flame of the soul itself." From 1881 to 1897 that was a time when he first spoke about the social injustices against women, further From 1893 to 1913 Tagore ji first portrayed the educated and urban Indian*

woman who fought for human rights and equality and at last From 1914 to 1941 Writer's female Characters were highly motivated to defeat the societal defects which were truly 'evil' in nature such as 'discrimination' on the basis of Gender, 'Untouchability' on the basis of strict Caste which was evolved from the 'Varna' system, and Strict rules for women of male 'dominated' society . No doubt that writings put lots of effect to an individuals mentality to think about the situations and circumstances and it was literally happened to the Educated society of the Nation who was reading Tagore ji.

3. EMERGENCE OF INDIAN CONSTITUTION AND OTHER STAUTES: Upon the adoption of the Indian Constitution, gender equality became a legal requirement. T he Indian Constitution's Preamble, which covers the areas of Fundamental Rights, Fundame ntal Duties, and 'DPSP', and which also states that the Government of state must consider the rights explained in PART IV of constitution to maintain equality among Genders (MALE/ FEMALE).

Both guarantee social and economic justice in addition to political justice. Social justice is based on the four guiding values of justice, liberty, equality, and fraternity. It ensures that men and women are treated equally in the first place Second, it mentions how women have occasionally been mistreated or viewed as inferiors. The Constitution gives the State the authority to enact particular laws that benefit women in order to rectify this injustice and ensure equality. Thirdly the constitution requires the state to take further steps to strengthen the constitution of society weakest groups especially women. And finally, the Constitution mandates that the State take action to stop the exploitation of women. As a fundamental component of the Constitution, denying women's equality is against the law. All branches of the State have rights and must treat them without discrimination; sustained constitutional infractions indicate that government is not in conformity with the Constitution.such biased rights had a crippling effect on the position of women in India.

'HINDU SUCCESSION ACT' was a landmark legislation that reformed the right to 'Inheritance' and 'Succession' in India for Hindu People. This was amended several times over the years to address various issues related to right over the property of women. Prior to this legislation, Hindu origin females had limited rights over land ownership, and their inheritance was governed by a complex system of customs and traditions that varied from region to region. The act sought to provide greater clarity and uniformity in the norms of

‘inheritance’ and ‘succession’, and to improve the rights of ‘women’ to inherit and hold property.

Under the original act, ‘women’ had restricted rights to inherit ‘property’ or ‘properties’. Earlier A daughter had no right to take over her father’s ancestral property, while a widow only had a restricted authority to take over her husband’s property. Subsequent amendments to this provision sought to tackle these matters and to make improvements into the ‘women’s right' to take over and hold property. The HSA was a major reform that sought to provide equivalent ownership to women in matters of inheritance. Under the amended act, daughters were given the same rights as sons to inherit property, including ancestral ‘land'. Women who lost their husbands also get the support from this provision and were provided a piece of land from their husband’s property after his death.

4. JUDICIAL ACTIVISM FOR PROPERTY RIGHT OF HINDU WOMEN

The Judicial System of India has played a significant part in providing the right to property to Hindu women. Prior to the enactment of the HAS, 1956, Hindu ‘women' were not enjoying similar rights as men. The provision of 1956 was passed to address this inequality and grant equal rights to Hindu women in issues of taking over the Ancestral land or any other land of their Paternal side. However, even after the enactment of the provision, there were still certain cultural and social barriers that prevented women from claiming their rightful share of property. In such cases, the judiciary stepped in and played a crucial role in enforcing the provisions of the Act and ensuring that Hindu women were granted their rightful share of property. Here are the landmark ‘case’ ‘laws’ In which the judiciary in India provided right to property to Hindu women:

Danamma v. Amar, In this case, the Supreme Court held that a Hindu woman has a right to claim partition of property even if it was acquired before the enactment of the HSA, 1956.

Prakash v. Phulavati, In this case, the Supreme Court held that the provisions of the HSAA, 2005, which gave daughters equal rights in the ancestral property, would apply retrospectively from 1956.

Vineeta Sharma v. Rakesh Sharma, In this recent case (2020), the Supreme Court held that daughters have equal rights in the ancestral property even if the father died before the enactment of the HSAA, 2005.

Arunachala Gounder v. Ponnusamy case, the Supreme Court of India clarified Hindu daughters' property inheritance rights. The Court thoroughly researched ancient Hindu writings and legal traditions, particularly the Mitakshara School of Hindu law, to determine

how property should be passed down. It emphasized that, despite disparities amongst sub-schools, there is a shared understanding that girls can inherit their father's self-acquired property. The Court determined that Marappa Gounder's property transferred to his daughter, Kuppayee Ammal, through inheritance rather than survivorship. This decision is based on the Hindu Succession Act of 1956, specifically Section 14(1), which grants women complete ownership of any property they inherit or receive, erasing previous prohibitions. The Court also focused on Section 15 of the Act, which governs how a woman's property should be divided after she dies if she leaves no will. This decision is significant because it advances gender equality and fairness in property concerns. It establishes a strong legal precedent for treating daughters equally in inheritance issues. The ruling represents a significant step forward in ensuring fairness and respecting constitutional ideals, bringing India closer to a more equitable and inclusive society.

5. RIGHT TO PROPERTY OF WOMEN

'Property' is typically understood to be a person's rights in relation to an object. Things can be physical or abstract. The term "property" was employed by jurists several times. Any idea of property may depend on the culture in which it is found, according to the diversity of the property systems of other societies. In the view of Lord Porter, property is not a something which is like an art but the fact is it always Took the relevance from the place from where it is received.

Section 6 of the Hindu Succession Act deals with coparcenary rights, or the legal right to inherit ancestral property. Previously, only boys could be coparceners, but with the 2005 amendment, daughters now have equal rights. This means that, like a boy, a daughter becomes a coparcener at birth, has equal rights to the property, and is equally liable for any associated obligations.

Section 14 of the Act focuses on property ownership by women. It specifies that any property held or obtained by a Hindu woman, whether before or after the Act went into force, will be her entire property, rather than a limited right. This applies to all sorts of property, both moveable and immovable. A woman can gain property in a variety of ways, including inheritance, gifts, upkeep, purchase, and personal labor. This clause assures that women have full ownership and control over their property.

6. INDIAN LEGISLATION

Property has been defined in many legislations, According to Section 2(c) of Benami Prohibition Act 1988 explains what actually the Property is ; A property can be of any type i.e it can be movable in nature or can be immovable In nature , tangible or intangible and it must includes rights and interest. Here movable property can be understood as Mobile phone, Pens, Bracelet, Car and etc and Immovable property can be understood as A farm house which is attached to the Ground, Shopping Complex and etc, furthermore Tangible properties are Machines in a Factory, Chair, utensils, etc and Intangible properties are those properties which are having some existence in this world but people can't touch it such as Music for which person can claim copyright, innovative ideas which could lead to invention of something for which people can claim Patent and there are other examples too of these type of properties.

According to Section 2 (11) of SOGA, 1930 "Property" stands for General property in which the ownership is transferred from one person to another person not a special property in which only possession of an item used to be transferred . It can be more easily understood as a house transferred from Mr. A to Mr. B via sale deed in which the title of ownership has been transferred is General property on the other hand if Mr. A gives his Television to Mr. B to repair the defect in which the possession of good has been transferred is Special Contract.

Section 3 (36) of GCA Property can be said as any Movable Property such as Mobile phone, MotorCycle, Furniture , etc but it should not be Immovable property.

According to Section 2 (9) of RA 1908 Property can be termed as Standing' timber', Growing' crops', Grass', Fruits' which can be used for commercial purposes which can be movable in nature hence any property which is movable in nature is covered under this section except the properties of an Immovable in nature.

According to Section 22 of IPC 'MP' is a type of property which can be furniture, equipment, vehicles, machinery, and livestock and can be used as corporeal property. And no other type of property can be included here.

Further TPA is all related to property , And in Section 3 of it everything is explained in detail " Here the definition of the different types of properties is quite similar to the explanation present in RA 1908.

Above there is a legal explanation of a property but in common terms we can say that property can be Mobile phone, a car, jewelleries, House, farm, etc which can be movable' or immovable' depending upon its nature. In this living world we can consider property as a security which should be owned by every person to carry their life with respect on earth.

The Special laws made for women are:

6.1. HINDU SUCCESSION ACT: The 2005 change to the Hindu Succession Act represented a significant step forward for women's rights in India. It granted daughters the same rights to family property as sons from birth, allowing them to become coparceners and claim an equal portion of inheritance. Previously, only sons had this right in many families. This legislation improved women's financial situation and encouraged fairness in property matters. It represented a significant step toward gender equality, demonstrating that daughters and boys should be treated equally when it comes to family property and inheritance rights. This act also specifies that the wife can inherit the property of the husband under section 8.

6.2. The Immoral Traffic (Prevention) Act, 1956: The law defines "prostitution" as the act of a person, male or female, who offers his or her body for hire for the purpose of sexual intercourse or other sexual acts. The ITPA prohibits soliciting, procuring, or otherwise inducing anyone to engage in prostitution, as well as living off the earnings of prostitution. The law also provides for the establishment of Protective Homes or rehabilitation centers to provide care and protection for women and children who have been victims of sexual exploitation. It authorizes the police to arrest any person who is believed to be involved in the exploitation of women or children for prostitution and to search any premises suspected of being used for such purposes

6.3. DPA: The law makes it illegal to give or take dowry in connection with any marriage, and also prohibits the advertisement or solicitation of dowry. It also imposes penalties for giving or taking dowry, including imprisonment and fines. The act was amended in 1986 to strengthen its provisions and provide more protection for women. The amendment made it a non-bailable offense to take or demand dowry, and also widened the definition of dowry to include gifts given at any time before, during, or after the marriage. The amendment also introduced the concept of "streedhan", which refers to any property or gifts given to the bride by her parents or relatives, and clarified okok that such gifts are the exclusive property of the bride and cannot be treated as dowry.

6.4. THE SATI PREVENTION ACT: The act makes it illegal to attempt, abet, or commission the act of sati. It also imposes penalties for those who are found guilty of abetting or commissioning the practice, including imprisonment and fines. The act also

provides for the punishment of anyone who glorifies, justifies, or promotes the practice of sati. It also requires the state government to take measures to prevent the commission of sati and to provide for the welfare of the dependents of anyone who commits or attempts to commit sati.

6.5. ACT AGAINST DOMESTIC VIOLENCE 2005 : The Protection of Women from Domestic Violence Act, 2005 is an Indian law that provides legal protection and remedies to women who are victims of domestic violence. The act defines domestic violence as any act of violence, abuse, or harassment committed by a husband or male partner against a woman in a domestic relationship. The act dig deep and make the provisions for the different types of violences such as ‘mental' abuse, ‘financial' abuse, ‘sexual’ abuse and other types of abuses. It gives assurance of protection orders, which can require the abuser to stop the violence, stay away from the victim, or provide financial support.

6.6. ‘POSH’ ‘ACT': The act defines sexual harassment broadly, and includes any unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature that creates a hostile or intimidating work environment for women. The act covers all workplaces, whether in the public or private sector, and applies to all women, including temporary and contract workers. The act requires all employers to establish internal complaints committees (ICCs) to receive and investigate complaints of sexual harassment from women employees. The ICCs must have at least one external member, and they are required to complete their investigations within 90 days. Additionally, the act allows for the creation of ‘local’ ‘complaints’ ‘committees’ (LCCs) whe n an employer fails to create an ICC.

6.7. INDECENT REPRESENTATION ACT : The act defines “indecent representation” as any representation of women that is derogatory, disrespectful, or that portrays women as sex objects or as subordinate to men. It covers all forms of media, including print, audio-visual, and digital media, as well as advertisements, hoardings, and other forms of public display. The act makes it illegal to produce, publish, distribute, or exhibit any indecent representation of women. It also imposes penalties for those who are found guilty of violating the act, including imprisonment and fines. The act also provides for the seizure and forfeiture of any materials that are found to be in violation of the act.

There are few lines for the explanation of above mentioned law by a poet are

"*Harassment over dowry is violence, Rape is violence of the high order. Marital rape is no way less in crime. Violence free woman must be man's pride.*

Dowry harassment law and rape law Are so one-sided that a woman's complaint Is enough to land man into lock up. Nonviolence to woman must be man's pride.

Spousal violence is wide prevalence, Not reported from stigma attached to it And from lack of support in her family. A law on marital rape is man's pride.

Dowry law has been misused at a will. Men were scared and prefer live-in methods. Rape law has been misused at a stroke. Men are scared and distance themselves from love.

Law on marital rape will come to stay. One more feather to her cap against men. All the three laws must be in force, no doubt. With dilution in blatant prosecution.

He bought a kitchen knife for his wife. He was never scared of her for the knife. She made no moves to shake his faith in her. What would happen if she misuses the knife?"

7. CONCLUSION

It is still very difficult to give women the same property rights as males. In India, there are numerous obstacles in the way of women owning and accessing property. First off, women's ignorance of their rights in regard to property is the main contributing factor. Second, India has agreed to comply with legal requirements to end discrimination against women, but changing tradition overnight is difficult. As an illustration, all of the wealth of villagers is in the form of land. If the land is only divided in favour of the sons, the girls are left with almost nothing. The heirs of a 'husband' are given preference over 'women's' own parents in the succession order in the case of her death. But, if a guy dies, the property passes to his family. The laws must be made gender-neutral in order to effectively encourage women. Finally, women are solely intended to bear children, care for the entire family, and carry out other responsibilities related to the home. Also, there are ingrained cultural stereotypes that women are solely for the home and males are only for the countryside. The constitution granted women the right to raise their own children, but these women have become victims of outdated norms and traditions and are powerless to break the invisible web of these customs.

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Positivist Skepticism and Social Moral Principles: A Jurisprudential Conundrum of Natural Law

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Abstract

This article explores the stress between positivist skepticism and social moral principles within the framework of natural law, focusing on the jurisprudential debate between H.L.A. Hart and Lon Fuller. Hart's legal positivism emphasizes the separation of law and morality, asserting that legal validity is determined by social sources rather than moral considerations. In contrast, Fuller advocates for a morality of law, arguing that legal systems must reflect moral principles to achieve legitimacy and social order. This research paper examines how their conflicting views illuminate the complexities of integrating moral norms within legal systems, questioning whether a purely positivist approach can adequately address the moral underpinnings of law. By analysing case studies and theoretical implications, the study reveals that the interaction between law and morality remains a crucial conundrum, challenging both positivist skepticism and the foundations of natural law. Ultimately, it argues for a nuanced understanding of the moral legal dimensions, suggesting that an effective legal system must acknowledge the interplay between normative principles and social practices.

Keywords: Natural Law, Positivist Skepticism, Social Moral Principles, Jurisprudential Conundrum

1. Introduction

The relationship between law and morality has long been a contentious issue in legal philosophy, with significant implications for how societies conceptualize justice and governance. At the forefront of this debate are H.L.A. Hart and Lon Fuller, two towering figures whose divergent views encapsulate the struggle between positivist skepticism and the necessity of moral principles within legal framework. Hart, as a proponent of legal positivism, posits a clear demarcation between law and morality, contending that the legitimacy of law derives solely from its social sources and structures, rather than from any moral evaluation. This stance raises profound questions about the role of ethical considerations in the formulation and application of laws.

In contrast, Fuller argues for an intrinsic connection between law and morality, asserting that a legal system devoid of moral values is fundamentally flawed. He emphasizes that for laws to be valid and effective, they must resonate with societal moral principles, thereby fostering

legitimacy and social cohesion. This divergence invites a critical examination of whether a purely positivist approach can adequately encapsulate the moral dimensions inherent in legal systems.

This research paper seeks to explore the complexities arising from the interaction of theories of Hart and Fuller, highlighting how their opposing views illuminate the broader debate over the integration of moral norms within the legal sphere. By engaging with case studies and theoretical frameworks, this study aims to unravel the intricate conundrum posed by the intersection of law and morality, ultimately advocating for a more nuanced understanding that acknowledges the vital interplay between normative principles and social practices in the pursuit of justice.

2. Law and Morality: A Jurisprudential Debate between H.L.A. Hart and Lon Fuller

The relationship between law and morality is one of the most significant and contentious topics in legal philosophy. Central to this discourse are the perspectives of H.L.A. Hart and Lon Fuller, two eminent figures whose contrasting views illuminate the complexities of integrating ethical considerations into legal frameworks. This debate not only reflects differing philosophical positions but also raises fundamental questions about the nature of law, its purpose and its legitimacy.

H.L.A. Hart, in his seminal work The Concept of Law (1961), advocates for legal positivism, which asserts that the existence and validity of law are determined by social sources rather than moral criteria. Hart introduces the idea of a legal system as a set of rules that derive their authority from social conventions and practices, rather than from moral imperatives. Hart differentiates between primary and secondary rules within a legal system. Primary rules govern individual behaviour, while secondary rules address how laws are made, interpreted. One of Hart's key arguments against the integration of morality into law is his assertion that moral disagreements can lead to legal instability. He contends that the legal system must remain neutral regarding moral questions to function effectively. Hart famously critiqued the natural law tradition, which posits that law must align with moral principles, arguing that such a conflation could result in arbitrary interpretations of law.

3. Lon Fuller: The Morality of Law

In contrast, Lon Fuller, in his influential work The Morality of Law (1964), argues for the inherent connection between law and morality. Fuller posits that a legal system must embody certain moral standards to achieve legitimacy and effectiveness. He asserts that the law must reflect principles of fairness, justice, and respect for individuals in order to be considered a valid legal system. Fuller introduces the concept of "the inner morality of law," which encompasses principles such as clarity, consistency, and generality. He argues that these principles are essential for a legal system to function properly and fulfill its purpose. For Fuller, law is not merely a set of commands imposed by a sovereign; it is a cooperative enterprise aimed at achieving social order and justice.

Critique of Fuller on positivism centres on the idea that a legal system devoid of moral considerations can lead to unjust laws and authoritarian regimes. He highlights historical examples, such as Nazi Germany, where laws were technically valid yet profoundly immoral. Fuller contends that a legal system must aspire to more than mere compliance with established

4. Separation versus Integration of Legality and Morality: The Disagreement between Hart and Fuller

The debate between H.L.A. Hart and Lon Fuller fundamentally revolves around the relationship between law and morality, particularly whether legal systems can function effectively and legitimately when divorced from moral considerations. Hart advocates for a strict separation of law and morality, asserting that the validity of law derives from social conventions rather than ethical imperatives. In contrast, Fuller argues for the integration of legal and moral principles, asserting that a legal system must reflect moral values to achieve legitimacy. This discussion can be illuminated through the landmark case of **Queen v. Dudley and Stephens (1884)**, which serves as a poignant example of the complexities inherent in this debate. The case of serves as a pivotal example that highlights the complexities in the debate between H.L.A. Hart and Lon Fuller regarding the relationship between law and morality.

The facts of the case, along with the court's judgment, provide a rich context to explore how differing perspectives on legal validity and legitimacy manifest in judicial decision-making. In this case, the defendants, Thomas Dudley and Edward Stephens, were shipwrecked along with a third crew member, Richard Parker, on a lifeboat in the South Atlantic. After several days at sea without food or water, the defendants made the grim decision to kill Parker in order to

survive. They argued that their actions were justifiable under the principle of necessity. Upon being rescued and tried for murder, the court had to consider both the legal framework and the moral implications of their actions.

The concept of legal validity is central to the philosophical debate between H.L.A. Hart and Lon Fuller. While both scholars aim to understand the nature of law and its authority, they approach the question from fundamentally different perspectives. Hart's legal positivism posits that legal validity is grounded in social recognition and adherence to established procedures,

Role of Morality in Legal Interpretation: Hart is skeptical of incorporating moral reasoning into legal interpretation, fearing it could lead to subjective outcomes. In contrast, Fuller believes that moral principles should guide legal interpretation and application to ensure justice.

5. Lon Fuller: The Moral Foundation of Legitimacy

In stark contrast, Lon Fuller argues that legal validity cannot be divorced from moral principles. In The Morality of Law (1964), Fuller posits that a legal system must possess an "inner morality" to be considered legitimate. He emphasizes that law must adhere to certain moral standards to function effectively and to command respect from the governed.

Fuller identifies eight principles that constitute the inner morality of law, including:

1. **Generality**: Laws must be general and apply equally to all individuals, avoiding arbitrary distinctions.
2. **Publicity**: Laws should be publicly accessible, allowing individuals to understand the rules governing their behavior.
3. **Non-retroactivity**: Laws must not be applied retroactively, ensuring individuals can rely on the stability of legal expectations.
4. **Clarity**: Legal rules must be clear and understandable, enabling individuals to discern their obligations.
5. **Consistency**: Laws should be consistent over time, avoiding contradictory rules that confuse citizens.
6. **Possibility of Compliance**: Laws must be realistic, meaning that individuals can reasonably be expected to comply with them.

7. **Congruence between Official Action and Law**: There should be consistency between how laws are applied and the written legal rules.
8. **Simplicity**: The legal system should strive for simplicity to enhance comprehension and adherence.

For Fuller, the absence of these moral principles can lead to a legal system that lacks legitimacy. He argues that laws that are technically valid but fundamentally unjust (such as those enacted under totalitarian regimes) fail to earn the respect of the community, leading to a breakdown in social order. In this sense, Fuller's view emphasizes that legal validity is not merely a function of social recognition; it must also resonate with ethical values to achieve legitimacy.

6. Conclusion

The debate between H.L.A. Hart and Lon Fuller regarding legal validity highlights a fundamental tension in legal philosophy: the balance between social recognition and moral foundation. Hart's legal positivism emphasizes the importance of established procedures and social practices, allowing for the existence of laws independent of their moral content. In contrast, Fuller argues for the integration of morality into legal frameworks, asserting that legitimacy requires ethical considerations. This ongoing discourse invites critical reflection on the nature of law and its role in society, prompting us to consider how best to ensure that legal systems not only operate effectively but also uphold the principles of justice and human dignity. Ultimately, understanding this debate enriches our approach to law and enhances our ability to navigate the complexities of legal and moral obligations.

The debate between H.L.A. Hart and Lon Fuller regarding the separation versus integration of law and morality continues to resonate in contemporary legal discussions. The case of Queen v. Dudley and Stephens serves as a poignant illustration of the challenges posed by this debate, revealing the complexities and potential consequences of adhering strictly to either position. Hart's commitment to legal positivism emphasizes the importance of social rules and predictability, while Fuller's advocacy for the integration of morality highlights the necessity of ethical considerations in achieving legitimate and just legal outcomes. Ultimately, this discourse invites ongoing reflection on how best to navigate the intricate relationship between law and morality in the pursuit of justice and social order.

The jurisprudential debate between H.L.A. Hart and Lon Fuller remains a foundational discourse in legal philosophy, illustrating the intricate relationship between law and morality. Hart's legal positivism emphasizes the importance of social sources and the need for a clear separation between law and morality, while Fuller's moral approach underscores the necessity of ethical considerations for achieving legitimate and just legal systems. This ongoing dialogue not only enriches our understanding of legal theory but also informs contemporary discussions on the role of law in society, the nature of justice, and the ethical responsibilities of legal practitioners. As societies continue to grapple with complex legal and moral issues, the insights from Hart and Fuller's debate remain profoundly relevant, urging us to consider how law can best serve the principles of justice and human dignity.

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Specifying Health Law and Bioethics: Regulating Patient Care and Well-Being

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Abstract

In light of Public Health emergency, health law and bioethics are sister disciplines: two disciplines that are determining the architecture of the regulation of care, trials, and public health measures, and more generally of any intervention aimed at the same goal, which is the protection of human person's dignity and health. Health law means the law, contract and regulation that applies to the health care system and the practice of medicine. At the same time, bioethics offers normative guidance for the ethically difficult problems that come with new medical technologies, with care at the end of life, with the distribution of resources and the use of human subjects. Together, they ensure that health care practice is made consistent with the proper moral values, such as those embodied in claims to autonomy, beneficence, non-maleficence and justice. The speed with which technologies, such as genomics, personalized medicine, telehealth and tools such as artificial intelligence, are advancing also risk accelerating these legal and ethical terrains, requiring agile and adaptable policies that facilitate respect for and protection of the patient as well as agility and innovation enthusiasm. We need strong oversight to ensure fair access, to prevent abuse and to respect cultural traditions. Shoring up this boundary supports a legally responsible health system that proves ethically responsive to new social and technical challenges.

Keywords: Health Law, Bioethics, Patient Rights, Medical Ethics, Healthcare Regulation

1. Introduction

The synergy of health law and bioethics is necessary to ensure the development of contemporary health care systems where the interests of the patients, the patients' equality of

access to treatment, and ethical decision-making prevail. As medical technology and practice are developing rapidly, there is increasing urgency to provide a coherent framework that incorporates legal and ethical considerations. Health Law is the area of law that governs the health care system and health care practices; the patient has the right to have their care provided in a manner that it should be provided, and the health care provider has the duty to provide appropriate standards of care. Fundamental bases of health law are the rights and duties of patients and health care providers, and the human and economic costs of lack of access to health care, or lack of quality of access to health care. Other key areas of health law include regulation of the health industry such as health care delivery, health care finance, privacy of health information, and other topics examined in bioethics.

In this context, bioethics serves as the philosophy and ethical framing that informs decision making in complex medical settings. Bioethics deals with some of the most basic questions such as the patient's autonomy in making decisions about health care, the moral duty of providers to cause no harm (non-maleficence), and the fair allocation of health care resources. Bioethics is also being applied beyond the clinical setting, which involves new ethical issues emerging in fields such as genomics, artificial intelligence in health and gene editing. In many cases, these advances are not matched by corresponding new legal and ethical frameworks, and the lag in legal and ethical protection for patients leaves questions about how much a physician should interfere, how the patient should have given consent, and what the appropriate use of new technologies should be.

Health law and bioethics are also intricately connected in the discourse around questions of healthcare equity. Legislation to guarantee the right to quality care should take into account the ethical dimensions of inequities in the distribution of care and its results for health, especially among those most in need. If healthcare is to be delivered fairly, without being discriminating, respectfully towards the various cultural, social and personal values of patients, medical and ethical principles have to be followed by those providing this healthcare. With the trend of globalization of medical services bioethical and legal regulations need to match the cultural and legal standing of respective countries; and international collaboration is required with appropriate legislation practiced universally.

In contemporary healthcare, regulating the field should be flexible enough to make room for bioethical dilemmas that arise because of advancements in medicine and technology. To give some examples, with the rise of such developments as genetic testing, personalized medicine, and telemedicine we have to ask poignant questions about patient privacy, data security, and the implications of genetic data for people and families. As these tools transform the delivery of care, so too law and bioethics must collaborate to protect patient rights, like the right to refuse or accept the use of a diagnostic test, and to inform the practice of medicine so that practitioners are guided by ethical principles when they make decisions that are associated with their patients' lives and futures. And thus the synergy between health law and bioethics takes on renewed significance to safeguard the well-being of patients and to reasonably assimilate new technologies and medical knowledge.

2. Legal Foundations of Health Law: Patient Rights, Consent, and Confidentiality

Three fundamental pillars embrace health law: patient rights, informed consent and confidentiality, protecting autonomy and dignity and trust in health systems. Patient rights provide a foundation for contemporary health law and policy in safeguarding and balancing against the abuse of authority and the unrestrained power of providers. These include the right to care, the right to information, the right to participate in making decisions and the right to refuse treatment, to fall under general basic human rights and ethical principles contained within international documents like the Universal Declaration of Human Rights or the World Health Organization's patient-centric care. Informed consent is a fundamental principle of effectuating patient autonomy, requiring health-care workers to provide disclosures about diagnoses, treatment options, risks and alternatives in an understandable way, which then allows patients to make informed, uncoerced decisions about their own management.

In most jurisdictions, the rejection of valid refusal of valid consent is denied and the physician's withholding of medical care, would constitute medical malpractice or battery, a legal reminder that it is always ethically necessary to always respect persons. The concept of informed consent has come to encompass all aspects of treatment, clinical research, genetic testing, and the engagement of personal health information in new digital health systems, focusing attention on the future utility of informed consent in these new and evolving

healthcare environments. As crucial is the principle of confidentiality, which imposes a requirement upon health care providers to ensure that patient information does not become available to unauthorized third parties. This responsibility is codified in laws such as the Health Insurance Portability and Accountability Act (HIPAA) in the US, the General Data Protection Regulation (GDPR) in the European Union, and equivalent data protection laws throughout the world, with the legal and ethical mandate to protect sensitive health data. Confidentiality leads to trust that encourages openness and honesty between patient and provider, which are required in accurate diagnosis and proper treatment. Nevertheless, confidentiality is not absolute; there could be legal exceptions where revelation is required to protect public interest, prevent harm to others or in court of the law. The courts frequently try to strike a balance between individual privacy and public interest by using various proportionality tests and least privacy invasive means of disclosure. The integration of telemedicine, artificial intelligence and cross-border sharing of information is once again challenging the preexisting legal doctrines of patient rights, consent and confidentiality, thus requiring ‘elastic’ legal constructs and a strong ethical review in place. In the final analysis, these fundamental guiding principles do more than establish the rights and responsibilities of patients and health care practitioners; they also serve to protect the integrity, even-handedness, and transparency of health systems while bolstering public trust and ensuring that every person receives fair access to high-quality care at a time of burgeoning medical and technological innovation.

3. Core Bioethical Principles in Clinical and Research Settings

The fundamental principles of bioethics (autonomy, beneficence, non-maleficence, and justice) act as the ethical foundation underpinning clinical practice and biomedical science, molding the way that healthcare professionals, researchers, and institutions engage with patients, research participants, and society. Autonomy is based on the belief that "respect for persons" demands that individuals are rational agents who can make an informed choice about their health and participation in certain research. In clinical practice, by respecting personal autonomy, we mean informed consent, we honour patient treatment preferences and promote shared decision-making about choices that offer benefit to the patient, such that interventions honour patient values and priorities.

In research, autonomy means it can decide whether to volunteer for research or not by being made aware of risks and benefits, and being able to refuse without penalty these are international agreement covered in documents such as the Declaration of Helsinki and the Belmont report. Beneficence (the principle of doing good for the patient/participant):This principle is what obligates health care professionals and researchers to provide the best for those who entrust their care to them.In the context of clinical care, the principle also guides planning of treatment, preventive interventions, and ongoing quality improvement to maximize patient welfare. Within research, beneficence focuses on the ethical consideration of the therapeutic value of the research design and its scientific validity, as well as on limiting the exposure of participants to risks for reasons other than health. Related to beneficence is non-maleficence, the obligation to refrain from causing harm. Practitioners, in turn, attempt to operationalize this principle by balancing treatment-related risks against potential benefits, following standards of competence and avoiding interventions that could worsen the patient's distress. Equally so, researchers are also constrained to have their studies design reduced physical, psychological and social dangers to subjects, entrench safety monitoring, and ensure rigorous ethical review by IRBs or Ethics Committees.

The principle of justice requires that the distribution of health services, access to care, and burdens and benefits of research be fair. In clinical care, justice translates to fair distribution of services regardless of race, sex, economic position, or disability, consistent with legal requirements for non-discrimination and equal access to healthcare. In research, justice requires the fair selection of subjects as an equitable distribution of the risks as well as the benefits, non-exploitation of vulnerable populations, and provision of opportunities for individuals and groups to all have the chance to benefit from new scientific knowledge. The principles are not an abstract normative concept; they provide practical guidance for the ethical valuation of research practices that evolves with the circumstances, pace, and innovative nature of research, as well as the prevailing moral and ethical values in society.

Nowadays personalized medicine has brought the standards of the principles of bioethical on the real cases. The current frameworks often broaden the core principles to include factors such as community respect, solidarity and transparency, especially in a public health emergency or a large data sharing collaboration. As labs, clinical practices and research

endeavors, these twin bio-ethical pillars not only protect the rights and welfare of individuals, they are also the guarantors of the legitimacy, trustworthiness and social responsibility of clinical and research enterprises, through which scientific progress is made in a fashion environmentally short of human dignity and social justice.

4. Emerging Challenges: Genomics, AI, Telehealth and the Evolving Ethical-Legal Landscape

The juggernaut of genomics, artificial intelligence (AI) and telehealth is quickly reshaping the ethical-legal landscape of healthcare, space with questions that may challenge older bioethical, patient rights and legal regulatory paradigms. Genomics has brought us unprecedented opportunities for precision medicine, early risk prediction of diseases and therapies tailored to our unique genetic codes. But it also raises profound, even futuristic, ethical questions about genetic privacy, discrimination and consent. Ownership and control of genomic information; the political and ethical stakes of the uses to which such information can be put by employers, insurers and others; the duty to reveal unexpected results; and models of the 'good' self-raise challenges to accounts of the value of confidentiality and autonomy. Meanwhile, medical instruments like the decision-making support system, the diagnostic algorithm and the predictive analytics system are hoping to revolutionize health care in terms of fairness and computational efficiency, but they invite ethical questions about algorithm transparency, accountability and bias.

When patients and providers cannot understand the specific reasons a novel model made any particular prediction, this “black box” nature of many machine learning models poses a fundamental challenge to the principle of informed consent, and begs questions as to the fairness, trustworthiness, and potential system-level discrimination present in the training data. The remote provision of care increases the threat to patient privacy through unsecured communication channels and requires strong security measures to secure health information. In addition, such health inequities could be intensified by differences in digital literacy and technology access, which would challenge the ethical principle of justice. Within each of

these contexts, health data has gone global, and the expansion of cross-border initiatives amplifies complexities of data sovereignty, ethical governance and legal harmonization.

New models of governance are increasingly driven by the values of trustworthy, explainable and responsible innovation which are demanding the development of effective legal instruments which are capable of evolving along with technology, while ensuring the preservation of basic human rights. International organizations, such as the OECD, UNESCO, and the European Commission, are promoting policies and ethical principles in the area of AI and genomics, but each country's legislation is different, leading to fragmented regulatory scenarios. AI and telehealth calls for a recalibration of ethical-legal paradigms that safeguard both innovation and individual / societal interests. An interdisciplinary approach across law, bioethics, technology, and public policy will be necessary to ensure that new health technologies develop in an equitable and transparent way that respects human dignity, privacy, and social justice in a world that is increasingly digital.

5. Conclusion and Future Scope

The incorporation of health law and bioethics is a cornerstone to protect patient care and promote the very good in today's complicated health care process. Combined, they offer full panoply that not only seeks legal safeguarding but, more importantly, structurally fix the ethical sensitivity into clinical practice over and over. Through balancing express statutory commands and fundamental bioethical norms autonomy, beneficence, non-maleficence, and justice this approach assures that patients have their rights honored, clinicians make ethically sound judgments, and the delivery of health care is fair and responsible.

As medical science progresses and social mores change, such frameworks are essential to discussions of controversial issues including genetic testing, end-of-life care, the use of medical records, and the allocation of scarce medical treatment. Crucially, the changing ecosystem dominated by AI, telehealth and global health requires ongoing re-consideration and reflexive governance to respond to new ethical-legal challenges in a timely manner. Interdisciplinary efforts among legal scholars, ethicists, clinicians, health policy makers, and patient advocates will be important to shape these regulatory structures in a manner that maintains human dignity, builds trust, and supports sustainable, person-centered care. The

continued importance of health law and the bioethics derive from their ability to reconcile the tension between innovation and protection and prevent medical and delivery system advances from trampling individual rights or social interests. With ensuring that they ground clinical decision-making in compliance with the law, and reflection about ethics, they share an important contribution to the development of resilient, equitable and compassionate healthcare systems which are adaptable to the challenges of the modern era, while honoring the central duty of care towards patients.

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