INTERNATIONAL LAW FEST "LEX BONANZA" 9th TO 11th DECEMBER 2022 CHAPTER XI

Date : December 9-11 2K22
Venue : Indore Institute of Law, Indore

Chief Guest(s) :
Hon'ble .Justice Jitendra Kumar Maheshwari
(Judge, Supreme Court of India (Inaugural ceremony)
(Guest of Honour: Hon'ble Justice Ravi Vijay kumar Malimath Chief Justice of M.P High Court
(Inaugural ceremony)

Adv. Vivek Singh
Chairman state Bar Council,
M.P (Valedictory Ceremony)

Day 1: December 9, 2022
The day began with the arrival of teams from across the Country and the registration of teams began. The Inaugural ceremony began with the welcome of chief guest Hon'ble Justice Jitendra Kumar Maheshwari, Judge, Supreme Court of India. The welcome address was given by Mr. Kantilal Bam, Chairman – ICON Education Society, the college brief was given by Dr. AkshayKanti Bam, Chairman, Indore Institute of Law, Director & Dean Prof. Dr Manpreet Kaur Rajpal and Dr. Vinod Patidar, Principal.

The 2nd Day began with the Draw of Lots for the International Parliament Debate and Preliminary and Semi final rounds of International Moot Court Competition, International Client Counselling Competition and International Parliamentary Debate. The Results of Semi final rounds were announced and two teams made it.

Day 3 December 11. 2022
The day 3 began with the Draw of Lots of final round of International Moot Court Competition, International Client Counselling Competition and International Parliamentary Debate. In the afternoon, International Debate and Extempore was held in which 10 teams participated and 12 speakers presented their views in extempore. The winners of International Debate competition for the motion were Aditya Pratap Singh Senger (G.N.C) and Devashish Diwedi (I.I.L) and the winners of International Extempore competition were AseemSimolte from S.V. Jain, Subodh Law college Jaipur and Chetsi Shinde from Shri Vaishnav Vidhyapeeth, Indore. The participants of The International Law Quiz took place in afternoon and 6 teams made it to the final. The participants thrilled the audience with their quick response to the questions and the questions were put to the audience as well in which they won prizes.

9thDec Inaugural Ceremony "International Law Fest – Lex Bonanza 2K22

Judgment Writing Competition

International Debate & Extempore Competition

International Law Quiz Competition

International MOOT Court Competition

International Client Counselling Competition

International Parliamentary Debate Competition

International Paper Presentation Competition

Valedictory Ceremony

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Icon Education Society (I.E.S), as a first step to achieve its objectives, decided to set up an exclusive and independent college to provide specialized, high quality Law education for professionals, coupled with all basic infrastructure facilities.

Indore Institute of Law is the first independent & exclusive College of Law in Indore, Affiliated to the Bar Council of India & Devi Ahilya Vishwavidyalaya (DAVV), Indore. The Study/ Course/ Admission/ Examination and Degree shall be strictly in terms of regulations of DAVV, Indore. Indore Institute of Law is only Private College in Madhya Pradesh where all the law courses are under one roof.

INDORE INSTITUTE OF LAW
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NYAYA DISHAA

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CHALLENGING PLACES OF WORSHIP ACT IN SUPREME COURT

Advocate Ashwini Upadhyay filed plea challenging certain provisions of Places of Worship Act,1991. The supreme court has agreed to hear plea on Sept 9, 2022. A bench by Chief Justice NV Ramana noted that plea against provisions of Places of Worship Act,1991 has been deleted by Supreme Court six times before from the list of business.

The Apex court on March 12 last year had sought a response from the Centre on the PIL filed by lawyer and BJP leader Ashwini Upadhyay on the issue. This year on July 29, a bench headed by Justice D Y Chandrachud and comprising of Justices Krishna Murari and Hima Kohli refused to entertain six other pleas separately on the issue and asked the petitioners to file intervention applications in the pending PIL filed by Upadhyay.

On September 9, the Supreme Court said the petitions against the Act will be heard by a three-judge bench on October 11 and asked the parties to complete the pleadings before the hearing. The top court said the Solicitor General has been granted two weeks to file an affidavit.

The Supreme Court on Friday granted two weeks to the Centre to file its reply on pleas challenging the validity of specific provisions of a 1991 law, which prohibit the filing of a lawsuit to reclaim a place of worship or seek a change in its character from what prevailed on August 15, 1947. A three-judge bench headed by Chief justice Uday Umesh Lalit permitted all the applications, including the plea filed by Jamiat Ulama-i-Hind, to intervene in the hearing of the pleas on the validity of the Places of Worship (Special Provisions) Act, 1991.

The latest development
A bench headed by Chief Justice UU Lalit is set to hear the Muslim side on the issue regarding a batch of petitions questioning the validity of certain provisions of the 1991 law, today, on October 11. The Muslim body AIMPLB in its application has contended that the Act does not violate any cultural rights of any section of the people and is based on the fundamental features of the Constitution, which are unamendable. Thus, any attempt to repeal the said Act or to amend the same will be an annihilation of the basic aims and objects or principles on which the said Act is based, and it would be "unconstitutional and thus void", TOI reported.

Earlier, a batch of petitions was filed challenging the validity of the Act. The petitions contended that it has illegally fixed a retrospective cut-off date (August 15, 1947), which bars Hindus, Jains, Buddhists, and Sikhs from approaching courts to 're-claim' their places of worship which were 'invaded' and 'encroached' by 'barbaric invaders', reported The Hindu.

The main objective of these petitions is to set right a 'historical wrong'.

What is the 1991 Places of Worship Act?
The title of the act describes it as "An Act to prohibit conversion of any place of worship and to provide for the maintenance of the religious character of any place of worship as it existed on the 15th day of August 1947, and for matters connected therewith or incidental thereto," as per an official document from legestlative.gov.in.

The act calls for retaining of all religious structures and places of worship as they were on August 15, 1947.

ALSO READ: Chief Justice of India UU Lalit names Justice DY Chandrachud his successor
Section 3 of the Act bars the conversion, in full or part, of a place of worship of any religion into a place of worship of a different religious denomination or even to another segment of the same religion.

Section 4(1) of the act declares that the religious character of a place of worship "shall continue to be the same as it existed" on August 15, 1947. It also mentions that any suit or legal proceeding with respect to the conversion of the religious place of worship pending before any court till August 15, 1947, shall abate and no fresh suit or legal proceedings shall be instituted after this date.

As per the document, Section 5 of the act stipulates that it shall not apply to the Ramjanmabhoomi-Babri Masjid case, and to any suit, appeal or proceeding relating to it.

Who introduced the Places of Worship Act 1991 and why was it enacted?
The Act was introduced by the Congress government under the leadership of Prime Minister PV Narasimha Rao at a time when the Ram temple movement was at its peak. As per an Indian Express report, the Babri Masjid

was still standing at the time, but due to LK Advani's rath yatra, his arrest and the firing on kar sevaks in Uttar Pradesh, communal tensions were raging.

ALSO READ: Justice DY Chandrachud: From overturning father's verdict to becoming the 50th CJI

Introducing the Bill in Parliament, then Home Minister SB Chavan asserted it was necessary to adopt these measures in view of the religious controversies about conversion of places of worship which tends to affect the communal atmosphere. He mentioned that the adoption of this Bill will effectively prevent any new controversies from arising, as per an official document.

As Article 13 prohibits of making law which take away the right of practicing cultures of Hindu, Sikh, Jain and Buddhist. They have the right to practice and propagate their cultures. Moreover, Mosques can only be considered mosques if they are built on legal and virgin land. Those which are constructed against the provisions of Islamic Law cannot be considered as Mosques.

According to Places of Worship Act, temples religious character does not change if its roof, walls are damaged or even if the land has been offered Namaz. It changes only if the idol from the Temple is shifted with the rituals of Visarjan. Also Religious character of Temple and Religious character of Mosque is totally different. So, same Law cannot be applied to both. As for Temple it is places of Worship and for Mosque it is places of prayer.The mosque constructed at temple land cannot be a mosque, not only for the reason that such construction is against Islamic law, but also on grounds that the property once vested in the deity continues to be deity's property and right of deity and devotees are never lost, howsoever long illegal encroachment continues on such property. Right to restore back religious property is unfettered and continuing wrong and injury may be cured by judicial remedy.

Temple is a place of worship and God resides therein and hence its religious character never changes. Whereas, Mosque is place of prayer and hence they are shifted for the construction of roads, or schools etc. So, the 1991 act cannot be applied to Mosques. The 1991 Act was enacted in the garb of 'Public order', which is a State subject [Schedule-7, List-II, Entry-1] and 'places of pilgrimages within India' is also State subject [Schedule-7, List-II, Entry-7]. So, the Centre can't enact the Law. Moreover, Article 13(2) prohibits the State to make law to take away fundamental rights but the 1991 Act takes away the rights of Hindus Jains Buddhist Sikhs to restore their 'places of worship and pilgrimages', destroyed by barbaric invaders.

1991 Act violates integral parts of article 21 that is Right to justice, Judicial Remedy, dignity. This act also violates article 25 and 26 of rights of Hindus, Sikhs and Buddhists. It also violate article 29 of Hindus of right to reserve and preserve scripts.

Similar to this, the State has a duty to uphold Indian culture's rich legacy and its institutions, values, and ideals. In light of the embargo imposed by Article 13, the applicant claims that the state lacks the legislative authority to implement laws that violate the fundamental rights granted to citizens. Additionally, the Act affects the freedom of religion of Hindus, Jains, Buddhists, and Sikhs and ignores their objections to the illegal, inhumane, and barbaric actions carried out before to independence.

The idea that "Temple property is never lost even if it is enjoyed by strangers for hundreds of years; even the king cannot deprive temples of their properties" is broken by Section 4(1) of the Act. The god or idol, who is a juristic person and the personification of almighty God, symbolises the "Infinite-

The authority granted to High Courts and the Supreme Court by Articles 226 and 32 cannot be taken away from either the Civil Courts or the Supreme Court. The contested Act forbade legal recourse for encroachment on the property of Hindu, Jains, Buddhist, and Sikh sites of worship. Furthermore, by preventing judicial review, which is a fundamental component of the Constitution, the Centre has exceeded the scope of its legislative authority.

The State cannot express its predilection or adverse attitude toward any religion, whether it is the majority religion or a minority religion, according to the touchstone of the secularism principle read with Articles 14–15. Because it violates the rights of Hindus, Jains, Buddhists, and Sikhs to have their houses of worship rebuilt after they were destroyed before 15.8.1947, the 1991 Act is in violation of the secularism principle.

In his argument, Updhyay claimed that the 1991 law establishes a "arbitrary and unreasonable retrospective cut-off date" of August 15, 1947, in order to protect the nature of sites of worship or pilgrimage from encroachment by "fundamentalist-barbaric invaders and law-breakers."According to the PIL, sections 2, 3, and 4 of the 1991 Act should be annulled since they deny anyone or any religious organisation the ability to seek legal redress to regain a place of worship.

The Ram Janmabhoomi-Babri Masjid controversy in Ayodhya was the sole exception to the legislation.

According to the argument, the clauses contradict not only the rights to equality and life but also the fundamental tenants of secularism, which are enshrined in the Preamble and the Constitution's framework.

According to the PIL, the law's provisions "not only violate Articles 14 (equality), 15 (which forbids discrimination against Indians based on their religion, race, caste, sex, or place of birth), 21 (protection of life and personal liberty), 25, 26 (freedom to manage religious affairs), and 29 (protection of minorities' interests), but also the principles of secularism, which is an integral part of preamble and the basic structure of constitution.

The petitioner's grounds for objecting to the cited clauses are as follows:

I Violates the right of Buddhists, Sikhs, Jains, and Hindus to worship, profess, practise, and prorogate their faith (Article 25)

(ii) Restricts the ability of Hindus, Jains, Buddhists, and Sikhs to maintain and govern their sites of worship and pilgrimage (Article 26)

(iii) prohibits Hindus, Jains, Buddhists, and Sikhs from possessing or purchasing sacred property owned by a deity.
iv) Removes the ability of Hindus, Jains, Buddhists, and Sikhs to use the legal system to reclaim their places of worship, places of pilgrimage, and deity-owned property;

(v) Denies Hindus, Jains, Buddhists, and Sikhs the right to return to their places of pilgrimage associated with their cultural heritage (Article 29);

(vi) Limits Muslim claims under the S.107 Waqf Act but permits Hindus, Jains, Buddhists, and Sikhs to regain ownership of places of worship and pilgrimage;

(vii) Making invaders' barbaric behaviour legal;

(viii) Violates the Hindu law principle that "temple property is never lost, even if enjoyed by outsiders for years, and even the monarch cannot take away property since god is embodiment of God and is a juristic person, represents "Infinite the timeless," and cannot be constrained."

At last, SC Refuses To Entertain New Petitions Challenging Places Of Worship Act, Asks To Implead In Pending Cases Instead.

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MANUAL SCAVENGING "THE ENDURING STRUGGLE AGAINST MANUAL SCAVENGING IN INDIA "

One of modern India's great shames is the official failure to eradicate "manual scavenging", the most degrading surviving practice of untouchability in the country. It's estimated that over 600 sewer workers die every year. That's more than 10 times the number of Indian soldiers killed by terrorists.

In Deep shit — 1. Caste 2. Noun They are poor, uneducated, Dalit, who clean shit with their own hands. And let's face it. They don't matter. Mr. V.R RAMAN (Head of policy- water AID) They said many of us are proud of our centuries old heritage. But this is one issue where we must be ashamed of our history. There is a social truth we must face as a reflection of ourselves that. This system has continued over centuries because it did not trouble any of us privileged lot. This tendency to put the toughest job on the shoulders of the weakest sections of society. Prevails in most south- East Asian countries of wearing down the already weary and in return, leave alone respect. They are denied even a halfdecent compensation. This is one of the worst forms of exploitation that has been celebrated as tradition in our country. Manual scavenging is an age - old inhuman sanitation work tradition in India, mostly associated with caste and social hierarchies. One of the worst forms of manual scavenging is of emptying and collecting the human

waste from sanitary dry latrines. In the heart of the financial capital of the world's fastest growing economy, the amount of sewage generated is beyond compare. And still today, there are people who deal with the shit with their bare hands every day. Chase investigates in to the unfair practice of sewage treatment in Mumbai. Number of deaths while cleaning sewers and septic tanks — past five years 2015 — 57 2016 —48 2017 —93 2018 —68 2019 —110 Source — Social Justice and Empowerment Ministry. Increase in manual scavenging deaths 61% (2018 to 2019) Prohibition of employment as manual scavengers and their Rehabilitation act put it to the practice of any form of manual cleaning, caring, disposing or heading human waste. The enduring struggle against manual scavenging in India. The economic capital of the world's fastest growing economy generates enough sewerage to fill 800 Olympicsized swimming pools and is still against this sewerage. Some sanitation workers fight for these workers trying to bring life to you.....! Movement against caste system. BEZWADA WILSON — (HUMAN RIGHT ACTIVITY) [Safai Karmachari aandolan New Delhi 1986 to 1987] BEZWADA Wilson, who has played a vital role in this movement, at first he wanted to become a priest, he found dry latrines even in churches and no one was willing to do anything about it.

Later, when they went to court with this matter, the very court had dry latrines cleaned manually which is illegal. This system went on for a very long time. Then came a time when people began feeling that the government or society. Won't do anything about this until we organize ourselves and agitate. This led to the establishment of the safai karmachari aandolan. After Ambedkar, this has been the biggest movement against casteism and untouchability post - Independence. BEZWADA Wilson said — we banned manual scavenging in 1993, we said that we have prohibited the practice. We went to the court in 2003, for ten years nothing was done about it. The Act was not even ratified in the assemblies. Even for ratifying, we have to decide who has to punish who, we have not decided that either. If everything the court has to say — then who went to court and who challenged? We have almost 650 districts and the district magistrate has to punish the people, who engages or employs manual scavengers. But in all these years till today. We have not punished a single person. We have court, police stations, Ministers. We have everything in this country, but we have not punished a single person across the country. ACCORDING TO NATIONAL SERVEY — conductive in 18 states a total of 48,345 manual scavengers have been identified till 31/ Jan/ 2020 as per data collected in 2018. 29,923 people are engaged manual scavenging in Uttar Pradesh. Making it the highest in any state in India. Despite the introduction of several mechanized systems for switch cleaning human invention in the process still continues. Manual scavengers a provided with some government rehabilitation such us one time cases steins of rupees 14,000 thousand loan up to rupees 15 lakes at confessional rate of interest and scholarships scheme for the children's. But experts feels, such onetime major's a not enough. They say that a more community sanitary model should be take it. Where the entire community is given more opportunities to help them to come out of the practice.

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PROTECTION OF THE WORKERS WORKING IN NUCLEAR POWER PLANT

INTRODUCTION

As we know that one of the most risky place to work to work is nuclear power plant where the risk of radiation emission is high, if proper measures are not taken the radiation may cause physical as well as mental injury to the workmen working there, this may also lead to injury to their upcoming generations as well and the work in nuclear sector cannot be don be through machines only the humans can be given the duty to deal with the operation, so there are multiple conventions made to provide the safety, security to the workmen working, also government of India have followed the same convention and enacted the laws for safety, security and welfare of the workers. In this article we are going to find to what extent these laws and policies are applicable what changes are to be taken for making these effectively applicable and the challenges faced by the authorities in applying these laws and policies, and the judiciary's importance in providing the safety, security to the workers.

WHAT ARE NUCLEAR POWER PLANTS?

A nuclear power plant uses the heat produced by nuclear fission in a closed environment to turn water into steam and drive a generator to produce electricity.The construction and operation of these power plants is closely monitored and regulated by the Nuclear Power Corporation of India (NPCIL), but accidents can happen.Accidents could result in dangerous radiation levels that could affect the health and safety of people living near nuclear power plants.

Presently there are 22 operating nuclear reactors with having an installed capacity of 6780 MWe in India. Among the total reactors 18 are a pressurized heavy water reactor (PHWR) and 4 are light water reactors (LWR)

IS WORKING IN NUCLEAR POWER PLANTS DANGEROUS?

Workers at nuclear power plants receive a certain amount of radiation. The Nuclear Power Corporation of India (NPCIL) has strict procedures in place to maintain worker doses within the limits mandated by the Atomic Energy Regulatory Board (AERB).

At high doses, ionizing radiation can cause immediate harm to the human body, including radiation sickness and death at very high doses. At low doses, ionizing radiation can cause health effects such as cardiovascular disease, cataracts and cancer. It causes cancer primarily because it damages DNA, which can lead to cancer-causing gene mutations.

Nuclear power plants are among the safest and secure facilities in the world. Radiation workers in nuclear industry like other radiation workers form a unique group. These are adult workers whose radiation doses areregularly measured at work. These records are retained. Radiation protection experts agree that high doses of ionizing radiation can cause cancer.

Radiation protection standards are based on studies by scholarly bodies such as the US National Academy of Sciences (NAS), Biological Effects of Ionizing Radiation Committee, the International Agency for Research on Cancer (IARC) and United Nations Scientific Committee on the Effects of Atomic Radiation (UNSCEAR) Nuclear power plants have safety and security procedures in place and are closely monitored by the Nuclear Power Corporation of India Limited (NPCIL). They point out that at low doses, similar to those to which nuclear power plant workers are exposed, the risk of radiation, if any, is negligible. Such risks are not actually risks at all. Working at a Nuclear Power Plant (NPP) is not a dangerous occupation.

PROVISIONS IN INDIA

The Nuclear power is the one of the most valuable resource for a country, and for facilitating the effective, optimum and secure use of nuclear power, it is one of the requisite to make the nuclear power plants a safe working place for the workers, providing the safety from the emitted radiation to the workers working in the nuclear power plants will allow employers to work efficiently without any fear of getting effected from radiation. Thus, the government has made rules and enacted laws related to nuclear power and safety of workers, some of the laws are listed below:-

The Atomic Energy Act, 1962
Atomic Energy (Working of the Mines, Minerals and Handling of prescribed substances) Rules, 1984
Atomic Energy (Safe Disposal of Radioactive Wastes) Rules, 1987
Atomic Energy (Factories) Rules, 1996
Radiation Protection Rules, 2004
Civil Liability for Nuclear Damage Act, 2010
Notification of Civil Liability for Nuclear Damage Rules, 2011

JUDICIARY'S ROLE

The judiciary as having its inherent function provides safeguards to the rights of the citizens; judiciary has also played an important role in implementation of the rules which are framed for the protection of workers in Nuclear power plants, In case of G. Sundarrajan v. Union of India and Others, the appellants opposed the kudankulam Nuclear Power Plant (KKNPP) on grounds of safety and environment protection, the appellants contended that the people of plant area have fundamental right to safety and security under article 21of the constitution and for protection of rights they can move to court, in addition to this Articles 47, 48-A, 51(A)g, 38, 32, 136, 226 and 142 applied for various issues. The prayer was to close down the KNPP.

The Supreme court after hearing all the contentions made by the parties, held that the Nuclear power plant comply with all the statutory guidelines and standards set by Indian and foreign expert bodies, KKNPP cannot be directed to be closed down, it has got all the necessary clearances, NOCs, and approvals Establishment of KKNPP is valid and court cannot go into the safety standards set by experts, all the safety standards which are to be followed are given in statutes, rules, and regulations, Moreover KKNPP Project is justifiable, viable, valid and is according to the principles of sustainable development, principle of intergenerational equality, principle of greatest good of the greatest number. But when it comes to right to life and safety of the citizens, the court can interfere and exercise its adjudicating power to allay the fear of the citizens, for this purpose the court gave several directions to ensure safety.

SUGGETIONS

As the government have made laws for proper regulation of the Nuclear power plants, which are even getting implemented through the NCIL and the AERB, also these authorities again have radiation protection standards that are based on studies by scientific bodies such as the US National Academy of Sciences (NAS), the Committee on the Biological Effects of Ionizing Radiation, the International Agency for Research on Cancer (IARC) and the United Nations Scientific Committee on the Effects of Atomic Radiation (UNSCEAR).

So there is no gap between the formulation of the laws and the rules and there implementation, yes in ground level there must be some defective practices taking place but overall these rules and laws have been implemented effectively, and the workers are also safe in nuclear power plant and are working without fear any fear and with full efficiency.

At last the three things on which the government may have to work, because of the reason of increase in energy consumption and are the ways for more effective implementation of new policies, rules and laws, which will be based on technological advancement and changing needs are:

Amending the Atomic Energy Law to allow public sector companies to set up joint ventures to build nuclear power plants
Resolved issues related to the Civil Liability for Nuclear Damage Act (CLND) and the establishment of the Indian Nuclear Insurance Pool (INIP).
Workers must be trained to deal with emergencies.

CONCLUSION

As we know the Nuclear energy is one of the most important asset a country can have and it has taken a revolution in world as it is the most feasible, clean and does not deplete any natural resource, providing safe environment for work in the nuclear power plant is challenge for the government, and not just adopting safety standards is enough, the government must be vigilant, proactive and transparent regarding its rules and laws. With growing population there is robust growth in energy requirement and without any lagging so for fulfilling this need the nuclear energy is the most suitable and feasible. So for encouraging the use of nuclear energy for fulfilling the energy need and not for using it for other human danger as well as environment danger purposes, different countries must make a deal and make the best use of the nuclear energy without leaving any opportunity for using the nuclear energy for other purpose than that of using it for fulfilling the need of people, and for improving the mankind and environment.

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SHOULD UNIFORM CIVIL CODE APPLIDED IN THE NATION LIKE INDIA?

"Unity and Diversity is India's strength. There is unity in every corner of India. This is our strength."

Talking about the country like India the first thing that pop-up in our head is the heterogeneity of the Nation and its people. People in India are emotional beings their sentiments towards their religion, culture, caste, creed, race, gender etc are strong. This kind of huge diversity is challenging to cope-up with this, but in spite of that, our country is working as a normal country, breaking the consequences and clashes. However, India stands on a separate footing in contrast with other countries. Moreover, sometimes there are instances that discord arises as a result follow-up of distinct religions and cultures. Hence, all this develops a need of having uniform civil code (UCC) in the country but is this really a need because if UCC comes into force the sentiments of the people will get hurt in one way or the other so the bringing of UCC in India is a complex decision to make because both unity and diversity is the strength of India and both should be well balanced for the working of the country.

Indian law is bifurcated in two parts; Civil and Criminal laws, the criminal laws are uniform all around the country but some civil laws are not. Laws like marriage, divorce, maintenance, adoption etc are not same they are different for different religion, customs, culture etc. This concept of uniformity first discussed in the second law commission report (1835). The idea of UCC is making single code for all personal laws. The Bill has been introduced in parliament as private member bill but the opposition blocked it by requesting to the chairman. The UCC became a flashpoint of Indian politics in 1985 during the Shah Bano case as maintenance is not provided in Muslim law so the issue raised whether UCC applies to religions or not. Moreover, the 'Hijab' controversy in which women were not allowed to leave their homes to reach school and other religious places without wearing the 'Hijab' controversy in which women were not allowed to leave there homes to reach school and other religious places without the 'Hijab'. As this problem is creating so much chaos at the public places and definitely acts as a hindrance for the development of the country.

Uniform Civil Code, which is defined under Article 44 of the Constitution of India, provided that there should be a uniform civil code in each and every state of the country. As it is basically covered under Directive Principle of State Policy (DPSP), that is not justifiable and is not enforced in a court of law. Hence, no one can compel the citizens to follow them. On the other hand, it also violates freedom of conscience and free profession, practice, and propagation of their religion to all the citizens. The personal laws of every religion are unanimously acting as an obstacle.

The enactment of the Uniform Civil Code (UCC) has been on the BJP's agenda for a long time. As far as enactment is concerned Goa is the only state in the country that has Uniform Civil Code (UCC) following to a large extent. The topic on uniform civil code is debatable because if UCC comes into force then the term secularism and equality which is embedded in the constitution of India will be followed earnestly. The uniform civil code will enhance the status of women in the society and take India towards the modernization of the country. The disadvantageous part of UCC is that the interference of religion by the government which will affect the opinions of public as well as the infringement of fundamental rights and this can create a huge riot in public as in difference of opinions.

Therefore, there is a high demand for the Uniform Civil Code (UCC) throughout the territory of India. This not only reduces the clashes but also provides uniformity and equality in the country.

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ONLINE COPYRIGHT VOILATION WITH REGARD TO OTT PLATFORM

Copyright specifies to a kind of intellectual property right which empowers the creator of an original work to have an exclusive right over the reproduction and distribution of the copyrighted work. Infringement of copyright is the act of counterfeiting or reproducing the work of rightful owner who possesses the copyright over the work, without his permission. This act of producing similar work is defined under Section 2(m) of the Copyright Act, 1957 as 'infringing copy'. With the technological advancement of internet, the issue pertaining to copyright infringement has increased to a high level. The introduction of different over-the-top (OTT) platforms for the purpose of streaming audio as well as video content has further opened another zone of copyright infringement over the internet. The model of most of these streaming platforms require viewers to pay certain amount of money for content, as a result of which, there has been an increase in the number of apps and websites providing pirated content on the internet free of cost. In some cases, software applications which are primarily used for other purposes have been used to share and circulate copyrighted material belonging to various OTT platforms. This dissertation will explore the copyright infringement that is caused due to the video piracy of OTT content and the relating obligation under the Copyright Act, 1957.

A constant need of online viewers to access premium paid OTT content in terms of movies and web series free of cost has increased video piracy on the internet. The huge demand for such free content has prompted a plenty of roads for online viewers through which they can access a copied version of the original content which is the property of OTT media services. For example, mobile application named Telegram, which is a cloud-based texting and voice over IP administration settled in UAE, is a common platform for its users to share copyrighted content of movies and web series which are available on OTT platforms like Netflix, Amazon Prime Video, Hotstar etc. This has led to an increase in peer-to-peer piracy which allows users to distribute and share digital media obtained by unlawful means. This increase detrimentallyeffect on such platforms and content providers as it takes away a huge part of their potential income.

The regulation of these illegal activity becomes difficult because the culprits cannot be traced easily, the expenses associated with such illegal distribution is negligible and it is difficult to control and trace the number of people who access the pirated content.

The use of Virtual Private Networks (VPNs) further increases the problem of tracing as it allows individuals to access their desired content openly without their web activity being traced back to their IP address.

Even if any person who is guilty of video piracy of OTT content is identified, adjudicating on the case may not be simple as various countries may be involved and determination of jurisdiction may become difficult. Another issue is that, from duplicating and replicating the content from the various platforms to making the pirated version available to the general public, several people may be involved which makes it difficult to identify the wrongdoer and assign liability for the crime.

Copyright VIS-À-VIS Public Interest

This is a must for a country's copyright law to make a balance between the copyright owner's interests and the legitimate needs of organized society. "The concept of the public interest against the rights of copyright owner has also been recognized by the Universal Declaration of the Human Rights. Article 27 of the Declaration reads as under:

(1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancements and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author."

As a result, paragraph (1) of the Declaration recognises the rights of organised society, whereas paragraph (2) recognises the rights of the copyright owner (2).

Aside from the UDHR, the main limits unique to copyright may be found in international conventions on copyright and national copyright legislation. These limitations stem directly from the balance between the interests of the copyright owner and the public.

As a result, copyright protection is a requirement for the copyright owner's economic interests to be protected. At the very same moment, it is also necessary to grant the public certain rights in the owner's copyrighted work. This is also known as copyright limitations, which are essential to maintain a balance between two opposing interests: the copyright owner's rights and the public interest. Because copyright is a legal construct, these restrictions are statutory in nature and are divided into three categories:

(i) Limited Duration of Copyright

The first statutory restriction is the copyright in a work's limited tenure. The duration of copyright protection is restricted to the owner's lifetime and sixty years after his death (often referred to as "sixty years pma"). The work becomes public domain after the copyright term expires. In other words, after the copyright period has expired, anybody can use the copyrighted work without asking for permission or paying a fee or royalty.

In fact, the term is a compromise between those who argue that copyright should be permanent, lasting if the work is used because it is appreciated and enjoyed by the public, and those who argue that copyright should be a personal right that should end with the author's life so that the public can enjoy unrestricted use after his death. As a result, the concept of public interest gives rise to the idea that a work should eventually benefit national culture and become public property after a set period, such as when a work's copyright term expires.

(ii) Doctrine of Fair use

Fair dealing with a copyright owner's work is the second legislative constraint on his rights. Few uses of safeguarded arts are permissioned under copyright law. They are commonly referred to as "fair use" or "fair dealing" in general. Free uses include private study and research, teaching, criticism, and reporting current events, among others.

(iii) Non-voluntary Licenses

The third statutory constraint on copyright owners' rights is the issuance of non-voluntary licences in accordance with copyright law. In some cases, rather than an absolute right requiring his prior authorization for all uses of the protected work, the right owner is allowed only the right to equitable payment for each use. A compulsory licence or a statutory licence are two types of non-voluntary licences.

Statutory License is a licence that allows users to freely use protected works on the condition that they pay a charge set by the competent authority to the body designated by that authority and dispersed in accordance with the latter's rules.

Compulsory licence, on the other hand, is a licence requiring the copyright owner to grant the necessary authorization without, however, depriving him of his right to negotiate the terms of the authorization, with the proviso that if no amicable agreement can be reached between the parties, the administrative or judicial authorities (civil courts or special jurisdictions) will fix the amount of remuneration.

The primary difference between a statutory licence and a compulsory licence is that the former is governed by a statute that also governs equitable remuneration, whereas the latter is governed by a statute that states that the user is not entitled to use the work without paying a

In India, Sec 52 of the Copyright Act,1957 lays down a list of permitted uses.

Report of the Sub-Committee of the Intergovernmental Committees, Copyright (1978), p.208, paras 48 & 49.

standard royalty and must instead negotiate with the author or the collecting society representing him, both of whom are obligated by law to do so.

Copyright Protection of Over-the-Top platform and legal provisions

With the vast increase of technology in the modern world, digitalization has become a very challenging area for internet. Internet is the platform with the unlimited dimensions. Where the free flow of data is provided by various providers to various users worldwide.

In the fast-speed "economic, social, cultural, and technological" growth, IPR have experienced many significant alterations. Contours of intellectual invention and innovation have expanded as a result of technological advancement. We currently live in a "knowledge economy, which has increased the emphasis on intellectual creation". Technology has revolutionized the way people create and innovate. Patents, TM, CR, TS, & other intellectual properties all changed as a result of this.

The "author or creator" who creates a novel material with knowledge, skill, capital, and hard effort is protected by copyright law. Copyright gives the owner "exclusive rights to create and duplicate the work, which protects the owner". Technology, on the other hand, enables for faultless, low-cost, and immediate copying, re-production & circulation of the work.

Not only there a huge increase in the development of unique work, but same in illegal use of those works. Greatest difficulty facing copyright law is protecting CR in virtual globe. "The International Conventions, such as the WIPO Copyright Treaty of 1996 and the WIPO Performances and Phonograms Treaty of 1996, advise nations to provide adequate legal protection and remedies for rights violations including Digital Rights Management." In 2012, India updated its copyright legislation to reflect these changes. The efforts made by the Indian legal system to prevent copyright in the digital realm are discussed in this chapter.

Internet and computer regarding Intellectual Property Rights, technology has resulted in significant changes in economic, social, and cultural challenges (IPR). The contours of intellectual invention and innovation have expanded as a result of technological advancement. In this information economy, the discussion has centred on whether IP requires stronger protection, as well as whether the existing legal structure is sufficient to preserve digitalized forms of production and innovation, or whether new laws are required. The need for modification into the legal system has become necessary. Current rules must be updated since technological advancements necessitate modern protection for all types of intellectual property, such as patents, trademarks, copyright, trade secrets, and so on, and have had a significant impact on copyright protection.

When it comes to copyright and related issues, virtual world has thrown up whole modern universe of possibilities. The modern rules framework into our country and its repercussions for CR must considered considering the changes in CR Act. "CRA protects the author or creator of an original work. Labor creation, which is important for society's growth, should be encouraged and rewarded. Copyright legislation's primary purpose is to protect the fruits of a man's labour, talent, capital, and judgement". The goal of copyright law is to "financially reward the owner/creator of a work". You have the sole right to make and duplicate the work if you have copyright. As a result, "the goal of CR rules is to preserve and promote new creative works based on the creator's own ideas or previously published information or labour". Copyright works are generated in stages, with each one building on the one before it and relying on public domain material. At the same time, it serves the public good by making all creative works available to the broader audience. "As a result, it protects creators on the one side by giving an incentive to create new and original works, while on the other hand, it balances the protection by limiting it so that no single person monopolises the creativity of a work. Copyright is an asset that should be protected in the public interest, with some limitations and exceptions."

The rules must be modified regularly against innovation improvements. There are certain questions about when and how digital works should be safeguarded, as well as what type of protection should be provided. Copyright legislation protects works incorporating computer programmes or software in practically every country. In certain nations, including US, it is also safeguarded under PL. "This chapter discusses the main obstacles, challenges, and repercussions of copyright law, as well as the court's response to the developments. Legislators are considering broadening the scope of copyright protection in digital works as a result of the World Wide Web and the Internet. E-books, musical works, artistic works, films, and sound recordings, including performances, are now all available for download via the internet". Technology allows for perfect, low-cost, and immediate copying, as well as replication and distribution of the work. The production of works, as well as their rganizedd or illegal consumption, is on the rise. Protecting CR content in digital era is most difficult problem for justice ecosystem to solve. Duplicating intellectual works causes harm to the owners, but it also stymies economic progress and costs the government money.

Infringements of copyright are not limited to a certain geographical location. Governments are required to provide sufficient legal protection, damages, & DRM standards under WIPO Copyright Treaty of 1996 (WCT) and the WIPO Performances and Phonograms Treaty of 1996 (WPPT). "The WCT and WPPT mandate that member states create provisions for the protection of technological measures and anti-circumvention equipment. The law had to be modified to protect computer programmes, performers", & phonogram rights under the Agreement on Trade Related Intellectual Property Rights, even though India is not a member of the WCT or WPPT (TRIPS). India updated its copyright legislation in 2012 to bring it up to international norms. As a signatory to the Berne Convention of 1886 and the TRIPs Agreement of 1994, India has complied with international regulations.

In all jurisdictions, intellectual property is recognised as a good that entails intangible rights. Literary works, creative works, musical works, cinematographs, and sound recordings, as well as other related rights, may all have copyright. After the introduction of the computer and the internet, the method such work is published has changed dramatically. Computer and software programmes have joined the realm of intellectual property, posing new concerns and concerns in terms of a copyright owner's rights and obligations. Theft of intellectual property is widespread and extends beyond national borders. Piracy on the internet, often known as cyberspace, is a regular occurrence. CR safeguards the development of creative material for a specific time, allowing owner to enjoy monopoly to replicate the work.

"The Hindu Business Line news reports that the piracy level in India remains at 60%. About $ 2.9 billion worth of unlicensed software were being installed in 2013 as per Business Software Alliance (BSA) survey. India was just behind China, in the Asia Pacific region in terms of commercial value of unlicensed software sold in 2013. However, India's piracy level reduced to 60% in 2013 from 63% in 2011. Globally, 43% of software installations were unlicensed (value of $62.7 billion). National Association of Software and Service Companies (NASSCOM), BSA/SPA estimated that 20–25% of the books sold were pirated. Further, the revenue losses of computer software worked out to be about Rs. 545 crores."

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CURRENT AFFAIRS, December 2022

• BHIM Celebrates its Sixth Anniversary Indigenously developed payment application BHIM (Bharat Interface for Money) celebrated its sixth anniversary. BHIM App was launched on 30th December 2016 by Prime Minister Narendra Modi.

• The Adani Group informed stock exchanges that it has acquired additional 27.26 per cent equity stake in NDTV from founders Prannoy Roy and his wife Radhika Roy. The billionaire Gautam Adani-backed Adani Group acquired shares from Roys at Rs 342.65 per share which was 16.55 per cent higher than the open offer price.

• The SpaceX Falcon 9 launch vehicle launched into low Earth Orbit the first 54 Starlink Satellites of the new generation, or v2.0 or Gen2. The SpaceX Falcon 9 was launched on 28th December 2022, and it took place from the SLC-40 launch pad of the US Air Force Base at Cape Canaveral.

• Tata Motors to complete the acquisition of Ford India's manufacturing plant at Sanand through its subsidiary on 10th January 2023. The company has announced that its arm Tata Passenger Electric Mobility Ltd (TPEML) would acquire Ford India Pvt Ltd (FIPL) Sanand Plant in Gujarat for Rs 725.7 crore.

• FIFA World Cup Qatar 2022 Interesting Facts and Controversies The FIFA World Cup 2022 was the 22nd edition of the FIFA World Cup, which featured competition between the men's national teams of FIFA's member countries. It was the second World Cup staged fully in Asia after the 2002 competition in South Korea and Japan.

• Zuari Bridge: Union Minister of Roads Transport and Highways Nitin Gadkari has inaugurated the country's second longest cable-stayed eight-lane Zuari Bridge in Goa. Right-hand side (4-lane corridor) across the Zuari River and approaches from Bambolim to Verna were thrown open for vehicular traffic. Gadkari also launched the PWD Goa App for integrated operations management.

• The State Information Commission of Tamil Nadu has the lowest performance of responsiveness under the RTI Act concerned, with only up to 14% of the information sought. Maharashtra was second lowest with sharing only 23% of the information asked for. The report was issued on the Performance of Information Commission (ICs) in India for 2021-22.

• Arata Isozaki, a Pritzker-winning Japanese architect known as a post-modern giant who blended culture and history of the East and the West in his designs, has died. He was 91. Isozaki won the Pritzker Architecture Prize, internationally the highest honor in the field, in 2019.