

PREFACE TO THE EDITION

With great pleasure, we contribute, on behalf of the International Journal of Judicial Science Research Studies (IJJSRS), an issue that inculcates a wider concept of legal studies. The contributions made by the researchers are laudable.

Each issue should delineate the aims and objectives of the journal. The articles that will be published are in the double-blind peer-reviewed mode and represent contemporary thoughts concerning legal studies. This helps to update the legal community and acts like a platform for exchanging views, thoughts and knowledge.

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The initial volume of IJJSRS, the Eduschool Academic Research and Publishers, is a platform to boost the modernistic trends in the field of legal studies.

INDU PANICKER
EXECUTIVE EDITOR

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Challenges in Child Rights and Child Protection in India

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Abstract

This paper emphasizes the necessity for an extensive approach by providing a consistent examination of the very complicated subject of child abuse, situations, and rights in India. Any nation's human resources are vital, and they can be strengthened through education, particularly by enhancing the foundational curriculum. Education is seen as the path that leads to personal growth and advancement. A child's whole growth depends on their family. A child's physical, psychological, and social development will be hampered by deprivation brought by the absence or carelessness of family during their early years. As the relevance of the nuclear family and communal living declines, kids are becoming more susceptible to the whims of the environment. The focus of policy talks in the sphere of child protection is the need for better alternative care that goes beyond institutional settings. This essay critically examines the laws now in place regarding child labor, adoption-related concerns, and child sexual assault. Notable instances include the Juvenile Justice Act, which offers protection and rehabilitation to children in legal difficulties, the (POCSO) Act, which addresses child's rights and sexual abuse and exploitation, and the Right of Children to Education Act, which affirms that every child has the fundamental right to an education. In conclusion, a comprehensive strategy is needed to handle the intricate problems of children's liberties, status, & abuse in India. The government needs to keep up its efforts to efficiently put current regulations and laws into effect and enforce laws.

Keywords: - Right to Education Act, Child, Laws and Regulations, Education, Protection of Children, Child's Rights, Policy, Joint Family System, legislations.

"Families and children must be protected; they have inherent rights and should be loved, cared for both physically and emotionally, and not brought into the world to suffer."

Indira Gandhi —

I. INTRODUCTION

Almost 440 million children live in India, a country known for its distinct and unique cultural history and immersed in a rich history tapestry. Children make up a substantial one-third of the country's population. India has made great leap in recent years in enhancing the lives of children, but there are still many issues that need to be addressed immediately, especially those about harassment, social standing, and fundamental rights. India's legal system, which includes the United Nations Declaration dealing on the Rights of the Children and other treaties between nations, is a staunch defender of children's rights, providing them with several protections all around India. The rights to healthcare, education, safety from violence, and significant involvement with life-affecting decisions are all included in these unalienable liberties. Nonetheless, the stark fact is that many Indian children continue to be unaware of their rights since there are insufficient systems for enforcement in place.

- Empowering children through awareness: Given the circumstances, kids must have a firm grasp of their legal rights and are equipped with the information and resources they need to have an assistance when they are being bullied or mistreated.
- Eradicating discrimination: Discontinuous efforts are needed to destroy the bases of prejudice that support social class differences, caste divisions, and gender biases.

- Upholding the sanctity of justice: The government must strengthen the foundations of justice to protect children's rights. It is crucial to have an unwavering dedication to following the law and making sure that children's rights are protected.

1.1 Indian Society's Rights and Protections for Children

In any culture, protecting and defending the rights of children is an essential matter. Children in India is having a group of several issues, such as abuse, exploitation, and bullying. We will say about the status and position of children in Indian society, the occurrence of child labor, child marriages, and sexual abuse of children here. In addition, it examines the laws, regulations, difficulties in implementing them, and other subjects. It also looks at the role that grassroots organizations play in advancing and preserving the rights of children.

1.2 Child Molestation in India

Physical, psychological in nature, and sexual abuses from their friends and relatives are among the many kinds of abuse that children in India endure. It is alarming to note that over 100,000 cases of crimes against our young children and small kids have been reported to the National Crime Records Bureau Statistics published in 2019. Sexual abuse is the major kind of abuse that children in India endure and is frequently committed by people they know, like close family members or neighbors.

1.3 Problems and Issues Regarding Child Protection

Regarding the high prevalence of assault, battery, and neglect among children worldwide, it is clear that children are susceptible to all forms of maltreatment and exploitation. To put it plainly, child protection is the procedure of shielding young people from neglect, abuse, and sexual or psychological harm. Child protection, according to UNICEF, is a preventative measure and response to all forms of cruelty, exploitation, and exploitation targeted at children. These include child labor, trafficking in sexual minors, female genital mutilation/cutting, and child marriage. The International Covenant on the Rights and Freedoms of the Child's Article 19 requires State parties to,

when the child is in the care of a parent, legal guardian, or any other person who has the custody of child's care, take all necessary legal, administrative in nature, social, and educational precautions to safeguard the child from all forms of issues like assault, injury, physical or mental assault, or abuse, neglect or wrongful treatment, abuse, or exploitation, which involves sexual misconduct.

Furthermore, Article 35 addresses trafficking, Article 34 addresses sexual exploitation, and Article 32 affirms children's right to be shielded from economic exploitation and hazardous labor.

1.4 India's Problems with Child Protection

According to data from the National Crime Records Bureau, a child in India goes missing every eight minutes, so child security problems require serious attention. Roughly 40% of these children are still missing. Because of the critical scenario in India, lawmakers in the Upper House of the legislature admitted that in 2011 alone, about 60,000 children from 28 states & territories under the union went missing. Of these, almost 22,000 are still left unaccounted for. The problems of disregard for youngsters and their multifaceted disregard, which can extend beyond their immediate surroundings in their households, neighborhoods, society as a whole and society at large, are unique to India.

1.5 Current Systems for Protecting Children

The Indian Constitution acknowledges children's fragility and their entitlement to protection. Children will get special attention, as guaranteed by Article 15 of the United States Constitution, through required and unique regulations and programs that protect their rights. Articles in the Constitution like 14, 15, 16, 17, 21, 23, and 24 guarantee an equal opportunity to equality, the preservation of life and individual liberty, and the right against exploitation. The National Policy for the protection of Children in 1974 and 2013, the Juvenile Justice (Care, Protection, and Rehabilitation of Children) Act, 2000, the National Charter for Children, 2003, and the National Plan of Action for Children, 2005, have all been aligned by the Indian government to create a strong structure for safeguarding children. The government launched the Integrating Child Protection Scheme in 2009–10 to combine several child protection initiatives under one roof to improve guidelines and fundamental ideas of "protection of child freedoms" and "best interests and rights of the children".

1.6 Child Line: A Significant Advancement in Child Protection

The idea for Child Line came from Jeroo Billimoria, a professor at the Tata Institute of Social Sciences (TISS), in Bombay. In her personal as well as professional role, she used to attend to the requirements of the distraught children living on the streets. TISS Child Line was founded in June 1996 as a part and parcel of the Families and Child Welfare Department's department operation, and it went on to develop into a national network for assisting children in need after a long journey. Child Line began operations in 1999 after the Ministry of Justice, Equity, and Empowerment, part and parcel of the Government of India, decided to provide national funding for the program. As of March 2014, Child Line's network of 540 affiliated organizations throughout India enabled it to operate in 291 cities and districts throughout 31 States and Union Territories.

1.7 Child Labor's Prevalence and Effects in India

Millions of youngsters in India have been affected by the widespread problem of child labor. Young people who work in dangerous conditions run the imminent risk of suffering mental, physiological, and psychological harm. Their general well-being, education, and health have all suffered greatly as a result. India's three main problems with labor for children are impoverishment, illiteracy, and a lack of effective legal enforcement. The International Labour Organization, or ILO, estimates that 10 million children between the ages from 5 and 14 are working in India, making it the country with the highest percentage of child laborers globally. Due to their financial status, children from underprivileged communities—such as Dalit's and tribal populations—are more susceptible to being forced into labor. Employers frequently take advantage of these kids and mistreat them physically and psychologically, infringing on their fundamental liberties.

1.8 Addressing India's Child Rights Laws, Policies, and Difficulties

In India's rural areas, child marriage is a common custom that is fuelled by poverty, social and cultural standards, and gender imbalance. Early pregnancies, maternal mortality, domestic abuse, restricted access to economic and educational possibilities, and a higher chance of sexual, physical, and psychological abuse are only a few of the negative effects of this terrible practice. In India, 472 million children are vulnerable to child harassment despite efforts to prevent it, mostly because of societal stigma, poverty, and illiteracy

In India, child sexual abuse takes several forms, including child pornography, kidnapping, trafficking in children, and sexual abuse. Sexual offenses were the majority of the notable rise in crime against children and their challenges reported by the National Crime Records Bureau for 2019. In addition to sexual misconduct, children also experience physical and mental abuse, neglect, and other forms of abuse that restrict their access to school and medicine.

II. LITERATURE REVIEW

(Lupton, D., 2017) Children are increasingly being targeted by a plethora of surveillance devices that produce massive quantities of data about them, and privacy advocates and critical data scientists are starting now only to focus on these practices. We give an overview and analysis of these various forms of child ratification and dataveillance, from in utero to the school years, in this post. Our strategy is exclusively based on calls made recently for an investigation into children's rights in the age of the internet that looks at the factors that lead to children's needs and direct the provision of resources needed for their complete development, the variety of particular harms they may experience, and the importance of and unique opportunities for them to become involved in matters that impact their wellbeing and allow them to engage actively in society.

(Shamrova, D. P., 2017) The trend of including children in social studies has emerged from the growing emphasis on children's rights. The idea of Participatory Action Research (PAR) has been widely adopted by the academic community. Thus, more academics are now discussing and concerned about the simplifying of the participation of kids and the distortion of their voices. This important and present article aims to contribute to the critical discourse surrounding PAR, particularly concerning (1) its methodologies and (2) about the results of genuine children's involvement in PAR for youth and children, social service agencies, and communities. 45 articles were chosen and tagged for examination using the integrative assessment method.

(Bhatia, A., 2017) This study looks at the assurance of comprehensive social protection at the instance of the Aadhaar program in India, a nationwide program that assigns inhabitants of the country a personalized identification number based on biometric data. With over a billion users, Aadhaar promises to close other holes in India's social protection system, increase the availability of basic authentication, enhance enrolment in financial literacy and social protection programs, stop leaks, and lessen corruption. However, the creation of a national identity program does not ensure safety in and of itself.

(Mathews, B., 2019) Leading governmental agencies and academics have acknowledged the issue of defining "Child Sexual Abuse" (CSA) and the necessity of doing so since the 1970s. It is evident from recent demands that a more explicit and theoretically sound definition of CSA is still a pressing concern. In this paper, we delineate issues resulting from differences in CSA formulations across five domains: social norm creation, legal structure and principles, preventive initiatives, policy interventions, and knowledge and research generation. To show the continued use of various concepts of CSA and locate substantial areas of conceptual disagreement, we review and analyze definitions used in major globalization epidemiological analyses, national and international policy statements, social scientific the written word, and juridical systems in the US, Canada, and Australia. Drawing from our review of the literature, we make a theoretical evaluation approach to create a theoretical.

(Ramaswamy, S., 2020) Children who face hardship constitute a high-risk population in the nations like India where the nature of development is still on a slow pace since they do not fit within the broader definition of children, who are typically viewed as vulnerable populations in times of crisis and disaster. In times of crisis, child mental wellness difficulties in the meaning of protection threats and early hardship are often ignored. This article describes the increased protection concerns and psychological dangers that children in adversity are exposed to during and immediately following the COVID-19 crisis and lockdown situation. It also focuses on the financial impact and effect of the pandemic on these children.

(Franchino-Olsen, H. 2021) Too many kids and adolescents in the US are victims of domestic minor sex trafficking issues (DMST) and commercial issues on sexual use of children (CSEC), which violates their rights and well-being. To effectively create programs to stop victimization, adequate preventative efforts should aim to comprehend the elements that leave minors open to being sexually exploited. The critical factors that were found and gathered through a systematic literature evaluation

are discussed in this review. After undergoing full-text examination, 15 studies that satisfied the coming discussed requirements were chosen for inclusion: original either qualitative or quantitative studies with titles and abstracts indicating that they concentrated on the risk factors, vulnerability, or statistical analysis of the CSEC/DMST or a national focus on CSEC/DMST (for United States.-based scientific journals) with outcomes that did not encompass associations between the adolescents and the adults in the studies were published in English language between the January of 2010 and September of 2017.

(Liebel, M. 2023) In our unequal postcolonial international system, social inequality still affects schoolchildren in the global south. The difficulties of advancing children's rights in a decolonizing environment are examined in this book, which focuses especially on working-class children across Latin America. It provides insights into children's political lifestyles and demonstrates how the very concept of children's rights can be given importance at the local level. The book's overarching viewpoint is liberating for kids in the Global South, offering a much-needed redirection of children's rights via the decolonizing of childhoods. The book acknowledges kids as players in a just and free society devoid of prejudice and violence

2.1 Objectives of the study

- To analyze the effects of new legislative changes and policy efforts targeted at enhancing India's child protection and rights
- To examine the effectiveness and accessibility of legal channels, such as support services, legal aid, and justice, for children who have been abused, exploited, or neglected.

2.2 The Scope of the Study

The field of research concerning problems connected with child rights and protection of our child laws in our India is broad and complex. These are some essential topics that could be covered:

- Legal Framework Analysis: Reviewing the current legal framework within India for the protection and well-being situation of children, including pertinent national and international legislation such as the Convention on the Rights and the Welfare of the Child (CRC), the Juvenile Justice Act of 2015, and the Indian Constitution.
- Access to Justice: Evaluating the availability of justice for kids, especially those from vulnerable and marginalized backgrounds, looking at problems with representation, legal assistance, and the court system's backlog.
- Child Labour and Exploitation: Examining the frequency of child labor, human trafficking, and other types of exploitation and evaluating how well the laws and regulations in place handle these problems.
- Child Marriage: Examining the reasons why child marriage continues to occur despite legislative prohibitions, including poverty, lack of enforcement, and sociocultural norms.
- Child Rights Violations: Investigating the legal framework's shortcomings in handling the many forms of child rights violations, such as discrimination, abuse, and neglect, and evaluating these infractions.
- Child Trafficking and Missing Children: Looking at the difficulties of finding missing children, stopping child trafficking, and making sure they are rehabilitated and reintegrated into society.

III. METHODOLOGY

A thorough approach would be required to address the issues with India's child protection and rights legislation. This is known as methodical technique:

- Stakeholder Consultation: Communicate with different child welfare stakeholders, such as NGOs, government offices, attorneys, psychologists, social working staff, academicians, and kids themselves. Conduct focus groups, questionnaires, and interviews to acquire a range of viewpoints regarding the difficulties associated with putting child protection legislation into practice and maintaining it.
- Legal Analysis: Examine the legal structures that are in place in India concerning the protection of children's rights and welfare. This includes the Constitution of the Philippines, pertinent laws like the Juvenile Justice Act, 2015, the Protection of Children from Sexual Offenses Act, 2012, and international pacts that India has ratified, like the International Convention on the Protection of the Rights of the Child (3Rs). Determine what needs to be improved or amended, as well as any unclear statements or discrepancies
- Comparative Study: To find the best practices, lessons discovered, and creative solutions that could be modified for the Indian setting, compare the child protection laws and procedures of other nations with comparable socioeconomic backgrounds.
- Case Studies: Analyze particular instances of abuse against children and neglectful care of the children to comprehend the underlying problems and obstacles to implementation. Examine the causes of these events, taking into account of socio - economic issues, cultural norms, institutional shortcomings, and legal gaps.
- Policy Analysis: Analyze the success of current initiatives, programs, and policies targeted at advancing the protection and rights of children. Determine the areas that need improvement in line with resource allocation, government agency coordination, policy implementation, and cooperation with civil society organizations.

IV. CONCLUSION

To fulfill a child's constitutional right to a safe and healthy upbringing, safeguarding concerns must be handled through a combined strategy that mobilizes a cohesive package of infrastructure and services. Ensuring healthy and happy children in India requires reviving the protective laws & rights guaranteed by the constitution. When child protection systems are in place, all that's necessary for a successful conversion of policy into action is for its many arms—the juvenile justice system Board of Directors, Child Welfare Committees, Child Line, and the police—to be interlinked. If the gaps in institutional and functional connections are not filled, child protection concerns will continue to be as elusive as they are at the moment

There seem to be gaps in achieving the intended goal, included with the recent and noticeable sensitive laws to safeguard and protect the welfare of children. To sum up, India has put laws, regulations, and programs into place to uphold children's rights and deal with problems including discrimination, child marriage, and sexual exploitation. However, issues with compliance, a gap in proper funding, and public perceptions make it difficult to put them into practice effectively. To protect every child's rights in India, these obstacles must be addressed to make a secure and supportive environment for their whole development

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LGBTQ Rights and Gender Equality: A Legal Analysis

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Abstract

LGBTQ Rights have changed in India its nature and expansion only during recent years. Compared to others who do not belong to the LGBTQ group, they has to face many societal and legal challenges to live ahead in the community. Society is very committed to accepting the judicial trends and opinions for protecting LGBTQ Rights in India. Ancient artifacts and beautifully written accounts of the LGBT group's accomplishments in Indian history may be found in books like the Kamasutra. Ancient Indian sociological perspectives on LGBT individuals were flexible and reasoned, in contrast to the modern world. Scholars contended that pre-colonial Indian culture did not see same-sex unions as sinful or bad, nor was it prohibited. The authors contend that the law's paternalistic approach, which denies the autonomy of self-government or self-direction, is its weakness. The concept of autonomy must be reinterpreted as a relative one in which a fair and caring society supports its citizens and fosters social circumstances that support individual choices and enable them to reach their greatest potential. After reviewing the extensively recorded history of LGBT persons in ancient Indian texts spanning all major faiths practiced in ancient, medieval, and contemporary India, the study analyses the roots of s. 377 in the colonial history of that country.

Keywords: - (LGBTQ), social and legal, Indian history, s. 377, gender, ancient Indian sociologic, Indian society, human rights.

“Like being a woman, like being a racial, religious, tribal, or ethnic minority, being LGBT does not make you less human. And that is why gay rights are human rights, and human rights are gay rights.”

— Hillary Clinton.

I. INTRODUCTION

Humans are in need of recognition and a sense of belonging in society, which they get by abiding by social rules and expectations. The gender norms and expectations that are instilled in people via cultural norms and social values are subject to change throughout time. Gender roles are altered by systems of social difference such as political standing, class, ethnicity, age, and more.

“Gender is important because, when used in social analysis, it shows how societal constructions of men's dominance and women's subordination are produced”.

It's important to recognize the distinction between the terms "sex" and "gender" while discussing gender”.

“The biological traits that categorize people as male or female are referred to as "sex." Although both sets of biological traits are not exclusive of one another—some people have both—they tend to distinguish between male and female humans”.

As a result, categorizing newborns as boy or girl based on genitalia differences characterizes their sex. As opposed to,

“The sociocultural definition of the men and women, or how civilizations categorize and assign social duties to them, is referred to as gender”.

Gender norms are reinforced and passed down to children when parents dress their daughters in pink and their boys in blue, educate their girls not to speak or laugh aloud, and teach their males not to weep.

Gender norms have an impact on every facet of human existence, including the socioeconomic, psychological, educational, health, and environmental domains. Numerous studies have shown the fact that socialization and social norms are how gender norms are maintained and passed down through generations.

- **Hinduism:** Hinduism being the oldest existed religion in the world, and the majority of Hindus—more than 95%—live in India. Unlike other religions around the world, Hinduism are not following and continuous practices, worship any one, God, adhere to any one philosophical idea, practice any one set of faith-related rites or achievements, or to see the strict conventional requirements for any religion or creed. Put simply, it is just a simple rule of life.
- **Kama Sutra:** The ancient Kama Sutra, written by the philosopher Vatsyana sometime in the fourth century, is a treatise on "Kama" (desire). In various locations, it describes a range of gender and gay acts. It explains the fellatio practices that male and female of the third gender (Tritiya-Prakriti) use. Two categories of males are identified as masculine and feminine forms of homosexuals in the ninth portion of the Kamasutra; in earlier Victorian British translators, they were only referred to as "hijra."

1.1 The LGBTQ Community and Other Punitive Provisions Under Section 377:

Homosexuality is included in Section 377 of the IPC, which handles abnormal offenses. India acquired its anti-homosexuality rule from the British Penal Code of the 19th century.

Judges' interpretations - Although the term "female inter-course against the logical sequence of nature" is not well defined, Indian courts have understood it to include oral sex, anal intercourse, and sometimes other non-procreative sexual actions, such as mutual masturbation. The legal system has traditionally penalized gay intercourse, even if heterosexual couples also engage in similar patterns. Regardless of whether permission is given, such interactions are illegal according to the law's "voluntary" provision. In the 1980s, the "European Court of Human Rights" ruled that making same-sex sexual conduct illegal which is in derogation with people's right to privacy. In 1967, homosexuality was declared a non-violent felony in Britain, which concurrently established the IPC and s. 377 during the colonial period. In India, court judgments have not often used the statute against "sexual contact beyond the order of nature" since it is difficult to prove in private. For a conviction to be successful, two persons must be seen performing a sexual act, something is usually done in secret. The primary notified criminal case who had a sexual bond with another person of the same gender with that person's consent dates back to 1930. The Wolfe den Committee's recommendations paved way to the establishment of The Sexual Offences Act of 1967 in Britain, which decriminalized homosexuality and sexual abuse of those adults who give consent and willingness (those over 21). The Parliamentary Advisory Committee recommended in 1957 that laws prohibiting gay activity be repealed.

1.2 Misconduct Regarding Gender

India has had gender disparity from its inception because of social, economic, and religious customs that created a significant divide in the status of male and female in the community. How can we forget that both of the sex are like the two wheels of a cart, and both must participate equally for the country to progress? We cannot envision the growth of another without the formation of the first. The men and women, need equal assistance and collaboration; without one being present, the other cannot achieve greatness. Women experience prejudice from an early age. Every field discriminates against them. The important way parents discriminate against their female offspring in all areas. This immorality is often practiced by uneducated individuals. The most dominant tools for eliminating gender inequality in society is education.

1.3 Law About Women

There are many laws, regulations, policies, and institutional changes in our country to establish and analyse the gender plan of action for women's development. To address the uneven economic and social standing in India, legislation is a crucial tool. Few laws were enacted in pre-independence India in regarding societal demands or with humanitarian considerations in mind. These include the Hindu Widow Remarriage Act of 1856, the Hindu Women's Right to Property Act of 1937, the Shariat Act of 1937, the dissolution of Muslim Marriages Act of 1939, and the Bengal Sati Regulation Act of 1829, together with comparable Anti-Sati legislation in Madras and Bombay.⁵ Women's participation in politics and socioeconomic development has increased since independence thanks to significant changes in legislation and court cases. However, this increase hints that there is a chance to occur at lower levels of decision-making than at the highest levels.

1.4 Social media's role in helping LGBTQ++ people establish their identities in India

The dynamic interaction that currently exists between society and technology is driving significant changes in how they interact. The way that technology is used for communication is being profoundly impacted by this progress. An extensive online single platform has been started as estimated by a 2017 World Bank study, with over 3.5 billion people, or 45.7% of the world's population, having access to the internet. People who identify as sexual as well as gender minorities in the community often demand social media platforms to satiate their need for inclusivity and to experience the joy that comes with creating a sense of community.

Three main benefits of our social media are connections that are formed, identity affirmation, and a feeling of community. The user's well-being may be impacted by all of these factors. LGBTQ+ adolescents have the power to create their identity

and communication via social media since it gives them the chance to carefully cultivate their online persona in a area where they can control and observe their level of anonymity and feel somewhat protected.

II. LITERATURE REVIEW

(Jain, D. 2017) Gender Minority rights in India will be looked at in this article along with the growing worldwide acknowledgment and definition of such rights. Transgender individuals are beginning to get legal protection, according to recent Indian jurisprudence. Though the judicial development has been accepted legally its practical extent and application have still to be determined. It's crucial to see the legal background of gender-nonconforming individuals in India to comprehend the advancements that the legal system has achieved.

(Jhanwar, S., 2020) Indian society is becoming more and more vocal about the need for change, but the process of change takes time. But by upholding justice and preservation of rights of the disadvantaged, the Indian judiciary has endured throughout time. One such occasion in Indian society's history is the 2018 Navtej Singh Johar ruling, which honors the victory of humanity and harmonious relationships over antiquated beliefs that are discriminating and out of date. This study examines the degree of social and legal acceptance of the LGBTQ+ Community in Indian society.

(Sharma, S. 2021) The difficulties faced by sexual minorities are often highlighted and neglected in society. However, we must alter that if we are to successfully utilize gender mainstreaming as the strong pillar for our policy work. This article examines the difficulties that the LGBTQ community faces comparatively. This essay attempts to analyze the difficulties encountered by developed Australia and developing India, giving proper weight to the global viewpoint. Simply put, the study's goal is to determine where we are in terms of LGBTQ liberalization relative to industrialized nations and, if any, what historical variables have affected our development.

(Sankhyan, A., 2022) LGBTQ Rights (lesbian, gay, bisexual, transgender, and queer) people have changed a lot in India in recent years. compared to other genders, LGBTQ people are facing many social and legal issues and challenges. The public has a responsibility to embrace the court's ruling with open arms, the government must guarantee that the courts judgements reach the general public, and the court must issue fair and reasonable orders.

(Siji, A. L. 2022) The LGBTQ community, which still does not enjoy the same level of public acceptance and equality as the heterosexual community, is home to a sizeable population in India. This area's development is happening much too slowly and sometimes at a standstill. The most recent instance of this type of instance is likely the famous case study of Adila v. Kerala Police Commissioner. Despite being a notable ruling, it has not accomplished anything novel. This essay analyzed the need to grant adoption rights to members of LGBTQ communities by consulting several studies and publications that addressed the subject. It was noted that no significant changes had been accomplished in this scenario of law notwithstanding the highly acclaimed in Navtej Singh Johar V. Union of India.

(Singh, A. 2023) About 8 percent of Indians identify as LGBTQ+, yet a large percentage of them do not know the full meaning and importance of this abbreviation. With many challenges and successes along the way, the global movement to support LGBTQ people has been underway. The path to LGBTQ++ rights in India has been paved with challenges, social biases, and historical legal barriers that date back to the country's famous past in medieval and ancient periods.

2.1 Objectives of the study

- Examine how other facets of identity, such as race, ethnicity, socioeconomic class, and disability, connect with LGBTQ rights and gender equality.
- Offer a thorough legal analysis based on multidisciplinary viewpoints and actual data to advance the academic conversation on LGBTQ rights and gender equality.

2.2 Scope of the study

- Gender rights and Equality of LGBTQ: Describe gender equality and LGBTQ rights. Give the background information and the development of the legislative frameworks about gender equality and LGBTQ rights.
- International Legal Framework: The evaluation and observation of the main international agreements, declarations, and treaties about gender equality and LGBTQ rights. Examination of the many global and national enforcement and implementation methods.
- International Legal Framework: The observation of the main international agreements, declarations, and treaties about gender equality and LGBTQ rights. Examination of the many enforcement methods and implementation methods.

A summary of the main conclusions and ideas from the legal study. Considering the obstacles yet to be overcome to acquire and protect the rights of LGBTQ people and gender equality.

III. METHODOLOGY

The court determined that articles 14, 15, and 21 of the Constitution are violated by section 377, which forbids private consensual actions between adults (those who are older than 18 and capable of consenting). It is evident that consent of this kind had to be freely granted and provided without fear of retaliation or other types of coercion. It was also ruled that while the primary use of section 377 would not lead to the reopening of any closed prosecutions, it may be relied upon in all current cases.

- Transgender Rights Protection Act: The legislature slipped the famous Act, Transgender Persons (Protection of Rights) Act, 2019, and the governor ratified it on December 5, 2019, in a very respectful manner in response to the Supreme Court's historic ruling in *NALSA v. UOI* in 2014, which upheld the important rights and duties of Transgender societies.
- Identification Recognition: If a TG individual wants to apply for an identification certificate, they may do so. This certificate may also be modified if the third gender person subsequently chooses to shift into a female or a male. Although the legislation explicitly states that transgender persons have the important right to self-perceive their gender identity, more clarification about the procedure would be ideal. It might be argued that the procedure and way to apply for a certificate and follow a bunch of rules contradicts the essence of the ruling, which states that privacy, gender self-determination, and individual autonomy are crucial rights for transgender persons.
- Protection from Discrimination: It is now unlawful to discriminate against transgender individuals. Nevertheless, there are no sanctions in place for someone who is discriminated against by a TG person, and there is nothing of assurance that a TG person who is discriminated against would get financial compensation.
- Penalties: Forcing TG individuals to work in bonds, denying them passage rights, evicting the people from their homes or communities, harming them, or abusing them physically or sexually are a few of the officially recognized offenses against them.
- National Transgender Council: The Act mandates the creation of a body called the National Council for Transgender Persons, with a minimum of thirty members. Out of thirty, their community is represented by only five persons. Furthermore, the people's autonomy would be severely restricted since the central authority would choose them. Our Central Government will choose each member who is not employed by the our Central Government.

This particular Bill makes no mention of this. The Act was created in tune with to the *NALSA* verdict, which required the corresponding states to defend the constitutional rights of transgender individuals, including the freedom to self-identify as gender and the classification of transgender individuals as the financially and socially backward class for reservations. This Act differs greatly from the Supreme Court's ruling.

IV. CONCLUSION

In summary, even though landmarking has been achieved both nationally and internationally to acknowledge and defend the rights of LGBTQ people, there is still a long way to go until complete equality and inclusion are visualized. The scenario of LGBTQ rights has changed throughout time, moving from advocacy work to significant legislative developments, and from legal reforms to cultural views. The trip has been characterized by obstacles, disappointments, and victories, all of which have shaped the current environment. Enforcing laws and passing legislation alone is not sufficient; societal awareness and a shift in the general public's mindset are also required if gender discrimination is to stop and women are to be granted equal rights.

Because of this, it is assured and evident that the LGBT community has been around for a long. It is a part of almost all religions. The Indian Transgender Persons Bill of 2019 repeals the Criminal Tribes Act of 1871, which considered the whole transgender population to be inherently criminal activity and "accepted to the systemic performance of non-bailable offenses." The Transgender (Protecting the Rights) Act 2019 has eliminated criminal sanctions for consenting to sexual actions between twin adults of the same gender in both India and the country's legal system. There is still more research and updates should be welcomed to reform on the rights of LGBTQ people has advanced significantly.

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Data Protection Policy Regulations in India

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Abstract

Indian Constitution under Article 21 ensures that "no one shall be denied his life or freedom of movement except under a process established using law." The goal of this basic right is to defend against infractions on individual freedom or taking one's life provided it is important to carry out a process imposed by law. The Supreme Court in India has interpreted and included the "protection of the right to privacy, properties & data" under "personal liberty," even though it is not specifically mentioned in the article. The Indian government has formulated many policy guidelines, laws, and regulations in the recent years for data protection and privacy. This paper aims to investigate the topics of data analysis and the right to privacy in the digital era. This study examines privacy concerns by examining circumstances in which user-provided data may be abused or, in certain cases, utilized against the individual who submitted it. The usefulness of the IT Act and other current privacy-related laws, and the extent to which they include data protection rules, are also examined in this research. The implementation of regulations in one of these sectors is going to be examined and contrasted since both private and public sectors collect data in an equal manner. Recently, experts led by former Supreme Court of India Judge B.N. Srikrishna were appointed by the Ministry of Information Technology and Electronics to write a law protecting data protection and privacy of Individuals.

Keywords: - Indian Constitution States, Supreme Court of India, Article 21, Right to Privacy, Property and Data', Public and Private Sector, Ministry of Electronics and Information Technology, Data Protection Laws, Personal Liberty.

"The Rajya Sabha made a landmark decision on August 9th, 2023, bypassing the Digital Personal Data Protection Bill"

—Indian Govt.

I. INTRODUCTION

India, home to approximately 1.2 billion people, is the world's most populous democracy. It has a multiparty bicameral legislative system. A thriving private sector has emerged in the once mainly state-dominated Indian economy throughout the last 20 years. It is currently the main economy growing at the quickest rate in the globe, with its economy ranking tenth in the world. It is also among the most well-liked destinations in the world for outsourcing of company processes, or the global outsourcing of the handling of personal information. Call center operations for telecommunications, medical transcription of conversational notes, and numerous more businesses are examples of this.

Awareness of a country's data protection scenario requires an awareness of its monitoring mechanisms. In some specific conditions are met, Indian governments can intercept electronic communications "in cases of any public emergencies or the most efficient interests for public safety. However, the 1996 Supreme Court's determinations restricting who and when might tap phones curbed this judicial power.

Because of recent "anti-terrorism" legislation "gave law enforcement agencies a great deal of power to bring down suspected terrorists, track interpersonal interaction, and decrease free expression," they are currently under protest, even though audit processes involve judicial examination and parliamentary control. Indian courts are aggressively working to reduce searches conducted without a warrant.

By Article 21 of our Constitution, an individual's life or individual freedom cannot be taken out unless it is according to the procedure established by the law. This basic right aims to preserve human liberty and prohibit the taking of life unless in compliance with legally defined processes. Our Hon'ble Supreme Court of India interprets and integrates "safeguarding or the right to freedom of speech and expression, property, and data" under the title "personal liberty," regardless of any disparities.

Since defining the notion judicially would be difficult due to its broadness and moralistic nature, the following acts achieve enforcement of the same:

- The Indian Penal Code, 1860: Article establishes the severe consequences of offences. However, that excludes fines for violations affecting data.
- The Information Technological Act of 2000, or IT Act.
- The 1957 Indian Copyright Act.
- The 1872 Indian Contract Act.

1.1 India's legal scenario for data protection laws

1.1.1 International Commitments Regarding Privacy

The various treaties and conventions are not legally binding in India until they have been intentionally incorporated into our local legislation. India's only international privacy requirement is contained in Article 17 of the 1966 United Nations Conventions for the Preservation of Politics and Civil Rights (ICCPR). Article 21 has been considered to have been comprehended by international law. The following article deals with security and can be seen in the Indian Constitution. Since India is not included in the signatory list to the Optional Protocol to the Second Amendment of the Convention on Political and Civil Rights, its inhabitants are unable to protest (or make "interactions") with the U.N. (UN) about breaches of Article 17 implementation. India is not included in the membership of the OECD or APEC, and not even applied to join the Council of the European Union Convention on Private Data Privacy. Privacy and related Human Rights are not acknowledged and recognised in of the seven existing areas of engagement of the South Asian Agency for Regional Cooperation (SAARC), where India is the most active country dealing with such perspectives.

1.2 The rules for privacy protection under the Indian Constitution

According to our Constitution, *'Nobody can take away their liberty or personal freedom taken away from them unless a legally mandated procedure is followed.'*

The Supreme Court of India has construed this Article to encompass protecting private information from the famous case of Mr. Kharak Singh v. A State of U.P in 2004, as stated in: *'Despite not being mentioned as a fundamental right in the United States Constitution, the aspect of right to privacy is still an essential part of private liberty.'*

Articles 19(1) (d) (the authority for free movements) and 19(1) (a) (the right to freedom of speech and opinion) have been construed to include privacy. The assurance provided in Article 14 of "a level playing field under rules or equal safeguarding provided by laws" is equally significant in Article 21. The Right to privacy must be evaluated against subsection (a) of article 19 of the US Constitution, which provides everybody the "right to freedom of speech and expression." To protect India's integrity and sovereign status, which denotes positive relationships with other included countries, public order, ethical behavior, and decency, and against defamation, contempt of our court, and incitement to offense, the State may, by Article 19(2) of the Constitution, impose appropriate restrictions on the usage of rights and privileges granted by the Article 19 (1) (a). The Supreme Court observed that the notion of free speech and expression, as expressed in Section 19 (1) (a), is the prime basis for the right of a citizen to knowledge.

1.3 The Right to Personal Information and Protections

'A person's "right to privacy" is what allows them to isolate themselves from other people and it provides for someone the option of whether to disclose or not the personal credentials to others. In essence, it refers to the freedom to express oneself to certain individuals. In actuality, it allows us to regulate the method and time of making use of the components we select to reveal and the parts that are accessible to others.'

Without the individual's approval, the right forbids any person from making any public opinion and talks about them. If someone does this, they are infringing on the other person's rights and risk will be liable for damages in court. The 1948 U.N. Convention upon the Maintenance of the Rights of All Migrant Workers or Membership of Their Family Members, the 1948 International Compact on Political as well as Civil Rights, the 1948 General Declaration of Human Rights, and the 1948 UN Convention on the Protection of the Children are among the international agreements that recognize the dominant right to privacy as a fundamental freedom.

1.4 Misuse of Collected Information and Data Mining

The practice of gathering raw data and extracting usable information for later use is known as data mining. As a result, we may define it as the procedure that separates useful data from unusable data. Every action a person takes in this day of internet use has the potential to generate data. It is now feasible to gather, arrange, and use any person's data thanks to e-commerce. Data might be gathered from a variety of sources, including the following: -

- (a) Marketing and retail companies that gather consumer data that can be used to identify potential stakeholders for specific marketing campaigns, forecast the success of upcoming campaigns, gauge customer reaction, implement profitable policies for the expansion of the company, and comprehend consumer behaviors or habit;
- (b) Financial or banking companies gather data from their clientele, which provides financial institutions with knowledge regarding credit and loan reporting; it also assists them in identifying loans that are good or bad; it helps banks identify fraudulent credit or debit card transactions; it and it also aids in our comprehension of exchanges, purchases, banking, stocks, and other related activities;
- (c) People who fill out forms for employment interviews in government departments too give information to government agencies and departments. This aids government agencies in establishing patterns and gathering data regarding money laundering as well as other facets of government employees' & officials' forgeries;
- (d) Online games on PCs, tablets, and phones are yet another method by which data is gathered. Gaming websites obtain players' personal information and use it to understand their preferences. Even strangers can communicate with each other and study more about one another through internet gaming.
- (e) The use of digital devices such as cameras, scanners, desktop video cameras, and video chat also contributes to the collection of user personal information;
- (f) Social media platforms such as Twitter, WhatsApp, and Facebook are other sources of an individual's personal information collection. The information is posted on social media by the person.

Nonetheless, there is no denying that the data gathered has facilitated national development and improved our quality of life. With the assistance of all the relevant data that is kept on our devices & any documents that are virtually connected, the information is at our fingertips. However, it is also undeniable that data extractions from various applications—such as address, phone number, workplace, information about an account via KYC, and other details—as well as self-posts on social media and WhatsApp status updates, among other similar applications, have also proven to be problematic for data mining or pose risks to the individuals whose data they pertain to. There is essentially no way to manage the amount of data streaming, including collection, distribution of wealth, usage, and misuse. Although the gathered data can be put to good use, its arbitrary & uncontrolled usage produces critical questions about how to preserve people's security and privacy.

1.5 Indian Laws Concerning Data Protection

Due to the proliferation of the internet and the data generated by it, India is experiencing issues with a range of cybercrimes. issues with identity theft, credit card/debit card theft, money laundering, privacy invasion, fraud, etc. There is no legislation so far in India that addresses an individual's most important right to privacy or data protection. We cannot, however, claim that there exists no legislation protecting citizens from it. There aren't many laws that address data privacy issues to some degree while also mitigating private and national security concerns. The 21st article of the US Constitution guarantees the "right to privacy," and Article 19(1)(a) provides appropriate limitations on the right to freedom of speech and expression. It must be acknowledged, nevertheless, that India is not having currently any particular laws addressing data protection. We rely on the Information Technology (IT) Act of 2000 and the Indian Contract Act of 1872 for data protection in the absence of any specific rules.

1.6 India's Personal Data Protection Bill's

Although data privacy laws are in place in India, the complexity, dynamism, and global reach of technological advances necessitate a far more extensive regulatory framework to allay persistent worries. To create and develop data protection rules for India, The Ministry of Information Technology & Electronics asked the country's highest court Judge B.N. Srikrishna (Retd.) to chair a committee of ten members appointed by the government in August 2017. The Committee has issued a draft bill named "The Personal Information Protection Bill, 2018" following a year of discussions and public comments."

II. LITERATURE REVIEEW

(Martin, K. D., 2017) This essay summarizes the state of privacy research in marketing along with associated fields at the moment. Grouped by the function of privacy in a society as a whole the psychological aspects of privacy, & the economics of privacy, we analyze theoretical stances and empirical discoveries about information and data privacy.

(Bhandari, V., 2018) In this essay, we attempt to conceive, in light of the Puttaswamy ruling, the fundamental right to privacy and protection, its consequences for both public and private actors. We next look at the Justice Srikrishna Committee's draft Personal Information Protection Bill, 2018, and assess how well it has worked to control State actions about the private sector, with a particular emphasis on consent, surveillance, and interactions between the two, which includes the latter's capacity to refuse the former's requests for data.

(Bhandari, V., 2021) Since at least the beginning of the 1990s, cybersecurity have been a major policy priority for the Indian government. But as of right now, its cybersecurity regulations are still patchy and inconsistent. Specifically, as the following piece will show, intelligence and our law enforcement agencies tend to lose out when their concerns that technology users conflict with their goals.

(De, S. J., 2022) Global governments are addressing the COVID-19 pandemic by leveraging their digital ecosystems. Beneficiaries must proactively communicate the data management processes for their digital projects through adequate privacy policies to raise awareness among them about privacy dangers.

2.1 Objectives of the study

- Evaluate the degree to which India's current laws safeguard people's rights to privacy, including the potential to access, correct, and erase their personal information with consent.
- Assess the best practices and regulatory requirements in India for handling data breaches, including the duties of notification, the associated liabilities, and the results of non-compliance.

2.2 The Scope of the study

A policy on data protection study in India, or other countries for purposes of discussion, usually covers a range of topics about the management, processing, storing, and safeguarding of personal data. These are the most essential elements that the scope might include:

- **Legal Framework:** examining the current legal and regulatory structure in India that governs data protection, in considering any applicable regulations or pertinent laws like the Personal Data Protection Act (PDPB).
- **Industry-Specific Regulations:** determining which industry-specific laws or rules, like those governing banking, healthcare, or telecommunications, may be relevant.
- **Data Types:** Analysing the categories of data covered by the policy, such as sensitive personal credentials, and personal data, including any other categories as specified by applicable laws or rules.
- **Data Processing Activities:** Recognizing the several data processing works that are performed within the company, such as gathering, storing, use, sharing, & disposal.
- **Data Subject Rights:** Recognizing and upholding all rights of data subjects as specified by data protection legislation, including the ability to access, correct, and erase their personal information.

III. METHODOLOGY

- **Understanding Legal Framework:** Start by carefully reviewing India's data protection legislation, including any modifications to current statutes or the Personal Data Protection Act (PDPB).
- **Risk Assessment:** Make a thorough evaluation of all the available data that your company gathers, handles, and retains. Determine any possible threats to confidentiality and information security.
- **Implementation Plan:** Make an implementation plan with phases that outline the organization-wide rollout of the policy. Assign roles and establish deadlines for execution.
- **Monitoring and Compliance:** Provide procedures for continuing to monitor processes of the different data to make sure the policy is being followed. Conduct routine evaluations and audits to pinpoint areas that require enhancement.

IV CONCLUSION

India's regulations are entirely different from those of developed countries in that they define data according to its significance and utility. It is necessary to innovate rules about data extraction & deletion. To fulfill any international standards, India does not currently offer sufficient protection for personal data about all or the majority of the most common privacy principles, within any area. Adopting laws alone won't be adequate until there is strong enforcement in place to safeguard people's rights; as a result, special courts must be established to handle issues about data protection as well as intellectual property rights in attachment to the Personal Information Protection Authority, as indicated in the Bill of 2019. Data protection is definitely connected and linked to the the right to privacy. It is guaranteed by Article 21's concept of the right to life and personal dignity, even though it is a substantial individual right with reasonable restrictions.

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Climate Change Regulations in India

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Abstract

While one of the major policy decisions made by every prior government since the late 1990s has been ensuring "food security" for wider communities, the method on which this program has been carried out speaks volumes about the neoliberal perspective. Given that India is predominantly an agricultural nation, this supported the idea that the neo-liberal recommendations for policy will remain a part of the agricultural security framework in the realm of the changing climate. Indian agriculture is highly susceptible to temperature and weather. In politics & climate policy, India is a significant player. Despite having spoken opinions before international climate communicates its stance has changed over time. With an interaction connection between national policy & international viewpoints, India has developed into a challenge ground for the policies that incorporate climate considerations into growth. This essay critically observes that how Indian politics & environmental policies have tremendously changed over time. It is believed that man-made greenhouse gas emissions into the atmosphere are the main factor contributing to current climate change. The repercussions of these emissions on the world's climate and environment have a substantial influence on the occupation of humans, even though climate change is not recent. Numerous examples of how the earth's temperature has fluctuated substantially throughout time and not maintained constant may be found in the geological record. Discussions in India's national and international policies reflect on the advantages of action on climate change and changes in the global setting.

Keywords:- Climate Change, Policy and Politics, Greenhouse Gases, Global Context, India's Domestic, Human Occupation, Geological Record, Food Security, Climate Negotiations, Anthropogenic Emissions.

I. INTRODUCTION

India is a major factor in political and climate policy. India, a sizable developing country with low wealth, is home to a sizable portion of the global population that is susceptible to the good effects of the changing climate. India, a developing country with rapid growth, contributes to emissions in two ways: it is actually not a major contributor to previous emissions but it will be one in the future, albeit not on a per-capita basis. India has contributed to international negotiation by setting the agenda for important issues and concepts in the beginning. It has also progressively embraced a more flexible stance on the climate regime, one that has created lot of internal disagreement. In addition, India is now an experimentation site for a policy aiming to include climate factors in growth since the country has progressively incorporated environmental considerations into its internal strategies.

Climate change is currently one among the biggest environmental issues facing the planet. Numerous problems face South Asian countries, including India. Many negative consequences on health, agriculture, the availability of water, forests, biodiversity, and coastal management are associated with climate change. The Inter-governmental Panel upon Climate Change (IPCC) was established in 1988 by the (UNEP) & the World Meteorological Organization (WMO). When the IPCC was first established, its main goal was to assess scientific facts regarding climate change, its consequences on society as well as the environment, and the generation of mitigation strategies. Any rise or fall in the worldwide temperature over some time, whether due to natural variability or human activity, is considered climate change, according to the analysis of IPCC. Temperature

increases are expected to accelerate the burden on the natural world in general agriculture in particular, and will have an immediate impact on the contents of the food safety system

In addition, every state is currently developing a State Action Plan on Climate Change, which includes recommendations on how mitigation and adaptation efforts could be incorporated into advancement policy; at the stage of the federal government, India developed a National Action Plan upon Climate Change (NAPCC), plus eight a subsidiary "Missions",

"Group of Experts on Low-Carbon Approaches for Inclusive Development" has published a preliminary report. India has an expanding collection of climate-related policies.

There have been startling scientific and media accounts in the past few decades confirming the undeniable truth that the average temperature of the world is rising at an alarming rate. Since the beginning of the industrial period, the global temperature has increased by an estimated 0.74 °C. Several lines of evidence point to an increase in the quantity of greenhouse gases present in the earth's lower atmosphere as the cause of this rise. Carbon dioxide, which is currently present in these gaseous forms at a concentration of 380 parts per million, is one of their primary contributors. As has frequently occurred throughout geological history, global warming brought about by a rise in the troposphere's mean temperature is causing the climate to shift. The scientific community strongly agrees about changes in climate is real and that the world's climate is changing quickly. In its recent assessment report, the IPCC estimated that, based on current climate change patterns, global temperatures might rise by 1.4° to 5.8°C over the next 100 years.

Climate Change's Effects

The IPCC analyses that climate change is a serious problem with a number of repercussions on biotic and abiotic resources that differ from place to place and from latitude to latitude. Climate models indicate that global temperatures have increased by several degrees during the 20th century. Increasing trend in both global and regional temperatures have altered the environmental situations of the planet's regions and ecosystems. This has affected many countries' economies, people's means of subsistence, and environmental quality. The melting of glaciers and sea ice raises sea levels and floods low-lying areas, among other consequences of climate change and global warming. Extreme storms are also becoming more frequent and intense.

The Greenhouse Effect and the Climate

"The general meaning associated with climate is "average weather." The term "weather" refers to the physical phenomena such as temperature, humidity, precipitation, velocity of the wind, and amount of cloud cover that exist in a particular area of the upper atmosphere over hours or days. The climate system is one of the planet's most complex and dynamic processes. The hydrosphere, lithosphere, environment, biological community, cryosphere, and outgoing ultraviolet (UV) rays are some of its constituent parts. It also covers the periodic motion and rotation of the Earth around the Sun. In actuality, the averages of available temperature and precipitation during the periods ranging from months to centuries, and their changes over these time intervals (a typical range is *30 years), determine the climate. Because of this, the climate system fluctuates over time and is impacted by both internal and external factors, such as solar radiation, volcanic eruptions, and alterations in the natural environment developed by humans.

Setting the Scene for Climate Change Lawsuits in India

India, being with very low per capita emissions and limited historical emissions, today has the third-highest annual emission rate for greenhouse gases globally. In addition, because of its topography, demographic dispersion, and different levels of economic development, India is particularly vulnerable to the consequences of climate change. The 2008 Indian government release, the National Action Plan upon Climate Change (NAPCC), advocated for a "co-benefits approach"—a tactic that effectively addresses climate change while furthering India's goals for development. As an effect of the NAPCC, national climate policy and institution development in India evolved. Numerous laws also address different aspects of climate change, particularly its causes and impacts, which could soon be the focus of litigation about climate change. However, India lacked extensive legislation on the topic of climate change.

Five of the reported cases belong to the second category, among which the petitioners sought the court to make sure that a government policy or law was effectively implemented. Climate change was the primary concern in two of these five cases, which concentrated on the development and implementation of climate action plans. Initially, the petitioners requested that the NGT issue orders requiring both the national and state governments to furnish records of the steps they had made to implement the NAPCC. While the Tribunal held that it may be addressed in the future with specific cases relevant to NAPCC infractions, their impact, or their ramifications, it did not specifically decide in its final finding whether it had jurisdiction to regulate NAPCC's implementation. Also, the Tribunal has directed the Hon'ble Ministry of the Environmental, Forestry, and Climate Change (MoEFCC) to expeditiously approve state action plans that are still not made by the NAPCC. In the following case, the petitioner approached the Tribunal about the municipality of Delhi's action plan creation, with climate change being the main worry. The issue was resolved when Delhi submitted the action plan for final approval to the entire government. The plan was not actually formulated with proper input from the Tribunal, according to the analysis of a review of the Tribunal's instructions; nonetheless, judicial scrutiny may have hastened the plan's long-awaited presentation.

Climate Change: The Case of India

India is a developing nation whose rapid growth is contributing to a steady increase in its greenhouse gas emissions. It was the sixth-largest global producer of greenhouse emissions in 2004 (behind the US (22%), India (14%), the EU (13%), Russia (6%), and Korea (5%)). (Miller 2007). According to estimates, it contributes 4% of global emissions of greenhouse gasses. The principal reasons responsible for the documented emissions include forest destruction, fuel from fossil combustion, biomass created by combustion, and agricultural practices. From more than 20 million metric tons in 1950 to an increased rate of one hundred fifty million metric tons in 1988, India's carbon dioxide production increased at a rate of over 5.6% per year (Roy and Prasad 1991). India is predicted to move up to the third spot globally in terms of carbon dioxide emissions by 2030. China is expected to surpass the United States in emissions during the next 20 to 30 years, putting the BASIC countries—Brazil, South Africa, India, and Beijing—collectively the world's largest producers of our greenhouse gas.

II. LITERATURE REVIEW

(Dimitrov, R. S. 2016) The Paris Agreement has significant ramifications for academic research and represents a political victory in both traditional state diplomacy and climate discussions. The study analyses how politics operate in Paris along with aspects of the process that provide light on the result, all based on participatory research. It outlines heated discussions on important subjects that took place between closed doors, summarizes and assesses the new accord, names political victors and losers, and presents theoretical justifications for the result.

(Dhanya, P., 2016) Climate change is acknowledged as a primary obstacle impacting agricultural productivity and human well-being. Farmers are seriously affected because they should constantly adapt to changing weather conditions. After the 2012 southwest monsoon season (Kharif crop season in India), focus groups and semi-structured survey questionnaires were conducted to learn how farmers see and perceive climate change and its effects to identify adaptation needs. This made it easier to get their quick reactions following the 2012 southwest monsoon's poor performance. Locally referred to as "Kuruvai," Shariff agriculture is constantly influenced by rainfall from the southwest monsoon.

(Shah, T. 2020) In the lowlands of South Asia, which include the Countries like Sri Lanka, Bangladesh, Pakistan, India, and southern Nepal, irrigation remains essential to daily life and society. The country's water policy-making has been not fully taken yet into account the revolutionary shift in how India's farmers irrigate their crops, or the successive governments continued to spend millions of dollars building new surface-level reservoirs and canal systems even as the current ones are beginning to be abandoned. The explosive growth of atomistic groundwater economics demanded bold new thinking and resource allocation to make a groundwater governance system with practical supply- & demand-side methods.

(Hickman, C., 2021) Given that they have no control over warming temperatures and it will have a major impact on their health and future, children and young adults are especially vulnerable to climate anxiety. This is the first thorough investigation of young people's worries over climate change and their perceptions of government measures currently available.

2.1 Objectives of the study

- Assess the national, state, and local climate change regulations that are currently in place in India.
- Evaluate India's climate change laws against those of other nations or areas, paying particular attention to those that share comparable socioeconomic traits or are dealing with comparable climate-related issues.

2.2 The Scope of the Study

Depending on its goals and focus, a study on the effect of Climate Change policies in India may cover a wide range of topics. These are a few possible areas that the scope might cover:

- Legal Framework: Examining the national, state, and local legislation, procedures, and regulations that are currently in place in India about climate change. Examining laws like the Energy Conservation Act, the most important role of National Action Plan on Climate Change (NAPCC), and pertinent changes in ecological laws could be part of this.
- Policy Analysis: Evaluating policies, plans, and programs put in place by the government to reduce the impact of climate changes and prepare for it. This could entail researching how the sustainable development strategies of our country, the emission reduction targets, and the challenging renewable energy targets are being implemented.
- Institutional Mechanisms: Examining India's institutional framework for climate governance, including the functions of governmental entities, oversight committees, and non-governmental organizations (NGOs) engaged in climate action.
- International Commitments: evaluating India's responsibilities under international accords, like the Paris Agreement, and how they affect national climate policies. This could entail evaluating India's progress towards achieving the goals and it's Nationally Determined Contributions (NDCs).
- Sectorial Analysis: Examining laws and programs related to climate change that are crucial and important to industries, transportation, energy, and agriculture. This could entail assessing sector-specific laws, regulations, and incentives to support low-carbon activities and technologies.
- Stakeholder Engagement: Examining how different stakeholders—such as companies, communities, research institutes, and civil society organizations—have shaped laws and initiatives to combat climate change. This can entail researching frameworks for collaboration and stakeholder participation

III. METHODOLOGY

The Indian government usually uses a multifaceted approach that includes different phases of study, consultation, drafting, implementation, and monitoring when creating rules related to climatic changes. It is a general overview of the approach that is frequently used:

- Scientific Research: To comprehend the present status of climatic changes, its effects on many sectors, and anticipated future scenarios, government agencies, academic institutions, and scientific bodies carry out comprehensive research.
- Data Collection: Collecting information on climatic patterns, our greenhouse gas emissions, vulnerability evaluations, and mitigation and adaption plans.
- Stakeholder Analysis: identifying the important parties, such as governmental bodies, business representatives, environmental advocacy organizations, local communities, and global institutions.
- Government Approval: Completed regulations are sent to the relevant government agencies, such as the Ministry of Environment, Forests, and Climate Change, for approval.
- Implementation Planning: Creating schedules, plans, and resources for enforcement and compliance monitoring during implementation

IV. CONCLUSION

The issues related to climatic changes have been attempted to be addressed and questions raised in this study. The first mention of climate change in history counts back to the sixteenth century when the Greeks realized that humans could modify the climatic system. But when the effect of humans on the climate system became more generally acknowledged in the latter half of the 20th century, it picked up speed. In 2014, the Indian government authorized the "Climate Change Action Programme," a Central Sector Scheme. A program called "Long Term Ecological Observatories (LTEO)" is the most important one of the components. Its goal is to establish a field site network so that observations may be made to investigate the impact of climate change. The network strategy is probably going to produce several beneficial uses. Climate change is a real issue that humanity is currently dealing with. Climate change and its effects has a significant impact on natural resources (biotic and abiotic variables), which are heterogeneous and vary from country to country and longitude to latitude. Climate change has already affected drastically in India and much further developments and regulations are needed in a very critical necessity.

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Labor Rights Regulating Migrant Workers in India

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Abstract

According to WHO reports, the COVID-19 pandemic, which initially came to light in December 2019, left the entire world in an unprecedented state of crisis and lingering unpredictability. It resulted in numerous deaths, a generalized economic downturn, unemployment, quarantines, an inevitable lockdown, and a travel ban that was put in place internationally as a necessary measure to combat the pandemic. India was among the first nations to impose the lockdown on a trial to control the COVID-19 pandemic, but the attempt was unsuccessful, and the country soon joined the list of those most adversely affected by many pandemics. This work aims to examine the deficiencies in the Indian ministry's lockdown plans to have a look into the errors made by the government that led to the failure of the lockdown of India and further subjected the country's migrant labor force to intolerable hardships. The manuscript clears that there are serious violations of the essential and economic privileges granted to domestic migrant workers along with other laborers under labor regulations as well as the Indian constitution during on COVID lockdown period and that the state's actions during the COVID lockdown period. During the lockdown made the situation of the migrant workers worse. To move toward a labor-management architecture that can respond to an intersection of challenges that comes from informal communities, mobility, and social marginalization experienced by rural-urban migrants, it addresses fundamental tensions and deadlocks in the labor reform process. This will enable equitable and open growth in cities.

Keywords: - Migrant Laborers, COVID-19 Pandemic, Unavoidable Lockdown, Labor Reforms Process, Urban Growth, Government, Marginalization, Migrant Workers, Economic Depression, Mobility and Social Innumerable Deaths, Unemployment, Quarantine.

"I started contacting groups that opposed child labor and asked how I might be of assistance. They said that a child couldn't make a difference, so I resolved to disprove their assertions and launch a campaign to empower young people to oppose child labor"

Craig Kielburger —

I. INTRODUCTION

Human Initial strategy for combating poverty is migration, which is a major area of study in social science. However, the migratory processes of industrialized and developing nations have diverged significantly. Whereas migration in industrialized countries is more driven by attraction factors like economic growth, safety, freedom, etc., migration in India is more driven by push ones like perviousness, unemployed people, regional injustices, family motion, marriage, and natural calamities. The volume of migration within a particular territory varies with the amount of variety in the locations included in that territory, diversity of people, difficulty of interfering barriers, and fluctuation and checks in the economy. Migration and regional inequality are tightly linked.

The global epidemic of COVID-19 and the ensuing nationwide clampdown that began on March 25, 2020, brought India's migrant workers' precarity in urban areas to the forefront of public attention and generated widespread empathy for this otherwise undocumented and marginalized staff. During the period of lockdown, migrant laborers were unable to obtain necessities due to their lack of employment or pay. In reaction, the Ministry of Home Affairs, or MHA, released an advisory on the 20th of March asking businesses not to fire staff members, mainly those who were hired on a regular contract, and a

circular on March 29th demanding that businesses pay all employees during the lockdown. It recognized the socio-economic importance of protecting workers' rights and earnings the evident recognition that access to employment and income is a necessary condition for the existence of workers and their homes.

1.1 International Labor Law and Human Rights

The main development of the 20th century is the principle of universal human rights. People are not separated each other based on their country or place of residence by fundamental human rights. A foreigner (migrant) cannot be denied local consideration or protection because of or from anybody, in Locke's opinion. The governing body is not allowed to challenge fundamental rights, even when doing so is necessary to further the public interest because they include anti-utilitarian overtones.

Lockdowns and travel restrictions were implemented by authorities worldwide in tune to the pandemic as a necessary measure to halt its spread. However, the lockdown disrupted everyday events, particularly for the working class, who found themselves in a dire financial situation.

The ones who suffered the most from the partial government shutdown were the daily wagers. In addition to being unemployed as a product of the lockdown, they were also irritated as their daily earnings, which allowed them to survive, had stopped.

Furthermore, the general public experienced particularly severe mental strain as a result of the COVID-19 breakdown. The migrants were affected severely and negatively impacted by these crisis circumstances; they were forced to relocate throughout the nation in quest of employment to support their families. Almost 100 million people are working as internal migrants in India; most of them are in the form of daily wage workers who have left their home states and mainly from Uttar Pradesh, Bihar, Jharkhand state Odisha, the state of West Bengal, etc. to find menial or semi-skilled employment elsewhere.

Investigating, comprehending, and analyzing the struggles that migrants face is essential to lessening their suffering. Thorough examinations of the research on circular migration and its psychological effects in the Indian context are required to raise public awareness and recommend new policies that may be implemented to protect migrant rights.

1.2 India's Migrant Workers' Rights

India migrates with every migrant, as increased mobility is essential to preserve the nation's heterogeneous customs. Millions of people every year migrate inside and between India, but in this process, something human is sacrificed. On the other hand, India's labor and migrant rights are covered by several laws and constitutional clauses. For example, the Indian constitution's Article 14 which states Equality before Law, demonstrates the basic freedoms that are available to migrants. Article 21 guarantees safeguarding life and personal liberty as Article 21 A also ensures mandatory and free education as a fundamental right to all children in the 6–14 age groups; Article 23 prevents all instances of trafficking and labor servitude; Article 24 forbids child labor and makes it illegal to employ a child below 14 in a manufacturing plant, mine, or any other dangerous work; Article 15 forbids discrimination against citizens by the state; Article 16 provides the right to equal opportunities for work under a state; Article 19(1)(c) permits the right to make connection and unions; The Indian Constitution's Article 38(1) commands the State and its authorities to work toward promoting the wellness and development of the people by guaranteeing and upholding their rights.

Even if Article 43 of our Constitution is unenforceable, State is nevertheless obligated to live by its guiding principles. In certain Indian states, a large number of migrants are employed as front-line workers for the government; nonetheless, their circumstances are similarly unimproved. According to accounts, in certain locations during the period of lockdown, both state and local authorities said they were unable to pay the salaries of frontline workers, which prompted healthcare workers, nurses, and other staff members to organize a protest and go on strike. Because of the lack of the required Personal Protective Equipment (PPE) kit, the frontline soldiers in numerous locations objected and even quit.

Not only did the State and Municipal authorities receive complaints over unpaid salaries, but numerous public sector firms under the purview of the central government also stopped paying their employees' salaries during the Corona Economic Crisis. For instance, the national airline of India, Air India, suggested a wage reduction of between 3.5 and 60% and requested that most of the workers take Leaving Without Wage (LWP) for a duration of six months to five years.

II. LITERATURE REVIEW

(Irudaya Rajan, S., 2020) The COVID-19 pandemic's effects on migration are investigated in this essay. Countries throughout the world were unprepared for the pandemic's quick spread, which led to widespread shutdowns that restricted travel, business, and social interactions. The pandemic that struck India caused a serious "crisis of mobility," with migrant workers in several of the country's largest cities attempting to return to their hometowns. The template is used to format your paper and style the text. All margins, column widths, line spaces, and text fonts are prescribed; please do not alter them. You may note peculiarities. The measurement and others are deliberate, using specifications that anticipate your paper as one part of the entire proceedings, and not as an independent document. Please do not revise any of the current designations.

(Khanna, A. 2020) A few of the most significant topics surrounding the impact of pandemics such as COVID-19 on the migratory population were covered in this article. Low-income households are mainly concerned with these effects because they lack social security, are less equipped to handle wage losses during a recession, and have no other sources of income. The majority of these laborers barely make subsistence wages and lack other options to safeguard their income if their employment is lost. A sizable component of this disadvantaged population is made up of migrant laborers.

(Van Doorn, N., Ferrari, F., 2023) most of the of structured labor in the metropolitan gig economy worldwide is performed by migrants, only less studies were conducted on the effect and bond between labor migration and the gig economy. Two of the research works which span six distinct towns on each of the four continents, have shown us how platform work affects migrant workers' structural vulnerabilities. This brings us to two conclusions that ought to re-evaluate the goals of gig economy research. First, we contend that platform labor gives migrants much-needed chances to accelerate their financial situation while also concurrently degrading working conditions.

(Siddiqui, A. A., 2024) Both the sending and receiving governments benefit both economically and developmentally from international labor mobility. But migrant women workers in particular encounter numerous challenges at various stages of their journey. They experience discriminatory treatment when working in the destination state, and they come across exploitative tactics throughout the recruitment procedure in the origin states

2.1 Objectives of the study

- Examining the national and international laws, regulations, and treaties that now regulate migrant workers' labor rights in India.
- Determining the main obstacles to migrant workers' access to their rights, such as exploitation, ignorance, and prejudice

2.2 The Scope of the Study

Given the intricacy and depth of the subject, research on the migrant workers and their labor rights in India may have a rather extensive scope. Below is a summary of some possible areas to think about:

- Legal Framework: Start by looking at India's current legal system regarding immigration and labor rights. Constitutional clauses, labor legislation, and laws specifically relating to migrant employees, such as the State-to-state Migrant Workers (The Regulation of Work and Conditions of Service) Act, 1979, will come under this category.
- Migration Patterns: Examine the migration trends and patterns that exist inside India. This could entail comprehending the reasons of migration, such as social, economic, or employment-related variables, and the role of states or regions from which migrants mostly originate and depart.
- Working Conditions: Examine the working circumstances of migrant laborers in a variety of industries, including manufacturing, construction, agricultural, and domestic work.
- Vulnerabilities and Challenges: Examine the vulnerabilities and difficulties encountered by migrant workers, such as social isolation, language obstacles, discrimination, exploitation, and the missing of access to legal remedies.
- Social Protection Mechanisms: Evaluate the efficacy of current migrant workers social protection programs, mainly the Building Contractors and Other Construction-related Workers (Regulation of Employment and Terms of Service) Act, 1996, and also Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA).

You can contribute to the conversation on bettering the living conditions for migrant workers around India and give a thorough grasp of the labor rights challenges these workers confront by addressing these areas outside the parameters of your study.

III.METHODOLOGY

Researching about migrant laborers rights, laborers in India necessitates an all-encompassing approach that comes in connection with the different facets of their working environments, legal structures, socioeconomic variables, and obstacles they encounter.

3.1 An Evaluation of India's Lockdown Tactics

The way the government treats migrants reflects ethics and morals of our Country. Most significant migration crisis India has seen since the country's 1947 division resulted from the government's abrupt and impromptu lockdown, which it justified by blaming the COVID-19 pandemic. The following factors contributed to India's lockdown's failure:

- Sudden lockdown: The Indian government imposed a lockdown with only four hours' warning. In a democracy, it's a sought-after and surprising phenomenon. The general public does not provide with any cause for concern by any of this. On January 30, 2020, the first reported COVID case was recorded in Indians. By mid-March, the total amount of cases continued to rise.
- Forsaking stranded migrants and workers: The government's failure to provide migrant laborers with substantial assistance during the lockdown left them in a position of despair, which was their second mistake. In India, the main reason people migrate is to survive, and the main causes of migration is poverty. As a result, the migrant workers' supplies ran out shortly after the lockdown was implemented, as was to be expected.

- Apathy towards migrants ambulating home: without proper public transportation, the migrants chose to return to their place of residence by foot, bicycle, auto-rickshaw, hitchhiking, or by any other means possible, frequently with an empty or partially filled stomach. Several people passed away while walking, while others perished in car crashes, starvation, and even one suicide.
- Convoluted convey policy: On April 29, 2020, the federal government ordered the migrants to come back home via buses and trains under strong pressure from all over the sides and, likely realizing that the war against the coronavirus would take a while. The Indian government committed the mistake of deciding to operate special trains called Shramik (Labor).Special Trains among the various states.
- Charging exorbitant fares from destitute workers: The Central Government made another callous and misguided preference when it decided to charge those who were stranded migrant laborers on Shramik (Labor) Special Trains. The government said that the running costs of the Special Train would be shared by the Centre and the states in an 85–15 % formula, or a 17:3 ratio when it chose to start separate trains for migrant laborers.
- Exploitative amendments in labor laws: Following the implementation of the nationwide shutdown on March 25, 2020, the Indian government began to permit the return to normal of certain economic activities in low-risk zones on April 20, 2020. Nevertheless, due to the widespread reversal of migrant laborers, the status of business activity remained low. The epidemic made it easier for employers and the government to violate labor laws and take advantage of employees.

An important societal issue is the fear that migrants have of losing their jobs, homes, and money. Because they can act impartially in cases of labor complaints or exploitation about a worker's capacity to continue being employed, ministries can also assist in these areas. Assisting the migrants in creating cooperative groups and societies will also help maintain the standard of living for those who have returned to their birth countries. Since the insalubrious living conditions that migrants currently endure provide a home for numerous diseases, special attention must be paid to the accommodation options for migrants to effectively handle their health issues.

Government programs like the Aatma Nirbhar Bharat Abhiyaan must be executed successfully. Additionally, charities and relief groups should be encouraged to raise funds for the development of fairly affordable housing that immigrants might subsequently rent at minimum prices. Those individuals who cannot accommodate these modest minimum-rental dwellings, the aid centres have to keep them open for a longer period and provide improved amenities.

IV.CONCLUSION

Drawing from existing research articles, the essay seeks to assess the economic, social, as well as health conditions of the migrants throughout the COVID-19 epidemic. In India, migration is typically viewed detrimentally, and migrants often face barriers to obtaining fundamental necessities like ration cards and healthcare. The unexpected lockdown enforced by the Indian government under the disaster management legislation of 2005 exacerbated the already-present language, social to cultural, regulatory, legal, and day-to-day issues that faced the migrants. There is a unique opportunity to reconsider India's labor reformation approach in light of the Covid-19 epidemic and the lockdown-related migration crisis. However, the opportunity has been hampered by the legislative reactions of both national and regional governments to the disintegration of the labor protection framework, which has strengthened the distinction drawn between economic expansion and labor rights. This has made it possible for an economic model that depends on abusing weak migrant workers and denying them access to even the most basic labor norms to continue. States and enterprises treated them like a helpless neighbourhood when it came to growing their economy, yet they entirely abandoned individuals when a disaster struck.

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Role of Intellectual Property Rights in Digital Era

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Abstract

In the social media age, the rights to intellectual property have grown in significance. In the era of technology, media and digital scenario, the protection of Intellectual Property Rights is a critical matter of concern. Similar to conventional property rights are intellectual property rights. IP Rights protect those who have produced something or invested in something to profit from their own labour or ownership of a patent, trademark, or copyrighted work. Article 27 of the UDHR highlights the protection of these rights, including the right to the preservation of pecuniary and moral interests stemming from one's development of works of the sciences, literature, or the arts. Works of literature, artwork, inventions, designs, names, symbols, and images utilised for commercial purposes are all considered forms of intellectual property, or IP. This essay addresses how the features of digital duplication provide challenges for conventional (IPR) systems, including standard IPR laws and related ideas from printed to digital works. By going into the extent of Indian copyright law, ownership rights, infringement, fines, etc., it sheds some light on the Indian programming sector. The study additionally discusses the differences between "personal" and "public" infringers—those who produce personal copies and those who make works accessible to others for profit or free. This essay explores tactics for protecting IPR in India as well as the difficulties associated with IP protection in the era of digital media.

Keywords: - Intellectual Property, IP Rights, Human Rights, Indian Software Industry, Digital Works, Rights In India, Indian Copyright Law, Digital Media.

"The legal and cultural implications of intellectual property are significant. Here, society as a whole must confront difficult questions like open source vs. private ownership, among others."

— Tim Berners-Lee

I. INTRODUCTION

The word "intellectual Property" (IP) means a biological researcher's or creator's creation that has some economic worth. The term "intellectual property" describes works of art. Under certain regulations, it may be safeguarded in the nature of different Intellectual Property Rights (IPRs). Intellectual property is an asset that may be purchased, sold, mortgaged, licenced, traded, or given to others just like any usual kind of property. When someone owns intellectual property, they have exclusive monopoly authority over it, meaning that no one else may use it for legal purposes without their consent.

IPRs provide writers and researchers credit and rewards for their imaginative work. IPRs may be held concurrently in many nations, but as they are territorial rights, they can only be enforced within the borders of the countries that granted them. With the exception of trademarks and geographical indications, all IP rights have a set term that may be extended indefinitely by paying the required fees. With the exception of copyright and trade secrets, the majority of IPRs must be renewed in order to remain in effect for the duration of their protection. Copyrights have a set duration that cannot be modified or extended. Industrial secrets don't need to be refreshed and have an endless lifespan. The paper's subsequent paragraphs provide an explanation of the many kinds of IPRs and their importance in biomedical research.

IP Rights are different types like Copyrights, Trademarks, and Patents. They are slowly developing in India with many legislations in tune with international standards.

Industrial Property Rights: IP rights associated with specific industrial activity are known as industrial property rights. Patents, the secret trade secrets, trademarks is essential industrial designs, geographical designations, and novel plant varieties are the main types of industry intellectual property rights.

Patent: A patent is a government-granted exclusive right related to an invention. It provides a technological fix for a technical issue. A patent is an agreement between the government and an application or inventor that grants the government the right to protect the invention after the applicant's or inventors complete disclosure of it. Consequently, patenting offers a method of safeguarding innovations while maintaining their secrecy.

Trade Secret: A trade secret is any economically valuable knowledge that one tries in good faith to keep private. This information may be displayed as a process, design, instrument, practice, data compilation, method, or programme device. Client lists, corporate specifics, employee data, accounting records, data compilations, business plans and techniques, designs to choose from, designs, algorithms to, and more are examples of trade secrets.⁶ Trade secrets are the only type of intellectual property that permits the preservation of the ownership of the right over time and the protection of concepts.

Trade Mark: A trade mark indicates the identity and place of origin of a product, just as a name does for a person. Any mark that may be graphically represented is a trademark. A trademark's primary purpose is to make it possible for the stakeholders to recognize a product made by a certain business and set it apart from similar or identical items offered by rival companies. The Trade Marks Act of 1999 states that a mark may be either of the following: a device, trademark, headings, label, ticket, name, signature, words, letter, numbers, form of products, packaging, or any combination of colors.

Industrial Designs: Every product or commodity is differentiated not only by its technical features but also by the way it looks or is designed. An industrial design pertains to the product's external appearance or aesthetics. It is what draws consumers to a product and gives it appeal. It is not a part of the technical or functional aspects of the item; rather, it is exclusive to its outward features. When a design is registered, its owner has the exclusive authority to use it.

Copyright: Creators of dramatic, musical, literary, and creative works as well as those who make cinematographic films and sound recordings are granted the legal right to copyright. Copyright is a collection of rights that includes, the ability to reproduce, communicate with the public, alter, and translate a work. Once registered, copyright is an equitable right that turns becomes a statutory one. Copyright is established at the time a particular work is produced or published.

Depending on their jurisdiction and nature, certain rights are safeguarded for different amounts of time. The goal of intellectual property rights is to strike a balance between protecting the ownership and creative rights of artists and enabling others to utilise and expand upon their creations. Social media's introduction exposed intellectual property to a number of risks, including copyright violations caused by users sharing or using content creators' works without their consent. In the age of digital media, some western nations have passed new legislation to safeguard IP Rights. Under India, the widespread use of social media has put IP Rights under jeopardy as well. In the era of social media, it is the liability of the current government to create new laws and policies to protect intellectual property rights.

II. INTELLECTUAL PROPERTY RIGHTS' IMPORTANCE

Any company entity has intellectual property at its foundation and it plays a major part in it. A corporate organisation should be committed to finding and putting into practice IP solutions since doing so will enable it to grow to new heights of success. The notion that attorneys are the only category to handle IP (intellectual property) is false because an organization's capacity to become a market leader depends on its ability to manage and strategically use its IP assets. Nowadays, maintaining competitiveness requires possessing the skills and expertise required to handle intellectual property assets.

Management experts are the best qualified people for managing and commercialise these assets and generate income. These days, information is a crucial distinction that helps companies stand out from their competitors. Some have dubbed the twenty-first century the "knowledge century." Henry Ford expressed it so well when he said that a man's reservoir of knowledge is the only true security he has in today's world. However, it is imperative that various IP Rights safeguards be applied to this reserve. Assets related to Intellectual Property (IP) are essential business resources that should be taken care of managing well in order to give a company a competitive advantage. IP Rights holders are entitled to exclusive use of their own brand, innovative products, and creative designs. The exclusivity acts as a good motivator for them to out a good investment to become more competitive. A company builds strong customer relations through its trademark.

In addition to providing a guarantee of quality, the trademark is an indicator of some incredibly costly goods and services. Customers and clients view a brand or trademark as an official expression of the owner. Copyrights are a particularly valuable asset for creative and software organisations and also for the television and enjoyment industries, as they offer a level of safeguarding that makes these businesses viable in an extremely competitive market. It is aware to all that establishing commercial relationships with intellectual property provides you a competitive advantage. Businesses can profit from the IP asset class through the selling of protected goods and services, franchising, and licencing. Assets with protected intellectual property significantly increase a company's value in the venture of a merger or acquisition.

Furthermore, evident is the significance of intellectual property in export markets. There are two options: either export intellectual property-protected assets or look into franchise agreements with foreign companies. It is crucial to keep in mind that the world's top three corporations—Apple, Microsoft, and Blackberry—have billion-dollar valuations and have accumulated significant amounts of intellectual property that provided to generate reliable revenue streams. A strong portfolio of intellectual property can offer the most benefits and be leveraged to create extra revenue streams through licencing.

III. CREATING CONTENT AND DIGITAL LIBRARIES

Digital libraries can be seen in mainly three categories. They can be roughly classified into three types based on how material has been developed and made available: born digital, transformed digital, and obtained digital libraries.

Born Digital: The proliferation of born digital content has coincided with the advancement of the internet. Content developed in digital format for born digital libraries is done so with the information and ability as its primary purpose is digital storage and consumption. Simple word processing programmes or sophisticated multimedia content creation and development tools are some examples of the tools used to create such born digital material. Previously, during the print-based conventional library period, libraries had a little role in publishing. The idea of printing a booklet or book with the library's label has not been widespread, except from the voluminous printed paraphernalia that these libraries are making creating, such as guides, catalogues, and bibliographies. Nonetheless, libraries may now take on a more lavish role as publishers thanks to the current digital era. The effort of creating the material is delegated to the institution's researchers, students, or professors. Usually, the task of publishing or hosting the material in the institution's internet-based library or digital repository falls to the libraries.

Turned Digital: Analogous materials, like printed books, are transformed into digital form in the turned digital type. Utilising digitization technologies, in particular scanning technology, analogous material found in print medium, such as paper, manuscripts, etc., is converted to digital form and stored only in digital form. The digitization process is becoming more straightforward as a effect of daily advancements in digitization technology. Prominent global digital library projects like the Million Book Project and Project Gutenberg falling under the category of transformed digital libraries. The converted digital kind may be divided into two categories: converted digital with modified content or converted digital with replica content, depending on the sort of conversion that took place. First category comes with the digital material is a perfect duplicate of its print equivalent.

Gained Digital: In the acquired digital type, the materials created digitally from the beginning or may have undergone digital transformation at some point, but the library is not involved in the process. All that the library does is make the already-available stuff easier to access. This might contain information that is not owned by the library itself but is made available via licencing processes, such as databases, e-books, periodicals, and so forth. While libraries provide access to the information without really holding it, the licensors—such as the publishers themselves—host the content. Alternatively, the digital material might have been obtained by the library by purchase or acquisition on CD-ROM and DVD-ROM media, and it could have been housed on the library's computer system. Even though creating digital material for exclusive library collection involves very high expenditures, consortium access guarantees that top-notch resources may be made quickly accessible to users and that the content can be managed more easily.

IV. COPYRIGHT LAW AND THE COMPLICATIONS OF DIGITAL NETWORK PLATFORMS

There three main categories for copyright concerns in the digital age.

- Problems with a whole new category of work, such as databases, computer programmes, and multimedia project.
- Problems with the public transmission, dissemination, and replication of a work via digital media.
- Concerns about copyright management and administration in the digital sphere.

The main issues with copyright protection are as follows:

- Computer programmes are too protected; and
- Ideas are not shielded against theft, as occurs when a computer programmer looks at another person's programming and takes inspiration from it. Programmers are accountable for copyright infringement if they use another program's expression without permission. When accessing or utilising information, there are some specific circumstances when copyright issues might not be addressed, including:
 - Web publishing: When browsing the Internet for content that is protected by copyright, technological exchanges between computers may result in transmissions that violate several copyrights.
 - Data revolution: Fair use and the "first sale doctrine" have served as the cornerstones of library services. Any library that has copyrighted content on a website, gopher site, or file sharing platform may be held legally responsible for transmitting it.
- Libraries and publishers of digital works may have to provide resources for the development of technologically based protection systems to preserve digital copyrights.
- A rise in the very value of information. Information becomes valuable for those who think it is valued, when it is used and thoroughly altered by a huge quantity number of users should refrain from claiming copyright and instead focus on getting information in front of consumers as soon as possible and building a solid reputation as a source of high-quality data;
- Shorten the time it takes to market for research data; provide publishing vehicles that users may utilise to get information more quickly, including CDs and flash drives;

While publishers develop a market, distribute, and sell the works, authors generate creative and intellectual works. Libraries developed very fast with clear roles that include gathering, organising, preserving, and disseminating works of intellectual and creative value to change their use easier. The preservation function is one of the primary key differences between the functions of other intermediates and libraries. In the past, libraries have been mandated by social and cultural organisations to provide equal access and availability to current users, so as to guarantee access and availability for users in the future.

V. LITERATURE REVIEW

(Zeilinger, M. 2018) In the global economic environment of hyper-commodification and financialization in recent years attempts to incorporate electronic artwork into the high-stakes art for the commercial marketplace have not proven especially effective thus far. This is perhaps because digital artworks find it difficult to establish themselves as valuable items deserving of being collected. This article explores the potential of blockchain technology to create excluding digital art markets where non-commodifiable digital works of art have value as artificial scarce items. These initiatives, here represented by the platform Monograph, usually framework their concerns as ones pertaining to the interests among digital artists and the evolving the ontologies of contemporary art, drawing on the decentralised government approaches and distributed database protocols that are that underpin modern the digital currency technologies.

(Ansong, E., 2019) This study aims to explore the commercial structures and tactics of digital enterprises within the context of emerging economies, with the goal of better understanding the very nature of these organisations' operations and survival strategies. A review of the literature on digitally enterprise models lead to the modification of a 16-business strategy archetype for the aim of evaluating digital enterprises in Ghana. The study used a critical realism methodology to analyse survey responses from a sample of 91 digital companies.

(Gaikwad, A., 2020) Symbols, names, and pictures used in trade, and literary and creative works, are all considered forms of intellectual property. Similar to conventional property rights are intellectual property rights. They are enabled by those who have created something or invested in something to profit from their own labour or ownership of a patent, trademark, or copyrighted work. These rights are outlined in Article 27 of the United Nations Declaration of Human Rights, and one of them is the right to have one's financial and moral interests resulting from one's creation of scientific, literary, or artistic works preserved. Works of literature, art, innovations, layouts, names, symbols, and images used in trade are all considered forms of intellectual property, or IP.

(Chatterjee, S., 2022) The aim of this important study is to identify the variables that could affect corporation digital entrepreneurs for SMEs (small and medium-sized enterprises) in India. This study also looks at the adoption of AI-powered strategic planning and CRM skills as a moderating factor in corporate digital entrepreneurship. The imaginative advancement of a framework has benefited from the contributions of theories and literary works. The model was verified using a unique system of partial least squares structure equation modelling approach using 315 valid respondents. The control and effect of the moderators has also in the process of research using multigraph analysis.

1.1 Objectives of the study

- The research intends to examine the evolution of intellectual property rights throughout history and to enquire how they have changed and developed to meet the demands of the digital age.
- Examining the ways in which digital-age intellectual property laws affect innovation ecosystems and economic expansion.

1.2 Scope of the study

- Protection and Innovation: In the digital age, intellectual property rights—such as patents, copyrights, trademarks, and trade secrets - are essential for promoting creativity and innovation. They provide innovators and creators the motivation and security they need to spend money on R&D, which results in the development of new digital content, technologies, and business models.
- Digital Content: The need of copyright protection grows as digital content—such as music, movies, books, software, and other types of digital media—proliferates.
- Software and Technology: Protecting inventions and technological developments in the digital sphere, such as software, artificial intelligence, algorithmic systems, and other cutting-edge technology, requires the use of patents and secrets of trade.
- E-commerce and Digital Trade: Digital marketplaces and e-commerce platforms cannot exist without respect for intellectual property rights.
- Open Source and Creative Commons: Alternative methods for sharing and licencing intellectual property have also become more popular in the digital age. Examples of these models include Creative Commons licences and open-source software.
- International Perspectives: varying nations and areas have very varying intellectual property rules and regulations, which creates complicated legal and jurisdictional difficulties in the digital age.

VI. METHODOLOGY

Because it attempts to study an issue that is not well defined or about which we know little, this research is exploratory in nature. Secondary sources including books, journals, news stories, and official websites are used to get the data. The information gathered is of a qualitative kind. To gather secondary data for this research, we used Google Scholar and Google Search Engine.

VII. CONCLUSION

In summary, the emergence of the digital era has presented several novel obstacles that need to be tackled in order to safeguard intellectual property rights. Digital technologies are advancing at a speed never seen in history, both in terms of their convergence and drive for economic domination in the global market. Since social media has grown, it has become harder to stop someone from stealing or misusing your work. Nevertheless, there are numerous methods to get above these barriers, such

as utilising digital watermarking and copyright protection software, implementing Digital Rights Management (DRM), and registering Intellectual Property (IP) with the government and enforcing ownership rights. If producers adopt specific precautions and strictly follow them, there are chances to create a situation to better safeguard their work and preserve their intellectual property rights in this social media-driven age. It is clear that managing Intellectual Property Rights (IPR) and Intellectual Property (IP) involves a list of tasks and techniques that must be in par with international treaties, national laws, and best practices.

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