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Balancing Innovation and Ethics in Bioprospecting: Navigating Intellectual Property Rights Challenges

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Ms. Ashima Pury[2]

ABSTRACT

Bioprospecting refers to the systemic search of biochemical or genetic compounds occurring freely in nature or that which can be synthesized for the purpose of commercial exploitation However this intellectual process like most of its kind is not bereft of its issues, mostly centering around the realm of IPR. This paper will focus on the ethical concerns surrounding IPR in the sphere of bioprospecting which covers within its ambit but is not limited to patenting of conventional knowledge, benefit-sharing, and access to genetic resources amongst others. The present paper shall also shed light on the non-harmonious relationship between IPR protection and Native people's rights and seek to impress the need for ethics in the field. This research also illustrates the need for an IPR regime that respects conventional knowledge systems and ensures equitable distribution of benefits from natural resources while at the same time promoting ecological sustainability. By examining the intersection of IPR, bioprospecting, and ethics, this study contributes towards developing a more inclusive and socially responsible regimen of bioprospecting.

Keywords: Bioprospecting, IPR, Benefit Sharing, Biopiracy

INTRODUCTION

Bioprospecting is defined as the exploration of natural resources aimed at identifying compounds of genetic or biochemical value that may be commercially exploited, particularly in regions characterized by high biodiversity. This methodology possesses considerable promise for stimulating innovation, especially in the fields of pharmaceuticals, agriculture, and biotechnology. However, the commercial use of these resources often involves complex ethical and legal issues, especially regarding traditional know-how and the rights of native

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communities.[3] IPR plays a crucial role in bioprospecting as it legally protects innovations from original or sourced natural resources. Patents and trademarks are branches of IPR, which encourages innovation through the exclusivity of rights to inventors in order for them to have an opportunity to regain invested money and time. However, the application of IPR in bioprospecting raises several ethical concerns, especially when traditional or age-old knowledge is subjected to appropriation without adequate compensation or acknowledgment.[4]

Bioprospecting is not a new expression; it emanates from colonial explorations whereby the natural resources of the colonized territories were usually exploited to the benefit of the colonizers. In the modern world, bioprospecting occurs in a more formalized manner, often as scientific research and development, but with powerful commercial interests. The current scenery in bioprospecting, in contrast, is one of growing awareness of the need to balance commercial interests against those of rights of the native populace and biodiversity conservation.[5]

THE ROLE OF BIOPROSPECTING IN INNOVATION AND COMMERCIAL EXPLOITATION

Bioprospecting plays a magnanimous part in the creation of life-changing technologies, especially in the form of new pharmaceuticals, agricultural products, and industrial enzymes. For example, the discovery of *taxol* from the Yew tree of the Pacific and *artemisinin* from sweet wormwood has revolutionized cancer and malaria therapies, respectively. However, these examples also highlight the ethical concerns surrounding bioprospecting particularly wrt ownership and management of genetic resources and native knowledge. The main stakeholders in bioprospecting include native communities, who often have ancient know-how related to the use of innate resources; while the corporations on the other hand wish to utilize those resources for commercial gain while the governments seek to control access to the genetic resources.

[3] ETC Staff, Bioprospecting/Biopiracy and Native Peoples, ETC Group, *Available at* https://www.etcgroup.org/content/bioprospectingbiopiracy-and-native-peoples (Accessed 5th Sept, 2024).
[4] Baby T, B., & Narasimman Kuppusami Suriyaprakash, T., Intellectual Property Rights: Bioprospecting, Biopiracy and Protection of Conventional knowledge - An Indian Perspective IntechOpen, A*vailable at:* http://dx.doi.org/10.5772/intechopen.99596 (Accessed 5th Sept, 2024).
[5] Walter V. Reid, et al, BIODIVERSITY PROSPECTING: Using Genetic Resources for Sustainable Development, World Resources Institute, *Also available at:* https://www.researchgate.net/profile/Sarah-Laird-6/publication/285188831_Biodiversity_prospecting_contract/links/5ec5c506458515626cbbe75a/Biodiversity-prospecting-contract.pdf.

There is also a high incidence of conflict in the relationships among these players, especially in cases where the benefits arising from bioprospecting are not equitably distributed.

IPR IN BIOPROSPECTING

IPR in bioprospecting is usually seen when there is the need to protect inventions actualized through resources of a biological nature often found in native or native regions. Internationally, the Convention on Biological Diversity and the Nagoya Protocol 2010, provide guidelines for access to genetic resources and benefit-sharing. But it is to be noted that these protections do not come without a price, which is often at the cost of the local populace.

Ethical Considerations in Bioprospecting

1. Exploitation of Conventional knowledge and Genetic Resources

One of the major ethical issues involved in bioprospecting concerns the utilization of native knowledge and genetic resources. Many native groups have had their knowledge and resources taken without their prior consent, with or without compensation. The threats from such exploitations could mean endangering the rights of the communities, their cultural identities, and even their very existence.[6]

In 1990, the United States Patent and Trademark Office granted a patent to the American W.R. Grace Company for a methodology wherein extracts of the neem trees were used as a pesticide. The trees had been long used by local communities in India to produce medicines and insecticides. The patent was ethically dubious since it did not recognize conventional knowledge on the part of India's farmers and scientists. This gave rise to what is now known as biopiracy[7], where this term was used by critics to define a situation where commercial entities seek to realize profits through the use of native knowledge without recognition. A set of legal claims and counterclaims supported by the Government of India and other local activists finally led to the revocation of the patent in 2005. Because of this, the case is very

[6] Roger Chenells, *Biodiversity and the Law: Intellectual Property, Biotechnology and Conventional knowledge*, 419, Charles R McMains, 2007.

[7] The unauthorized extraction of biological resources and/or associated conventional knowledge from developing countries, or the patenting of spurious inventions based on such knowledge or resources without compensation are to be term as Biopiracy. (https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7910072/).

relevant and has brought to the fore the need to ensure that Native knowledge, if used for bioprospecting, is done in a manner that is just and respectful.[8]

2. Issues of Consent and Benefit Sharing

Consent (informed and prior) in this respect would mean bringing to the knowledge of Native Communities the potential inventive use of their genetic resources and obtaining their permission before such usage is done for commercial purposes.[9] Whereas Benefit sharing would entail fair share of profits derived through commercialization of such resources to the natives themselves.[10]

The Biodiverse and Nutritious Potato initiative from the International Potato Center advanced in Peru, Nepal, and Bhutan, is a relevant example of aforementioned concerns wrt bioprospecting and access to genetic resources, benefit-sharing, and IPRs. The initiative encourages the sharing and cultivation of resistant potato varieties to climate change and diseases with equitable benefit-sharing conforming to ITPGRFA[11]. It respects conventional knowledge through participatory breeding and decentralized selection that answer the calls for sustainability and environmental ethics. The project balances innovation, biodiversity conservation, and respect for cultural sensitivity in its commitment to fair access and utilization of genetic resources.[12]

3. Impact on Native Peoples' Rights and Cultural Heritage

Where genetic resources are commercialized with traditional-knowledge, artistic expressions could be degraded or traditional means of subsistence severely diminished. It can also cause

[8] Emily Marden, *The Neem Tree Patent: International Conflict over the Commodification of Life*, BOSTON COLLEGE INTERNATIONAL AND COMPARATIVE LAW REVIEW, http://nationalaglawcenter.org/wp-content/uploads/assets/bibarticles/marden_neem.pdf (Accessed: 02 September 2024).

[9] *Intellectual Property and Bioethics- An overview*, WIPO, Available at: IP and Bioethics-INT.qxd (wipo.int) (Accessed: 5th September, 2024).

[10] *Introduction to access and benefit-sharing*, Convention on Biological Diversity, Available at: https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7910072/ (Accessed: 5th September, 2024).

[11] International Treaty on Plant Genetic Resources for Food and Agriculture.

[12] Biodiverse and Nutritious Potato Improvement Across Peru, Nepal and Bhutan, CIP, December 2015, Available at:https://www.fao.org/fileadmin/user_upload/faoweb/plant-treaty/Project-Proposals/W2B-PR-23-Peru_-Technical_Proposal.pdf (Accessed: 5th September, 2024).

trouble in the community when some individuals become recipients of bioprospecting benefits while others do not have that particular privilege.[13]

4. Biodiversity Conservation

The collection of genetic resources from environmentally sensitive ecosystems can result in environmental degradation and put species and ecosystems at risk.[14] Unsustainable bioprospecting activities may cause habitat destruction and loss of biodiversity, impacting not only the environment but also the people with livelihoods dependent on those ecosystems.[15] Ethical bioprospecting should focus on sustainable practices and Conservation programs should be integrated within bioprospecting to ensure the ecological balance is upheld and the rights of those committed to protecting these areas are protected.

STRATEGIES FOR ENSURING EQUITABILTY

Full participation of native communities in decision-making and fair distribution of profits from the commercialization of their conventional knowledge are essential in order not to violate the principle of equity.[16] One of the possible strategies could be the adoption of access and benefit-sharing agreements[17]through the Nagoya Protocol created in 2010. The said agreement would require organizations to take prior informed consent from the Native peoples about using their genetic resources and share the benefits derived thereof.[18]

In addition, to above the model for recognition of collective rights which entails conventional wisdom is regarded as community property instead of being regarded as individual property of an inventor can be considered for implementation.[19] Another model is that of defensive

[13] Das, K., *The Global Quest for Green Gold: Implications of Bioprospecting and Patenting for Native Bioresources and Knowledge*, SOCIETY AND CULTURE IN SOUTH ASIA, (2020) 6(1), 74-97.

[14] *Biodiversity and Ecosystem Health,* SOUTH AFRICA ENVIRONMENT OUTLOOK, Available at: https://www.dffe.gov.za/sites/default/files/docs/part2_biodiversity_ecosystems_health.pdf (Accessed: 5th September 2024)

[15] Ibid

[16] De Jonge, B., *What is Fair and Equitable Benefit-sharing?,* J AGRIC ENVIRON ETHICS 24, 127–146 (2011).

[17] An Access and Benefit Sharing Agreement (ABSA) is an agreement that defines how the benefits from using genetic resources are shared fairly and equitably between the people or countries that provide them and the people or countries that use them. ABSAs are often used in bioprospecting, which is when native knowledge is used to find commercially valuable genetic and biochemical resources. (https://www.cbd.int/abs/infokit/revised/web/factsheet-abs-en.pdf).

[18] *The Nagoya Protocol on Access and Benefit-Sharing*, Convention on Biological Diversity, Available at: https://www.cbd.int/abs/about/default.shtml (Accessed: 05 September 2024).

[19] *Intellectual Property and Conventional knowledge*, WIPO, https://www.wipo.int/edocs/pubdocs/en/tk/920/wipo_pub_920.pdf (Accessed: 05 September 2024)

protection whereby the documentation of conventional knowledge would be made available to the public to prevent others from patenting it.[20]

A noteworthy model is the case of the Arogyapacha. It is well documented for its introduction of the ABS Agreement. In this case, the Kani Tribe of Kerala, India, has traditionally used a wild plant named Trichous zeylanicus commonly known as 'Arogyapacha'. This plant has been used by them for medicinal purposes such as the treatment of stress and fatigue. In the 1980s, scientists working in the region discovered its potential for developing a new drug called 'Jeevani' and commercialized it. While transferring the technology for the production of the drug to the pharmaceutical firm, TBGRI[21] agreed to share the license fee and royalty with the tribal community on a fifty-fifty basis. This was the first ABS prototype in the world. Ultimately, an agreement on benefit-sharing was reached and set a standard for fair compensation regarding native knowledge in bioprospecting activities. At the same time, however, the case did raise concerns over the issue of prior informed consent and whether the benefit-sharing truly reflected the value of the knowledge provided by the Kani people, thereby becoming subject to criticism on the grounds of not yielding good results.[22]

Excerpts issues are common and they have been the cause of almost endless number of arguments about bioprospecting, cultural appropriation of indigenous people, unequal benefit-sharing and traditional knowledge protection.

CASE STUDIES HIGHLIGHTING ETHICAL DILEMMAS IN BIOPROSPECTING

Many case studies[23] pointedly refer to the various ethical issues connected with bioprospecting. One example is the commercialization of *Hoodia*[24], a botanical resource utilized by the San people from Southern Africa to suppress appetite, which raised quite significant ethical concerns. Whereas in the end, compensation was given to the San people, this case highlighted

[20] *Background Brief Conventional knowledge and intellectual property,* WIPO, Available at: https://www.wipo.int/export/sites/www/pressroom/en/documents/background_brief_tk.pdf (Accessed: 05 September 2024).

[21] Tropical Botanical Garden and Research Institute.

[22] The Kani Learning, Down to Earth, Available at https://www.downtoearth.org.in/coverage/the-kani-learning-39208 (Accessed: 05 September 2024)

[23] The Basmati Rice Case is one of the prime illustrations of biopiracy and the ethical issues related to bioprospecting. The case led to a major uproar and it brought up very serious issues about the original farming commodities, intellectual property rights, and exploitation of the smallholder farmers. As a result of the public pressure, parts of the patents were withdrawn, thereby highlighting the need for agriculture self-determination and responsible bioprospecting practices. [Prom-u-thai, C., Rerkasem, B. Rice quality improvement: A review. *Agron. Sustain. Dev.* 40, 28 (2020)]

[24] *Stolen Knowledge: The Hoodia Case*, PUBLIC EYE, 19 September 2001.

a partial problem in ensuring equitable benefit sharing and the need for greater recognition of native rights. In the landmark Case of the *Turmeric Patent* in 1995, two Indian scientists at the University of Mississippi Medical Center were granted a U.S. patent (No. 5,401,504) for the use of turmeric (Curcuma longa) powder to heal wounds. Turmeric has been used in India for centuries for its medicinal properties, particularly for wound healing. This patent was seen as an attempt to monopolize traditional Indian knowledge without any recognition or benefit-sharing with the communities that have long used turmeric for such purposes. In 1996, the Council of Scientific and Industrial Research (CSIR) in India lodged a formal objection to the patent at the United States Patent and Trademark Office. CSIR argued that the therapeutic properties of turmeric had been an integral part of conventional knowledge of India, as evidenced by ancient texts, and is commonly used in a variety of applications in households throughout India. This was considered "prior art"-that is, the knowledge was already in the public domain and not a novel invention. In 1997, the USPTO revoked the patent, finding the claimed use of turmeric was not novel and that the patent was based on conventional knowledge.[25]

IPR AND ETHICAL PRACTICE: NEED TO BE HARMONIZED

The clash between IPR protection and native rights stands at the heart of bioprospecting. IPR offers motivation to innovate, but it can also result in monopolies over resources that form part of a community's cultural legacy. This conflict often grows worse because IPR systems have their roots in Western legal ideas that might not match up with Native ways of seeing the world.[26] Today's IPR systems have big problems when it comes to handling ethical issues in bioprospecting. These systems often put individual inventors and big companies first instead of communities. They're set up to protect business interests. Because of this, they might not recognize the group International treaties, like the Nagoya Protocol and the Convention on Biological Diversity from 1992, have a significant impact on encouraging responsible bioprospecting. These pacts create guidelines to make sure people use genetic resources and

[25] Saipriya Balasubramanian, *Conventional knowledge And Patent Issues: An Overview Of Turmeric, Basmati, Neem Cases,* MONDAQ, available at https://www.mondaq.com/india/patent/586384/traditional-knowledge-and-patent-issues-an-overview-of-turmeric-basmati-neem-cases (Accessed: 07 September, 2024).

[26] *Protecting Community Rights over Conventional knowledge Implications of customary laws and practices*, INTERNATIONAL INSTITUTE FOR ENVIRONMENT AND DEVELOPMENT, Available at: https://www.iied.org/sites/default/files/pdfs/migrate/14591IIED.pdf (Accessed: 07 September, 2024).

conventional knowledge. Article 15 of the CBD lays out principles to control access and benefit-sharing. These principles provide two main responsibilities to government:

1. To set up systems that make it easy to access genetic resources for eco-friendly purposes
2. To make sure users and providers share the benefits of using these resources.

Yet, putting these agreements into practice remains tough due to the persuasive nature of International Law.[27]

CONCLUSION AND RECOMMENDATIONS

The present piece seeks to show the relationship between innovation and ethics in the area of bioprospecting. The use of IPR on the one hand encourages the development of inventions and the commercial exploitation of nature, but, on the other hand, exclusivity cites some serious ethical implications as well, mostly of exploitative nature. IPR practices usually put commercial profits ahead of ethical issues, which makes finding balance between intellectual property rights, native rights, and cultural heritage preservation, challenging.

It is mandatory for the IPR framework to balance innovation with ethical commitment. This would require the IPR regime to be inclusive and show proper respect for conventional knowledge systems and practicing equitable benefit sharing is a start. Also, the stronger participation of the local people in the decision-making process should be pursued to respect their rights and keep their culture alive.[28]

The constant demand of protected product has led to unsustainable resource gathering which further endangers and even threatens extinction of the bio-materials which are the livelihood of the local economy. In most cases the communities who are responsible for the collection of these bio-materials are taken advantage of, they are given minimal compensation, while the middlemen and traders make their profit disproportionately.

[27] *Bioprospecting and Biopiracy*, Novotech, (22 August 2022) Available at: https://novotech-cro.com/faq/bioprospecting-and-biopiracy (Accessed: 07 September, 2024)

[28] Exchanging extremely precious medicinal plants of Himalayas such as the 'yarsagumba' and 'ginseng' from which the region makes money is not only a legal and philosophical issue but can be hazardous. Bio-diversity and local people, whose subsistence depends on those plants, get threatened through over-harvesting, is the primary embodiment for the need of the framework to balance the innovation and ethical commitments. (https://www.downtoearth.org.in/wildlife-biodiversity/himalayan-gold-rush-growing-livelihood-reliance-on-lucrative-and-vulnerable-trade-68453)

Most of the Indian legislations like the Biological Diversity Act, 2002 is bereft of adequate enforcement and it is self-evident by the fact that no real legal case has ever occurred that leaves the issues such as biopiracy and fair benefit-sharing to be addressed. To create an ethical IPR regimen on native bioprospecting, the following solutions can be considered worthy. Firstly, reformed IPR systems should be set up in a way that they, recognize the collective rights of Native communities and secondly, rebuff the exploitation of traditional know-how. Also, ABS agreements should be universally used to make sure respect is given to the IPR rights of natives. Further, there should be more intensive efforts to actively involve and take account of the rights of locals to prior informed consent. The future challenge is to create a bioprospecting program that is innovative, fair, and sustainably ecological. The practice needs to be looked upon by "governments, corporations, and international organizations" as a matter of urgency. They should join in the process of making alterations to the currently existing IPR frameworks, introducing strong ethical standards, and sharing the benefits more equitably. This is speculated to bring bioprospecting to a level in which both the natural environment and the cultural DNA of the Native people are respected, thus leading to resource exploitation to be sustainable and inclusive.

Society 5.0: AI and the Law

Vedashree Valunjkar[29]

ABSTRACT

Artificial Intelligence or ChatGPT? A Universal presence on personal devices worldwide, but do we really know about AI and the immense dependence we have on AI? It's probably more than search engines like Google. Artificial Intelligence was introduced decades ago but OpenAI was founded by Elon Musk in 2015, was an Industrial Revolution for the World as everyone was astonished to have seen Robots replacing Humans? Something none of us really anticipated, but Elon Musk made it possible. Human life today is increasingly dependent on Artificial Intelligence for nearly every aspect of daily functioning. People have been buzzing about AI, but what is AI? The basic definition of Artificial Intelligence is Machine Intelligence which requires speech recognition, certain commands and visual perception and everything is ready in a fraction of second. AI is basically a machine technology which can function, behave and think like Humans.

The inclusion of AI in Indian Society was first mentioned by the Hon'ble Finance Minister, in his budget speech for 2018 – 2019, mandated NITI Aayog to establish the National Program on AI[30], with a view to guiding the research and development in new and emerging technologies and the inclusion was also seen as a guiding light for Viksit Bharat 2047. The inclusion of AI in 2018-2019 has left an ever-lasting impact on Indian Society. Thinking of AI, this is all over, every field has included AI and it has helped us in every possible way. Talking specifically about Law Students and Professionals, AI has brought a mold in the field, while AI enhances efficiency for Legal Research but the tendency to generate irrelevant caselaws and inaccurate legal research raises serious concerns about reliability and accountability, yes, as a Law Student, the dependence on Artificial Intelligence for Research, Drafting has almost become common. Students prefer AI over other search engines such as Google these days because it is crisp, fast and concise. Thus, my Research Article would mainly focus on enhancing the analytical ability of Legal Professionals, while reflecting on the limitations and ethical considerations surrounding its use.

[29] Third-year Law student, Asian Law College, Noida.
[30] Press Information Bureau, GOV'T OF INDIA, MIN. OF FIN. (Feb. 1, 2018, 6:13 PM).

Keywords: Artificial Intelligence, India, Law Research, Viksit Bharat, Artificial Intelligence, Robo Judges, Dispute Resolution, Lawyers' Work, Legal Ethics, Judicial Efficiency.

INTRODUCTION

Artificial Intelligence is shaping the structuring of our Indian Society as well as Legal landscape, offering us the platform for efficiency as well as posing critical threats. Artificial Intelligence is an ever-growing field that is changing our lives rapidly and making us dependent upon it, from personal assistants like Siri & Alexa to Self-Driven cars, AI is rapidly taking over our lifestyle and is providing us the opportunity to upgrade our lives & standard of living as well. The Artificial Intelligence is a rapidly growing field but everything that dives into the Society, it has its own pros and cons, just like how every coin as two sides, Artificial Intelligence is similar to a coin here, it has its own pros and cons, if its helping us to ease our lives, it's also posing threats to the Human Employment as AI is more efficient, quick and gives information in fraction of second. AI has been used in every field nowadays and the newer generation is absolutely dependent upon the information provided by AI. As a Law Student, the people of my Profession are also heavily dependent upon Artificial Intelligence for quick solutions, faster drafting of documents and getting legal research in seconds. AI has been introduced in Dispute Resolutions as well which has contributed a lot in decreasing the pendency of cases in the field of Law. The "algorithmic justice" has sparked several debates all over the World. The term algorithmic justice was coined by Joy Buolamwini,[31] who also founded the Algorithmic Justice League at MIT to move toward equitable and accountable use of artificial intelligence (AI). The term "Algorithmic Justice" means AI systems can perpetuate discrimination and violate human rights, and outlines strategies for ensuring that these technologies are fair and equitable. Algorithmic justice involves identifying and mitigating biases inherent in AI algorithms that can lead to discriminatory outcomes against marginalized groups. Such biases often arise from biased training data, flawed algorithmic design, or inadequate oversight. The importance of Algorithmic Justice has been of utmost importance because AI has been cast-off for taking critical decisions such as hiring, lending, healthcare, legal decisions etc, which undermines fairness, accountability and transparency but ensuring that this benefits the Society, the policymakers and developers must ensure that the rigorous detection of hidden bias, secondly the developers should add inclusive data practices that has

[31] Algorithmic Justice League, *Project Overview* (MIT Media Lab), https://www.ajl.org (last visited Aug. 20, 2025).

diverse population data, thirdly the Legal Frameworks should mandate strict guidelines to ensure transparency and space for stakeholders for challenging the unfair and harmful outcomes. Talking about Algorithmic Justice, it puts onto greater significance when talking about Robo Judges or usage of AI in Judicial matters, the Courts all around the World has been instilling the idea of using AI in legal research, predict case outcomes and formation of judgments on precedents, the idea is pretty much efficient oriented but poses equivalent risks as well. The Policy makers and users of such applications need to be extremely mindful and alert as AI doesn't understand the nuances of Justice, Empathy, Fair Judgements. As mentioned earlier, if the algorithm is biased, the Robo-Judges would also deliver biased & partial judgements which wouldn't do justice to the Individuals who approached the Court of Law in order to receive a Fair and Just Judgement.

In context of Dispute Resolution, AI algorithms help in reducing the dependency of the cases and these have been used in the several arenas of Law such as e-commerce, consumer rights etc, they have been useful in regards to saving costs, time and efforts of litigants. In order to end this debate of AI and Law, I would like to add that it's more than technological arenas but more of redefining the Legal Structures, essence of Justice and Fairness in the AI driven generation. Therefore, the Research article would focus on two main objectives:

- AI and the Future of Justice: Dispute Resolution, Society, and Law
- The emergence of Robo-Judges.

IMPACT OF ARTIFICIAL INTELLIGENCE ON SOCIETY & LAW

According to Bernard Marr, the Artificial Intelligence has positive and negative implications in our lives, he quotes that, "as an optimist at heart, the changes would be good but challenges would be faced and we should think to address them now, just like how coins have two sides, the implications of AI also have two sides i.e Positive and Negative implications of AI. One of the pressing implications of AI is, "Artificial Intelligence will definitely cause our workforce to evolve. The alarmist headlines emphasise the loss of jobs to machines, but the real challenge is for humans to find their passion with new responsibilities that require their uniquely human abilities. According to PwC, 7 million existing jobs will be replaced by AI in the UK from 2017-2037, but 7.2 million jobs could be created. This uncertainty and the changes to how some will make a living could be challenging." The major implication would be the Efficiency and decrease in Workforce as AI has been more accurate, faster and efficient in comparison to

Humans. The Artificial Intelligence has kicked in AI-generated girlfriends as well and a keypoint to note here is that AI is also exposed to the younger generation and they are quite familiar with the aspect of AI, ChatGPT etc and they could misuse certain information because all the AI tools have extensive information which is accessible to all age groups. Looking at the negative sides, there are a lot more positive implications which have helped all the generations. The information can be gathered within seconds along with their authentic source and we can trace that information easily. The integration of AI tools in educational environments is reshaping how teaching and learning processes are conducted. AI-powered platforms, such as adaptive learning technologies and intelligent tutoring systems, offer significant potential to personalise education, enhance student engagement, and assist educators in managing classroom dynamics. For example, adaptive learning platforms use AI to tailor educational content to individual student needs, improving learning outcomes and academic performance. The implications of AI on Society has been adverse and I would like to quote something from a Podcast that was discussed about, "How ChatGPT would take over the World?" and it quoted, "ChatGPT never had to take over, you asked ChatGPT too" which showcases the reliance of People on Artificial Intelligence and ChatGPT.

IMPACT OF ARTIFICIAL INTELLIGENCE ON LAW

The impact of AI on Legal Field has been profound, the accuracy and efficiency of AI has taken over the control on Legal Research, as a Law Student, individuals first preferred search engines like Google, Yahoo but now everyone runs to the application or website of OpenAI which has saved time for Legal Scholars and Lawyers because the Legal Research that traditionally takes hours to complete, can be performed within fraction of seconds with appropriate sources and authenticity of the same. AI has not only helped in Legal Research but also in checking and reviewing the Contracts and its clauses as well. AI in minutes can understand the High-risk clauses that help us mitigate the clauses or refine it in the client's favour. The Legal Professionals also use AI in the context of Streamline routine legal tasks, thus freeing up time for higher-value client interactions, provide predictive insights into potential case outcomes, which can enhance client counselling, offer real-time language translation, which can facilitate global client communication and generate customized reports and updates, thus improving transparency and engagement between lawyer and client. The pros of using AI are endless here but the cons are endless too, the accuracy and efficiency is extremely attractive in context of AI but during certain intervals of life, you need personalisation as well like in Indian Society,

the case of Divorce, Child Custody (basically Family Law) needs human touch and empathy, which AI lacks, and While AI can assist in many areas, it cannot substitute human empathy, judgment, and intuition.[32] This may limit its usefulness in comprehending nuanced interpretations of law or understanding the emotional components often involved in trial cases. In other words, AI does not have a heart, brain, or personality. It merely contains and provides data. Because databases are used to train AI, the AI program becomes vulnerable to the implicit biases of the databases used to train it. In a society where customer service is king, the personal touch that can be offered only by people and natural human emotion is lost, thereby risking a diminishment in attorney-client relationships. Lawyers typically get "repeat" clients for a reason. Part of that is how connected and understood the client feels by their lawyer. Overreliance on AI may get you accurate data, but it can never replace a personal touch, no matter how well AI tries to emulate it. One of the most horrifying things about AI is the incorrect research or data provided which lands up lawyers in trouble and then recently the Delhi High Court stated that, "Artificial intelligence (AI) can substitute neither the human intelligence nor the humane element in the adjudicatory process, the Delhi High Court has held and said ChatGPT can't be the basis of adjudication of legal or factual issues in a court of law. Justice Prathiba M Singh stated that "the accuracy and reliability of AI-generated data is still in the grey area and at best, such a tool can be utilised for a preliminary understanding or for preliminary research"[33]. Therefore, Artificial Intelligence is extremely useful but then again it isn't reliable in terms of information especially in Legal fields, therefore the inclusion of AI in the Legal field in India is not so prevalent and it would take another decade to receive reliable and authentic information from AI keeping in mind the Legal fraternity.

THE EMERGENCE OF ROBO JUDGES:

The concept of "robo-judges" computer-based systems aiding or ruling legal matters has evoked controversy in India. While complete automation of adjudication does not go along with constitutional democracy, AI can be used as a means to enhance judicial efficiency. India has a huge pendency of more than 4.4 crore cases in courts, where procrastination erodes the basic right to speedy justice under Article 21 of the Constitution (acknowledged in ***Hussainara***

[32] Charles R. Nesson, *The Mission of Harvard in the Age of Artificial Intelligence*, THE HARVARD CRIMSON (Jan. 30, 2025), https://www.thecrimson.com/article/2025/1/30/nesson-harvard-ai-mission/.
[33] Simranjeet & Ridhi, *Artificial Intelligence Cannot Substitute Human Intelligence in Adjudicatory Process: Delhi High Court Refuses to Rely on CHATGPT Responses*, SCC TIMES BLOG (Aug. 28, 2023), https://www.scconline.com/blog.

Khatoon v. State of Bihar, 1979[34]). On this front, AI provides useful support in legal research, identification of precedents, summarization, and docket management. The Supreme Court has already begun taking measures in this direction. The SUPACE (Supreme Court Portal for Assistance in Courts Efficiency)[35] initiative, initiated in 2021 under the e-Committee of Justice D.Y. Chandrachud, offers judges AI-based support for research. Likewise, programs such as SUVAS (Supreme Court Vidhik Anuvaad Software) to machine translate judgments into local languages indicate the contribution of AI to more inclusive justice. In ***Anuradha Bhasin v. Union of India (2020)***[36], the Court itself recognized the increasing significance of technology in balancing rights and governance. Yet, dangers lurk. Algorithmic bias, transparency deficits, and infrastructural inequalities arouse fears about fairness and accountability. In contrast to Western nations, India's social heterogeneity and uneven digital reach necessitate guarded embracing. The NITI Aayog's "National Strategy for Artificial Intelligence" (2018) also prioritized ethical deployment of AI in governance, including the judiciary. Therefore, in India too, "robo-judges" should be decision-support systems and not substitutes. They could minimize delays, encourage consistency, and increase accessibility, but the last word has to be with human judges to ensure judicial transparency, ensuring that the constitutional principles are upheld. The emergence of Robo-Judges is not seen so prominently in India but AI has been used in certain Indian Courts like Delhi High Court in context of writing the Judgements and Orders given by the Honorable Judge in the Court of Law which has affected the workforce in Stenography as they specialise in the field of converting spoken words into written texts. The Indian Judiciary has included AI to an extent but again it doesn't hold immense trust on Artificial Intelligence.

RESEARCH METHODOLOGY

The research adopted a mixed-methods approach, combining both qualitative and quantitative methodologies. This approach was chosen to ensure a comprehensive understanding of the multifaceted impact of Artificial Intelligence (AI) on society. Books and articles from academic libraries provided theoretical foundations, while data was gathered from credible online journals such as the Journal of Artificial Intelligence Research and International Journal of Engineering Research & Technology. These sources provided peer-reviewed insights, case commentaries, and contemporary legal analysis relevant to the research. Peer-reviewed

[34] Hussainara Khatoon v. State of Bihar, 1979 SCR (3) 532.
[35] Press information bureau release on 25 JUL 2025 3:44PM (Release ID: 2148356).
[36] Anuradha Bhasin v. Union of India, (2020) 3 SCC 637.

insights, case studies, and analysis of certain research papers taken by authentic sources in order to understand the implications in a better manner.

LITERATURE REVIEW

The literature on AI's impact on society and law highlights its transformative potential as well as the ethical, social, and legal challenges it poses. The articles and papers I have studied on Algorithm Justice show that perpetuate discrimination through biased data, flawed design, or lack of oversight, emphasizing the need for fairness, transparency, and human accountability. Research on AI in dispute resolution and predictive analysis in Courts demonstrates efficiency but also lacks the Human Touch at times, AI can write Judgements but certain disputes and laws need empathy and understanding which AI lacks as of now, but sooner or later, the advancements would help us combat this issue as well. As a Student researching in this field of study, scholars have researched extensively, but the gaps remain regarding the standardized form of dispute resolution, fairness assessments and practical frameworks for smaller courts and firms. The Introduction of AI in the Legal field and the Judgements written by AI in the Courts of Law would be discussed further. This research addressed those gaps and discusses the additions to the Society in context of Artificial Intelligence.

1. "The Impact of Artificial Intelligence on Society" (Adere, 2023)[37]

The existing scholarship on Artificial Intelligence (AI) highlights its multidimensional effects on the economy, society, and ethics. The literature converges on a dual narrative: while AI has the capacity to improve healthcare, education, and economic productivity, it simultaneously presents challenges of inequality, algorithmic bias, and ethical accountability. Scholars agree that the benefits of AI must be balanced by robust governance and responsible deployment.

2. "Exploring ChatGPT and its impact on Society" (Lodder, A. R., & Zeleznikow, J. (2024).[38]

Recent academic research has investigated the influence of Artificial Intelligence (AI) on legal decision-making and the resolution of disputes. The existing literature emphasizes both technological progress and ethical considerations. Initial studies concentrate on the promise of AI-enhanced Online Dispute Resolution (ODR) systems to improve efficiency, lower expenses, and offer scalable access to justice. Scholars contend that machine learning algorithms can aid

[37] Marr, B. (2021, July 13). *What is the impact of artificial intelligence (AI) on society?* Bernard Marr. https://bernardmarr.com/what-is-the-impact-of-artificial-intelligence-ai-on-society/.

[38] MdA Haque & S. Li, *Exploring CHATGPT and Its Impact on Society*, 1 (arXiv.org, 25 March 2024), https://arxiv.org/abs/2403.17823.

in predicting case outcomes, evaluating evidence, and formulating judicial reasoning, thus alleviating the burden on overloaded courts. Nevertheless, researchers also warn against an overdependence on AI, highlighting concerns regarding algorithmic transparency, inherent biases, and the potential diminishment of judicial discretion. The ongoing discussion revolves around whether AI should function solely as a supportive tool or if partial automation of the adjudication process is feasible. The current body of literature also points out regulatory deficiencies, particularly in maintaining transparency, explainability, and guarantees of due process.

3. (John-Stewart Gordon, 2021 – "AI and law: ethical, legal, and socio-political implications")[39]

Research on artificial intelligence and law is increasingly centered on the ethical, legal, and socio-political challenges posed by swift technological advancements. Gordon (2021) initiates the discussion by highlighting that AI already impacts areas such as finance, parole, and employment, while simultaneously raising issues related to machine bias, opaque decision-making processes, and violations of fundamental rights.Gunkel (2012) endorses a phenomenological and social-relational viewpoint, while Wales dismisses the concept of robot personhood due to the lack of consciousness and self-awareness. Gordon himself posits that although current robots do not meet the criteria for personhood, future developments may challenge this viewpoint. Another significant theme is moral agency: Veliz contends that algorithms are devoid of sentience and therefore cannot be considered moral agents, comparing them to 'moral zombies.'

FINDING OF THE STUDY

The findings of the research article is that Artificial Intelligence is considered useful, accurate and precise but should be used with caution and should not be misused by the younger generation who has exposure to the following technologies. Firstly, the concept of algorithmic justice highlights that, without oversight, AI systems may perpetuate discrimination and violate essential rights due to biased datasets and unclear design. Secondly, although "robo-judges" cannot substitute for human decision-makers within India's constitutional system, AI-driven decision-support tools like SUPACE and SUVAS indicate the judiciary's readiness to embrace

[39] J.-S. Gordon, *AI and Law: Ethical, Legal, and Socio-Political Implications - AI & Society*, AI & SOCIETY (SpringerLink, 26 March 2021), https://link.springer.com/article/10.1007/s00146-021-01190-4.

technology to tackle significant backlogs and improve accessibility. Thirdly, the use of AI in dispute resolution, particularly through Online Dispute Resolution (ODR) indicates potential for speeding up low-value cases, enhancing efficiency, and lowering costs, although safeguards such as human oversight and appeal processes are crucial. Fourthly, the legal profession is experiencing a fundamental transformation: automation is eliminating repetitive legal tasks while simultaneously creating new roles in AI governance, ethics, and technology law. Significantly, there are still gaps in standardized fairness assessments, long-term evaluations of AI-assisted dispute resolution, and infrastructural capabilities in developing nations like India. In summary, the findings emphasize that AI should serve as a supportive tool improving justice delivery without undermining the constitutional principles of fairness, accountability, and human dignity.

CONCLUSION

The Research Article focuses on Artificial Intelligence and its implications on Society and Law. The topic has been extensively researched but then the gap between the implications of AI in the context of Indian Judiciary is uninvestigated & little-known but the implications of AI on Indian Society has been researched well & talked about substantially. My article focuses more on the Legal Implications of AI, how it has helped the Legal Scholars and Advocates in Legal Research but how it affects at times because of Algorithm Justice which ends up giving biased and one-sided judgements which affects the Justice System of India and the sentiments of Individuals who actually seek Fair Delivery of Judgements and in India the people resort Courts for Justice.

Case Analysis: Shaik Nazneen vs The State of Telangana

Preet Samaiya[40]

ABSTRACT

The Supreme Court's judgment in *Shaik Nazneen vs. State of Telangana (2023)* is a seminal ruling on the limits of preventive detention. The Court quashed a detention order against an individual accused of multiple chain-snatching offences, holding that such acts, while criminal, constituted a "law and order" issue rather than a "public order" disturbance justifying the draconian measure of preventive detention. The Court reaffirmed the critical distinction between the two, emphasizing that isolated crimes against individuals, without evidence of widespread community panic disrupting the social fabric, do not meet the high threshold for preventive detention. It further condemned the state's resort to preventive detention following the grant of default bail, viewing it as an improper attempt to bypass prosecutorial failures in the ordinary criminal justice system. The judgment underscores judicial vigilance against the arbitrary use of preventive detention powers. Concurrently, the codification of "snatching" as a distinct offence under the new Bharatiya Nyaya Sanhita, 2023, provides a proportionate legislative remedy, reducing the need for such exceptional executive measures and reinforcing the synergy between judicial oversight and legislative reform in protecting liberty.

Keywords: Preventive Detention, Public Order, Chain Snatching, Default Bail, Bharatiya Nyaya Sanhita (BNS).

INTRODUCTION AND FACTS

Mr. Shaik Nazneen's preventive detention order, which was made under the Telangana Prevention of Dangerous Activities Act of 1986[41] (the Act), is the basis for the current appeal. The appellant filed a habeas corpus petition to challenge her husband.[42] The following are the facts, which are based on claims of organized chain-snatching crimes: On October 28, 2021, the Commissioner of Police, Rachakonda Commissionerate, issued a detention order under Section 3(1)[43] of the Act, declaring the detenu a "goonda" on the grounds that he had habitually

[40] Third-year Law student at School of Law, CHRIST (Deemed to be University), Bangalore.
[41] Telangana Prevention of Dangerous Activities Act, No. 1 of 1986, § 2(g) (India)
[42] Shaik Nazneen vs. the State of Telangana (2023) 9 SCC 633.
[43] Telangana Prevention of Dangerous Activities Act, No. 1 of 1986, § 3(1) (India)

committed offenses punishable under Chapter XVII[44] of the Indian Penal Code, 1860—specifically, robbery by chain snatching. The order was based on the detenu's supposed involvement in thirty-six chain-snatching cases since 2020 that targeted mainly female victims in Telangana and Andhra Pradesh. Supposedly run as a member of a four-man gang, using the following technique:

To find vulnerable targets, the gang would monitor residential neighborhoods, frequently choosing sites with inadequate street lighting or a low police presence. Motorcycles and two-wheelers were illegally taken from parked cars or establishments and used as escape cars. One gang member would drive the stolen car at high speed during the day next to a pedestrian, usually a woman wearing a gold chain, and Utilize momentum and surprise to quickly seize the chain and avoid opposition. After taking the chain, the snatcher would speed off, leaving the victim alone, while accomplices in other cars would distract and watch out for the victim. Although police records indicated the detenu's alleged participation in thirty-six offenses, the detention order specifically cited only four cases as the proximate basis for detention. These were registered at Medipally Police Station between May 6, 2021 and July 26, 2021:

- Crime No. 355 of 2021 under Sections 392, 411 read with Section 34 IPC;
- Crime No. 358 of 2021 under Sections 392, 411 read with Section 34 IPC;
- Crime No. 532 of 2021 under Section 392 read with Section 34 IPC;
- Crime No. 533 of 2021 under Sections 392, 411 read with Section 34 IPC.

In each of these four instances, the detenu had sought for and been granted default bail under Section 167(2)[45] CrPC on October 16, 2021, as the result. The chargesheets were not submitted by the prosecution within the legally mandated 60-day timeframe. The arrest order stated that the prisoner was free on bail when it was issued.

The detenu was described in the order as a repeat offender whose actions were detrimental to the upkeep of public order, and it was stated that the crimes were carried out in created widespread dread and terror in the minds of the populace, particularly women, in broad daylight. Additionally, it highlighted that preventative detention was deemed essential by the

[44] Indian Penal Code, 1860, ch. XVII (India).
[45] Code of Criminal Procedure, 1973, § 167(2) (India).

State to prevent future crimes, even with the existence of standard criminal law remedies (such as bail revocation and appeal).

The Advisory Board upheld the Commissioner's detention decision on January 13, 2022, within the legal window, in accordance with the Act, thus prolonging the validity of the detention. Thereafter, the appellant, on behalf of her detained husband, filed a habeas corpus petition (WP No. 35519 of 2021) before the Telangana High Court, challenging the constitutional validity of the detention order under Articles 21[46] and 22[47] of the Constitution of India. The High Court, in a Division Bench judgment dated March 25, 2022, dismissed the petition, upholding the order on the grounds that the detenu's involvement in multiple chain-snatching robberies justified the invocation of the Act's preventive detention provisions.

Aggrieved, the appellant approached the Supreme Court by special leave petition (SLP(Crl.) No. 4260 of 2022). The Supreme Court heard arguments about whether the detenu's chain-snatching crimes, which are already subject to regular criminal trial and bail, posed a sufficient threat to warrant the deprivation of his liberty. If there is a public order that justifies preventative detention, and if the prosecution's procedural errors may warrant limiting individual freedom via extraordinary authority. Following the Commissioner's detention order and the High Court's approval being both overturned, the Supreme Court granted the appeal on June 22, 2022. Though criminal, the detainee's behavior presented a law and order problem that could be addressed with conventional criminal methods instead of emergency risk. to public order requiring preventive detention.

ISSUES RAISED

1. Whether chain snatching cases involving robbery under Section 392[48] IPC constitute grounds for preventive detention under the Telangana Prevention of Dangerous Activities Act, 1986?
2. Whether the acts of the detenu in committing chain snatching offences were prejudicial to "public order" or merely affected "law and order"?

[46] INDIA CONST. art. 21.
[47] INDIA CONST. art. 22.
[48] Indian Penal Code, 1860, § 392 (India).

3. Whether preventive detention can be justified when the accused has been granted default bail due to prosecution's failure to file charge-sheets in time?
4. What is the legal distinction between "public order" and "law and order" in the context of snatching offences?

ARGUMENTS FROM BOTH SIDES

Petitioner's Arguments (Shaik Nazneen)

She differentiated law and order from public order by using the case of Ram Manohar Lohia v. State of Bihar[49] and claimed that the four factors that were relied upon were related to public order. The cases, Crime Nos. 355/2021, 358/2021, 532/2021, and 533/2021, under Sections 392, 411 read with 34 IPC, were instances of isolated property crime that targeted specific victims rather than society at large. The claim made by the arresting agency that women were afraid and panicked was unsupported by empirical data of widespread disruption, such as riots or changes in public conduct, making the order's rationale conjecture and inadequate.

Additionally, the petitioner challenged the categorization of the crimes as robbery under Section 390[50] of the IPC. She claimed that the snatches, which were carried out by surprise and with lightning speed without the use of weapons, violence, or fear-inducing techniques, constituted theft as defined by Section 378[51] of the IPC. This misclassification, which was established in K. N. Mehra v. State of Rajasthan[52], called into question the detenu's classification as a goonda under Section 2(g)[53] of the PD Act, which seeks to punish repeat offenders of severe Chapter XVII IPC violations. As a result, there was no legal basis for the arrest.

On October 16, 2021, after the default bail was granted under Section 167(2) CrPC, the order was issued, which was described as mala fide and a response to the prosecution's failure to submit charge sheets within the allotted time frame. The petitioner cited A. K. Gopalan v. State of Madras[54], and made the case that preventative detention cannot take the place of routine

[49] Ram Manohar Lohia v. State of Bihar, AIR 1966 SC 740.
[50] Indian Penal Code, 1860, § 390 (India).
[51] Indian Penal Code, 1860, § 378 (India).
[52] K. N. Mehra v. State of Rajasthan, AIR 1957 SC 369.
[53] Telangana Prevention of Dangerous Activities Act, No. 1 of 1986, § 2(g) (India).
[54] A.K. Gopalan v. State of Madras, A.I.R. 1950 SC 27.

criminal procedures like bail revocation or appeals. Contrary to the standards for clear and specific set by Article 22(5)[55], the property was uninteresting and lacked a direct connection to the approaching threat. Even though only four of the 36 events were listed, there was still communication.

Finally, the Advisory Board's confirmation was criticized as perfunctory, and the Telangana High Court's dismissal on March 25, 2022, failed to scrutinize the public order threshold. She supported her argument for relief with examples like Banka Sneha Sheela v. State of Telangana[56], where comparable snatching detentions were overturned. To prevent the misuse of draconian laws and protect individual freedom, the petitioner asked the Supreme Court to invalidate the judgment.

Respondents' Arguments (State of Telangana and Others)

The detention order was justified by the Telangana government as a necessary step to safeguard the public interest from a repeat offender who posed a serious danger. With four nearby instances as justification, they claimed that Shaik Ayub's participation in 36 chain snatching incidents since 2020 has harmed public order by causing widespread Fear, especially among women in metropolitan regions. In contrast to the isolated events in Ram Manohar Lohia v. State of Bihar[57], the State argued that the repeated, daylight thefts utilizing The PD Act's section 3(1) threshold was satisfied by a deliberate modus operandi (reconnaissance, stolen vehicles, and quick escapes) that disrupted social harmony and discouraged public movement. Police reports and victim statements substantiated this communal fear, justifying preventive action.

On the nature of the offenses, the respondents maintained that the snatches constituted robbery under Section 390 IPC. The use of momentum and surprise amounted to "criminal force" or induced momentary fear, aligning with Harbilas v. Emperor[58]. Ayub met the criteria for being a goonda under Section 2(g) of the PD Act since, regardless of whether they were carried out peacefully, his regular commission of offences under Chapter XVII of the IPC called for detention to stop recidivism.

[55] INDIA CONST. art. 22(5).
[56] Banka Sneha Sheela v. State of Telangana, (2021) 9 SCC 415.
[57] Ram Manohar Lohia v. State of Bihar, AIR 1966 SC 740.
[58] Harbilas v. Emperor, AIR 1936 All 193.

The State argued that the detention was not rendered invalid by the default bail under Section 167(2) of the CrPC, stressing that, in accordance with the Union of, preventative detention is anticipatory rather than punitive. As demonstrated in Vijay Narain Singh v. State of Bihar[59], bail does not alleviate the possibility of future danger. India v. Paul Manickam[60], where the detaining authority's subjective pleasure, based on current and pertinent information, was unaffected by prosecutorial delays. The directive followed Articles 21 and 22, with reasons given right away and approved by the Advisory Board on January 13, 2022.

Although the High Court's decision was on a different scale, it was consistent with Khaja Bilal Ahmed v. State of Telangana[61], which held that detention may be justified by recurring offences. The respondents warned the Court that reversing the ruling would endanger initiatives to address increasing urban crimes like snatching and urged the Court to strike individual freedom and social security must be balanced.

JUDGMENT

In its judgement of June 22, 2022 in Shaik Nazneen v. State of Telangana & Ors. allowed the appeal submitted by the petitioner, Shaik Nazneen, challenging the preventive detention order imposed on her spouse, Shaik, Ayub, under the Telangana PD Act. The bench, comprising Justice C.T. Ravikumar and Justice Sudhanshu Dhulia, set aside the detention order dated October 28, 2021, and the Telangana High Court's dismissal of the habeas corpus petition on March 25, 2022. The Court directed the immediate release of the detenu unless required in other cases.

The Court began by granting leave to appeal and outlining the factual context. Although the prisoner was granted default bail in all four of the chain snatching cases that were filed at Medipally Police Station in 2021, he was nonetheless held as a goonda. These actions, according to the detaining authority, prejudiced public order by fostering fear among women. The appeal was brought about by the High Court's decision to uphold the order, which the Advisory Board had approved.

[59] Vijay Narain Singh v. State of Bihar, (1984) 4 S.C.C. 549.
[60] India v. Paul Manickam, (2003) 8 SCC 342.
[61] Khaja Bilal Ahmed v. State of Telangana, (2020) 13 SCC 632.

The Court highlighted that preventive detention is an unusual step that infringes upon freedom under Articles 21 and 22 of the Constitution in its reasoning. It restated that the PD Act mandates that the detenu's conduct be prejudicial to public order, a phrase that is more limited than the law and The Court drew a distinction between law and order, which deals with specific offenses, and order, which deals with more general issues, citing Ram Manohar Lohia v. State of Bihar[62]. Large-scale interruptions that upset the community balance are a result of maintaining public order. Although frequent, the chain snatches were solitary property crimes that did not show signs of widespread terror or social upheaval. Although the Court emphasized that the crimes were more about theft than robbery and did not include violence, weapons, or harm, the main point was their effect on public order.

The Court criticized the State's resort to preventive detention post-bail, viewing it as a substitute for prosecutorial failures. Quoting Rekha v. State of T.N.[63], it stated that such laws must be used sparingly, not routinely for law and order issues. If the detenu posed a menace, the State could seek bail cancellation or appeal, as observed in paragraph 19: "However, the State has recourse in any case, such as if the prisoner poses a greater threat to the public than is now believed. if alleged, then the prosecution should petition for the revocation of his bail and/or submit an appeal to the Higher Court. However, under the circumstances and facts of the case, it is certainly not appropriate to seek refuge under the preventive detention statute." The Court cited comparable instances in which arrests for chain snatching were overturned, such as Banka Sneha Sheela v. State of Telangana[64] and In Telangana, there is a history of abuse, as noted by Mallada K. Sri Ram v. State of Telangana[65]. The four cases that were relied upon, it emphasized, did not show any prejudice to the public order, which made the authorities' subjective satisfaction questionable.

The Court ultimately ruled the detention unlawful because it did not meet the standard for public order and ordered release, thereby strengthening constitutional protections against arbitrary detention. This judgment, while addressing broader preventive detention concerns, underscores that non-violent snatching does not warrant such measures, setting a precedent for proportionate state action.

[62] Ram Manohar Lohia v. State of Bihar, AIR 1966 SC 740.
[63] Rekha v. State of T.N., (2011) 5 SCC 244.
[64] Banka Sneha Sheela v. State of Telangana, (2021) 9 SCC 415.
[65] Mallada K. Sri Ram v. State of Telangana, (2023) 13 SCC 537.

ANALYSIS

One of the most contentious and delicate areas of Indian constitutional law is still preventive detention. It symbolizes a conflict between two equally important demands: the state's obligation to maintain public safety and order and the fundamental rights of people protected by Part III of the Constitution. The framers of the Constitution permitted preventive detention in narrowly circumscribed circumstances, but the misuse of this exceptional power has been a recurring theme in Indian legal history.

The Supreme Court's decision in Shaik Nazneen v. State of Telangana serves as a prime illustration of this conflict. The arrest of a man suspected of committing chain snatching offenses in violation of the Telangana Prevention of Dangerous Activities Act was the subject of the case. The state defended its action by claiming that such crimes frightened and made the public feel unsafe, which disrupted public order. However, the Supreme Court overturned the arrest on the grounds that the claimed conduct did not meet the bar for a breach of the peace and that the The detention order was also marred by significant procedural flaws.

What is the reason for the Shaik The meeting between the legislative change and the Bharatiya Nyaya Sanhita (BNS), 2023, which for the first time established that the BNS is particularly noteworthy. The act of snatching was made into a separate criminal offense. The Indian Penal Code (IPC) did not have a particular provision for snatching under Indian legislation until the BNS went into effect in July 2024, which compelled courts to make judgments based on the IPC's general provisions and for the police to categorize it as theft or robbery, neither of which accurately reflected its character. As in Shaik Nazneen, the lack of a definite legal framework frequently gave executive officials the ability to misuse preventive detention legislation.
The judgment is thoroughly examined in this essay along with the Court's rationale, the factual basis of the detention, and the broader jurisprudential ideas reaffirmed. It also examines how snatching as a criminal offense has developed, comparing its ambiguous treatment under the IPC with its clearly recognized under the BNS. In the end, the paper contends that the Shaik Nazneen decision, when viewed in conjunction with the 2023 legislative changes, establishes a vital synergy between judicial vigilance and legislation. New ways to maintain public order while protecting individual freedom.

1. The Factual Matrix and the State's Justification

The detaining in Shaik Nazneen was based on the assertion that the detenu was complicit in a string of chain-snatching events. According to the detaining agency, such actions had disrupted public order by instilling widespread fear and terror in the populace. Four specific cases were cited, all registered within the jurisdiction of a single police station over a span of two months. The abrupt and violent character of these crimes has resulted in injuries and, in a few cases, deaths, and women have especially felt unsafe wearing jewellery in public settings. Therefore, from the standpoint of the state, habitual chain snatchers pose a threat not only to specific victims but also to the wider concept of public safety.

Despite not breaking public order, recent empirical data highlights the real social effect of systematic chain snatching. In September 2024, twin brothers were apprehended by the Delhi police in the Burari area for robbing a woman of her gold chain while she was out buying fruits, and they documented their arrest, which was carried out in order to help them overcome their alcohol and drug dependency.[66] In a similar vein, in June 2025, Hyderabad police detained seven people engaged in extortion and chain snatching and seized assets worth Rs 1. 5 lakh within minutes of the crime, with a focus on the prevalence and direct consequences of such crimes.[67] The attacks on religious places are the most concerning; an interstate snatcher in Hyderabad intentionally targeted temple visitors, performing reconnaissance close to temples to spot women wearing jewellery during. Morning prayers at a time when the roads were empty. These instances show a premeditated strategy that goes beyond simple opportunistic theft, the deliberate targeting of vulnerable groups at predictable times. However, courts have consistently ruled that this pattern-based crime, which affects hundreds of unique victims in numerous cities, is a matter of law and order. The Supreme Court's assessment in Shaik Nazneen that individual victimization, no matter how common, does not inevitably lead to communitywide disruption requiring preventive detention is supported by the fact that public order disturbances are less common.

Nevertheless, the Supreme Court stressed that public apprehension alone cannot support preventive detention. The constitutional and jurisprudential criterion is whether the conduct

[66] *Twins held for chain snatching in Delhi*, THE INDIAN EXPRESS (Sept. 24, 2024), https://indianexpress.com/article/cities/delhi/twin-brothers-held-chain-snatching-burari-motorcycle-seized-9587399/.

[67] *Hyderabad Police Detain Seven in Chain Snatching Case, Seize Assets Worth Rs. 1.5 Lakh*, TELANGANA TODAY (June 16, 2025), https://telanganatoday.com/hyderabad-trio-held-for-chain-snatching-in-tolichow.

disrupts the community's regular rhythm of life. According to the Court, the four incidents mentioned were isolated and did not have a widespread impact on public order. Prosecution in accordance with regular criminal law, not recourse to preventative detention, was the appropriate course of action.

2. Scrutinizing the Factual Causality

One key aspect of the judgment was the Court's focus on checking whether the alleged actions really justified the detention. Preventive detention depends on the authority's personal satisfaction, but that satisfaction must come from clear, relevant, and adequate evidence. In Shaik Nazneen, the Court found that the authority's inference, that four cases of chain-snatching created public disorder, was unsupported by objective reality. The Court reaffirmed the legal distinction that it initially established in Ram Manohar Lohia v. State of Bihar[68]. The touchstone continues to be Lohia's metaphor of three concentric circles, with security of the State in the center, public order in the middle, and law and order in the outside. Neighbourhood theft, for instance, may not disrupt public order unless it disturbs society's even pace.

According to this criterion, the chain snatchings mentioned were law and order issues rather than hazards to public order. The disproportionate use of power was clear in the detaining authority's attempt to raise local crime into a basis for preventive detention. Therefore, the Court's decision confirmed once again the need of judicial attention in guaranteeing that the executive's subjective pleasure does not become incontestable.

3. Procedural Dimensions: Default Bail and State Lapses

Equally significant was the procedural context of the detention. The detenu had been released on default bail under Section 167(2) of the Code of Criminal Procedure, 1973. This provision safeguards an accused's liberty by mandating release if the police fail to file a charge sheet within the statutory period. It is not a declaration of innocence but a procedural guarantee against indefinite custody.

The state, however, used this release as a justification for preventive detention, arguing that the detenu, once free, was likely to re-offend. The Supreme Court strongly rejected this reasoning. It held that the state could not rely on its own prosecutorial failure, the inability to file a charge

[68] Ram Manohar Lohia v. State of Bihar, A.I.R. 1966 S.C. 740.

sheet on time, as a ground to impose a more draconian form of detention. The correct remedy lay in challenging the bail order or seeking its cancellation, not in bypassing the criminal justice system.

This element of the decision emphasizes a fundamental constitutional tenet: that executive action must stay inside the confines of the law. Preventive detention should not be employed to address government inefficiency. Or else, the very system meant to safeguard individual freedom would gradually destroy the exceptional.

4. The Appropriateness of the Judgment and the Question of a "Better" Decision

The Supreme Court's decision was valid from a legal and constitutional perspective. It limited executive overreach, safeguarded the integrity of default bail, and strengthened the line separating public order from law and order. The decision does not, however, address all of the problems. Although only four of the detenu's more than 30 incidents of chain snatching were officially mentioned, the state claimed that he was a repeat offender. The Court correctly noted that even habitual lawlessness does not always pose a threat to public order. However, it did not articulate a clearer standard for determining when repeated law and order problems cumulatively amount to public order disturbances.

Would a dozen chain-snatchings in a city over a short period qualify? What if one such incident leads to serious injury or death? When does public concern turn into social upheaval? The decision leaves these issues unanswered, allowing for executive manipulation while still maintaining flexibility. A more prescriptive ruling might have given clearer direction for future cases. However, the Court's adherence to the idea of proportionality ultimately prevailed. The state had proportionate remedies, prosecution, bail cancellation, and appeals, within the ordinary criminal process. Preventive detention, by contrast, was a disproportionate and unjustifiable shortcut. The Supreme Court's reluctance to craft a "snatching-specific" test for public order may have been a missed opportunity for judicial clarity.

The recent incidents such as a thief stole a gold necklace from an elderly lady inside Bengaluru's Ganesh Temple Prayer forced the woman's head against the window and sent

followers into panic in October 2024.[69] Two women were taken into custody in May 2025 for grabbing decorations from followers during peak worship hours in comparable incidents at Pune's well-known Dagdusheth Halwai Ganpati temple.[70] These cases, which happen within hallowed areas during religious rites, almost go over personal victimization and approach community upheaval. Should frequent snatching in delicate places—temples, schools, hospitals, or stores during holidays—ever cross the public order threshold? The Court's inaction to address this graduated analysis gives executive agencies no clear direction on when preventative measures could be justified by cumulative snatching occurrences.[71]

5. Snatching as a Crime: From IPC Ambiguity to BNS Codification

5.1 The IPC Framework

Before July 2024, the Indian Penal Code did not treat snatching as a separate crime. Law enforcement was forced to prosecute such offenses as either theft under Section 378 or robbery under Section 390. Both classifications were inadequate. Theft included taking someone else's belongings unlawfully, typically in secret, without their authorization. Snatching, by contrast, is overt, sudden, and involves direct interaction with the victim. On the other hand, robbery required the use of violence or threat of instant harm, which many snatching incidents did not meet. Thus, snatching occupied an ambiguous space between theft and robbery.

This confusion caused problems in practice. Prosecutors often found it hard to place snatching under the existing legal definitions, which led to uneven punishments. In some cases, offenders were treated only as simple thieves, while in others they were charged as robbers. Because of this lack of clarity, prosecutions became less effective, and authorities sometimes went as far as labeling repeat snatchers as threats to public order, using preventive detention against them.

5.2 The Bharatiya Nyaya Sanhita (BNS) Reform

The goal of the Bharatiya Nyaya Sanhita 2023 was to update Indian criminal law. One of its most important changes is that Section 304[72] now directly says that stealing is a crime. Snatching is described as stealing by forcefully, suddenly, or quickly taking movable goods

[69] *Thief Snatches Gold Necklace from Woman Inside Bengaluru Temple*, HINDUSTAN TIMES (Oct. 15, 2024), https://www.hindustantimes.com/cities/bengaluru-news/thief-snatches-gold-chain-from-woman-in-temple-101728969773026.html..

[70] *Two Women Held for Grabbing Decorations at Pune Temple*, INDIAN EXPRESS (May 5, 2025), https://indianexpress.com/article/cities/pune/2-women-chain-snatching-pune-temple-9984142/.

[71] Prakash, M., *An Effective Method for Preventing Chain from Snatching*, 7 INT'L J. ENG'G & TECH. 130 (2018).

[72] Bharatiya Nyaya Sanhita, 2023, § 304, No. 45, Acts of Parliament, 2023 (India).

from a person or their belongings. This definition includes three main parts: the intent to deceive, suddenness or force, and direct action against the victim or their property. By coding these traits, the BNS is able to identify snatching as more than simple theft but less than violent robbery. With the offense categorised as cognizable, nonbailable, and noncompoundable, the penalty suggested, up to three years' imprisonment and a fine, reflects its severity while preserving proportionality. The categorization guarantees that snatching is handled sternly but not confused with violent robbery.

The legislative journey toward codifying snatching reflects India's evolving socio-legal priorities in addressing urban crime. In Report No. 246 (2023)[73], the Parliamentary Standing Committee on Home Affairs notably noted that a new section 302 has been added providing to address the crime of snatching, which has recently become very prevalent, especially chain snatching or mobile snatching, imprisonment extensible to three years. There had been no mechanism to handle snatching before. Increasing concerns over urban property crimes not sufficiently covered by the IPC clauses then in force sparked this legislative acknowledgment. The Committee meetings demonstrated how little annoyance had grown into a major public safety problem, especially affecting senior citizens and women in cities, by means of snatching. The explicit mention of "chain snatching" and "mobile snatching" demonstrates the legislature's awareness of technological and social changes, smartphones as valuable portable property and gold jewellery as traditional targets.

Parliamentary discussions stressed how the uncertainty between theft and robbery categories had made both under prosecution and improper preventive detention possible, as shown in examples like Shaik Nazneen. The BNS reform thus reflects a deliberate policy decision to give reasonable criminal penalties that obviate executive resort to unusual detention powers rather than only legal technological modernization. Therefore, the BNS reform is more than just a technical update to the legislation; it is a conscious policy choice meant to guarantee that crimes are punished proportionately and lessen the need for the administration to use its extraordinary powers of preventative detention.

5.3 The Impact of Codification

[73] STANDING COMMITTEE ON HOME AFFAIRS, PARLIAMENT OF INDIA, REPORT NO. 246 (2023).

One important legislative response to a serious urban crime is the codification of snatching. It makes law enforcement's job easier, gives judges and prosecutors clarity, and gives offenders proportionate remedies. Most significantly, in situations of repeated snatching, it lessens the basis for preventive detention. Had Section 304 BNS existed during the events in Shaik Nazneen, the state could have relied on a clear statutory provision to prosecute the detenu. The temptation to resort to preventive detention, born of legal ambiguity, would have been diminished. Thus, the BNS reform and the Shaik Nazneen judgment together demonstrate the dynamic interaction between judicial oversight and legislative innovation.

One important legislative response to a serious urban crime is the codification of snatching. It makes law enforcement's job easier, gives judges and prosecutors clarity, and gives offenders proportionate remedies. Most significantly, in situations of repeated snatching, it lessens the basis for preventative detention. The state could have prosecuted the detenu based on a clear statutory requirement if Section 304 BNS had been in effect at the time of the Shaik Nazneen occurrences. It would have reduced the inclination to use preventative detention, which stems from legal uncertainty. Therefore, the BNS reform and the Shaik Nazneen ruling show how judicial supervision and legislative innovation interact dynamically.

PRECEDENTIAL VALUE AND REGIONAL IMPACT

The ruling highlights judicial review of executive action and fortifies the right to freedom. Particularly in Telangana, where the Supreme Court has frequently attacked the regular abuse of preventive detention legislation, it sends a strong message to state officials. The Court is forcing an executive practice recalibration by rejecting detention orders founded on weak reasons.

Equally, the judgment strengthens the jurisprudence on default bail, making it clear that prosecutorial lapses cannot be weaponized against the accused. This principle will serve as an authoritative guide for lower courts. At a regional level, the judgment is a cautionary tale for states inclined to use preventive detention as a policing shortcut. It reaffirms that ordinary criminal law, now strengthened by the BNS's codification of snatching, provides adequate tools for dealing with habitual offenders.

CONCLUSION

The judiciary's function as the protector of constitutional liberty is best illustrated by the Supreme Court's ruling in Shaik Nazneen v. State of Telangana. The Court upheld the sanctity of default bail and the important distinction between public order and law and order by carefully examining the detention's factual and procedural foundation. Preventive detention must continue to be an extraordinary measure, not a replacement for vigilant policing and prosecution, as the ruling makes clear.

At the same time, the legislative codification of snatching under the BNS addresses a long-standing gap in Indian criminal law. By explicitly defining and criminalizing snatching, the law now provides a proportionate and precise remedy for a crime that is both prevalent and socially disruptive. This reduces the temptation for executive authorities to misuse preventive detention in such cases. The Shaik Nazneen ruling and the BNS reform show how new laws and careful judges can work together. By strengthening the constitutional balance between individual freedom and public order, they make sure that India's criminal justice system stays fair and effective.

Psychology of Justice: Exploring the Mental and Social Dimensions of Legal Behavior

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ABSTRACT

Every act of crime, judgment, or punishment is rooted not just in law but in the human mind. This study explores the psychological foundations of legal behavior, examining how emotions, morality, fear, and perception shape interactions with law, whether as offenders, victims, or citizens. By integrating insights from psychology, sociology, and legal studies, the research investigates why individuals commit crimes, how they respond to punishment, and the processes through which they internalize, resist, or reinterpret legal norms.

Focusing on themes of crime, rehabilitation, and legal consciousness, the paper highlights the limitations of purely retributive justice systems, which often punish conduct without addressing the mental and social factors underlying it. Trauma, social alienation, and learned behavior are shown to influence criminal actions, while restorative and rehabilitative approaches offer pathways to reform and reintegration. The study employs socio-legal methodologies, combining doctrinal legal analysis with psychological inquiry through case studies, interviews, and behavioral observation, to reveal how perception, identity, and emotion inform legal outcomes.

The research argues that justice is not solely a matter of legality but a deeply human endeavor. A humane legal order must recognize the psychological realities of those it judges, acknowledging fear, remorse, and capacity for change. By understanding the mind behind the offense, law can evolve from an instrument of control into a mechanism for healing and moral restoration. Ultimately, this study underscores that the moral purpose of law lies not just in punishing wrongdoing but in restoring humanity, emphasizing that effective justice must engage both legal and psychological dimensions.

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Keywords: Psychological underpinnings, legal behavior, crime, rehabilitation, legal consciousness, socio-legal methodology, restorative justice.

INTRODUCTION

Psychology and law, though distinct disciplines, are profoundly interlinked. While psychology explores human thought, emotion, and behavior, law provides the framework that regulates social conduct and maintains justice. Their intersection has given rise to legal or forensic psychology, which applies psychological insights to legal contexts, enhancing the justice system's understanding of decision-making, witness memory, mental health, and social influences on crime and punishment.

Justice has always stood at the heart of every civilized society, a principle meant to balance right and wrong, reward and punishment, morality and law. Yet, in practice, justice often becomes synonymous with punishment, where imprisonment and deterrence overshadow the deeper purpose of reforming human behaviour. Such behaviour is often learned and influenced through observation and social environment. From a very young age, one starts to learn what behaviours are acceptable by observing the reaction of parents and society to instances of deviance.

The psychological dimension of justice invites us to look beyond the act of crime and toward the mind that commits it. To understand what drives individuals to offend and what might help them change. This perspective does not justify wrongdoing but rather seeks to uncover the emotional, social, and cognitive roots that give rise to it.

BACKGROUND

In India, the criminal justice system has historically leaned toward a retributive model, where the offender faces strict punishment for violating legal norms. However, this approach has shown limitations in curbing repeat offenses or reintegrating individuals into society. A growing body of research in psychology and criminology suggests that crime often stems from unmet needs, poverty, trauma, moral underdevelopment, or social alienation rather than inherent criminality. The focus, therefore, must shift from "How should we punish?" to "How can we prevent and reform?"

Reformative and restorative models of justice offer this humanized alternative. They emphasize rehabilitation, empathy, and reintegration, aiming not only to correct the offender but also to heal the social damage caused by the act. India's legal framework already reflects this gradual transition through laws like the Probation of Offenders Act, 1958, and the Juvenile Justice Act, 2015, which prioritize reform over retribution. Yet, much remains to be done in aligning legal practice with psychological insight.

The significance of this study lies in its interdisciplinary approach. By combining psychology and law, it proposes a deeper understanding of crime, punishment, and rehabilitation in India. It also explores how psychological tools and frameworks can be utilized to improve investigative techniques, judicial reasoning, and correctional practices.

Psycho-legal methodologies represent approaches that integrate psychology (which examines society and human behaviour), with law (the framework of rules), to gain insights into the reasons behind criminal activity.
These methods extend their focus beyond the legal system, emphasizing the social, economic, psychological, and cultural elements that shape criminal conduct.
Psycho-legal methodology explores crime not merely as a breach of the law, but as a social occurrence. It investigates the ways in which society, institutions, and individuals engage with the law, and how these engagements result in either compliance with the law or criminal actions.

SOCIOLOGICAL

The sociological approach to studying crime emphasizes the importance of social structures, relationships, and conditions in influencing individuals to commit criminal acts. It operates on the premise that crime is not solely a personal or moral failing, but rather a consequence of one's social environment. This viewpoint suggests that individuals are molded by their communities, the opportunities they encounter, and the norms and values they are exposed to from a young age. When individuals find themselves in environments characterized by poverty, inequality, unemployment, or weak social institutions, they are more prone to feelings of frustration, alienation, and social disorganization, factors that can lead to criminal behaviour.
Sociologists like **Émile Durkheim and Robert K. Merton** have provided significant contributions to this perspective. Durkheim posited that crime is a normal aspect of every

society, as it delineates the limits of acceptable behavior and aids in maintaining social order. Conversely, Merton introduced the **strain theory**, which posits that when individuals are unable to achieve socially endorsed goals (such as wealth or success) through legitimate avenues, they may turn to illegitimate methods like theft, fraud, or violence. For example, individuals residing in economically disadvantaged areas may engage in theft or burglary not due to an inherent lack of morality, but because the social system has failed to offer them equitable opportunities for progress. Another example of the sociological approach can be found in the **Naxalite (Maoist) movement** that continues to affect parts of rural India, particularly in states such as **Chhattisgarh, Jharkhand, Odisha, and Bihar.** Persistent poverty, land dispossession, lack of education, and exploitation by local elites and state authorities created social frustration and alienation. This example demonstrates that when social systems fail to provide fairness, participation, and opportunity, **crime and violence can emerge as expressions of collective strain.**

PHYSIOLOGICAL

The psychological approach analyzes crime by concentrating on the individual, their mental processes, personality structure, emotional regulation, and developmental history to clarify why a specific person engages in criminal behavior. Instead of viewing criminality as a mere abstract social issue, this method seeks to identify internal motivators: mental health disorders (such as psychotic disorders, or personality disorders like antisocial personality disorder and psychopathy), deficiencies in self-control and executive functioning, impulsivity, chronic aggression, cognitive distortions (thought patterns that justify or downplay harm), and the effects of early trauma or attachment disruptions. Researchers and clinicians utilize clinical interviews, standardized psychometric assessments, neuropsychological evaluations, and occasionally biological indicators (neuroimaging, hormonal tests) to understand how these elements interact within an individual to heighten the likelihood of offending.

Mechanisms are articulated in psychological terms: inadequate impulse control or immature executive functions diminish the capacity to anticipate consequences and resist immediate gratification; emotional dysregulation and heightened reactivity can escalate confrontations into violence; early-life trauma and insecure attachments can lead to hypervigilance, mistrust, and maladaptive coping strategies, such as substance abuse or aggression; and specific personality traits, such as callousness, lack of empathy, and shallow emotional responses can

eliminate the internal restraints (guilt, remorse) that typically prevent harm to others. For instance, an individual exhibiting strong antisocial characteristics may repeatedly engage in criminal acts due to a lack of remorse, a focus on immediate rewards, and insensitivity to punishment signals; if this individual also struggles with substance dependence and has a background of childhood abuse, the risk is further amplified. Consequently, psychological explanations prioritize pathways (the interaction of vulnerabilities with circumstances) over a singular 'cause.'

ECONOMICAL

The economic method interprets crime through the perspective of material conditions, emphasizing how economic frameworks, inequality, and deprivation influence individuals' opportunities, motivations, and decisions. It posits that crime frequently emerges not merely from personal moral failings but from systemic disparities in wealth, access, and authority. In societies characterized by unequal distribution of resources and opportunities, individuals situated at the lower end of the economic spectrum may face frustration, unemployment, and social exclusion, which can lead them to resort to illegal means for survival or success. For instance, theft, burglary, or drug dealing may seem like rational responses to poverty and the absence of legitimate opportunities, particularly in contexts where material success is highly esteemed yet not equally accessible. This viewpoint underscores that criminal behaviour is often a manifestation of deeper structural inequalities rather than simply personal deviance.

From a Marxist perspective, crime embodies the class struggle that is intrinsic to capitalist societies. Karl Marx contended that economic systems founded on private property and profit generate two conflicting classes, the bourgeoisie (owners of capital) and the proletariat (working class). The impoverished may engage in criminal activities out of necessity or as a form of protest against exploitation, while the affluent partake in what Marxist criminologists refer to as “white-collar” or “corporate crime” offenses such as fraud, embezzlement, or corruption, motivated by greed, competition, and the quest for power. Therefore, both poverty-driven street crimes and elite financial crimes are perceived as outcomes of the same inequitable system.

Moreover, the economic method connects the distribution of power to the formulation and enforcement of laws. It asserts that laws are frequently established by those in power to

safeguard their economic interests and property, which implies that the justice system tends to penalize the behaviours of the poor more severely while neglecting or downplaying the offenses committed by the wealthy.

THE PSYCHOLOGICAL FOUNDATIONS OF JUSTICE

Justice, when viewed through a psychological lens, extends beyond legal codes into the intricate fabric of human behaviour and moral reasoning. Every act of crime is not just a breach of law but a manifestation of internal and external conflicts — psychological, emotional, and social. Theories from psychology help decode this complexity.

Sigmund Freud's psychoanalytic theory proposes that the human mind functions on the tension between the id (instinctual desires), ego (rational control), and superego (moral conscience). Crime, in this framework, may result when the ego fails to balance between the impulsive id and the restrictive superego — leading to actions driven by suppressed desires, frustration, or rebellion against authority. Similarly, Maslow's hierarchy of needs explains that unmet physiological and social needs — such as hunger, safety, belongingness, and esteem — can push individuals toward unlawful means to fulfill them. A person stealing food or money out of poverty demonstrates this direct link between psychological deprivation and deviant behaviour.

Lawrence Kohlberg's stages of moral development further illuminate how individuals progress from basic obedience to more complex moral reasoning. Crimes often emerge from moral immaturity, where individuals act based on fear, self-interest, or peer pressure, rather than genuine ethical understanding. Hence, understanding crime psychologically allows the justice system to focus not merely on punishing the act, but also on addressing the mental and moral voids that led to it.

RETRIBUTIVE VS. REFORMATIVE JUSTICE

The traditional retributive model of justice operates on the principle of "an eye for an eye," emphasizing punishment as a means of deterrence. While it satisfies public demand for accountability, it rarely leads to behavioural change. Psychological studies indicate that excessive punishment, isolation, and stigmatization can worsen criminal tendencies rather than

correct them. Prison environments often reinforce aggression, alienation, and resentment, making reintegration into society difficult.

In contrast, the reformative model of justice rests on the belief that every individual possesses the capacity to change when given guidance, education, and moral direction. This philosophy aligns with the humanistic perspective in psychology, which asserts that people are inherently capable of growth if their environment fosters empathy and understanding. By offering opportunities for counselling, skill training, and moral rehabilitation, reformative justice aims to transform offenders into responsible citizens rather than repeat criminals.

THE INDIAN LEGAL FRAMEWORK

India's legal system, influenced by both colonial jurisprudence and constitutional morality, has gradually evolved to include reformative principles. The **Probation of Offenders Act, 1958**[76], marks a significant milestone, allowing first-time and minor offenders to be released on probation instead of imprisonment. This reflects the recognition that punishment without correction is counterproductive. Similarly, the **Juvenile Justice (Care and Protection of Children) Act, 2015**[77], embodies the understanding that young offenders require rehabilitation and moral guidance rather than harsh penalties.

Courts in India have repeatedly underscored the importance of reform over revenge. In ***Mohd. Giasuddin v. State of A.P. (1977)***[78], the Supreme Court observed that "the human being is not a static entity but a dynamic one capable of redemption." Likewise, in ***State of Gujarat v. Hon'ble High Court of Gujarat (1998)***[79], the Court stressed that the object of punishment should be both deterrence and reform, emphasizing a psychological approach to justice.

Such legal shifts illustrate India's slow but steady movement from punitive justice toward restorative ideals, a transition deeply rooted in psychological insight and humanitarian ethics.

UNDERSTANDING CRIME THROUGH THE LENS OF NECESSITY AND CIRCUMSTANCE

[76] Probation of Offenders Act, No. 20 of 1958, § 4 (India).
[77] Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016, § 3 (India).
[78] Mohd. Giasuddin v. State of Andhra Pradesh, AIR 1977 SC 1926 (India).
[79] State of Gujarat v. Hon'ble High Court of Gujarat, AIR 1998 SC 3164 (India).

Not all crimes arise from malice; some stem from necessity, desperation, or psychological distress. Acts like theft for survival, or minor assaults committed in self-defense or under extreme emotional pressure, cannot be understood merely through legal definitions. They demand empathy and psychological evaluation. The law acknowledges such contexts under **Section 81 of the Indian Penal Code**[80], which exempts acts done to prevent greater harm.

Psychologically, these cases reflect what criminologists term situational crime offenses triggered by immediate needs rather than long-term criminal intent. Recognizing this distinction allows the justice system to differentiate between hardened offenders and those who act under temporary or circumstantial pressure. For the latter, community service, counselling, probation, or restorative dialogue can serve as constructive alternatives to incarceration.

REHABILITATION AND RESTORATIVE JUSTICE

The restorative justice model represents the highest psychological maturity in legal philosophy. It seeks to repair harm by fostering dialogue among the offender, the victim, and the community. The goal is to evoke accountability, empathy, and reintegration rather than isolation. When offenders are guided to confront the human consequences of their actions, it triggers emotional transformation and moral realization outcomes no prison can guarantee.

Programs such as victim-offender mediation, counselling-based sentencing, and community reintegration projects have shown remarkable success globally in reducing recidivism. Within India, initiatives like the Open Prison System in Rajasthan demonstrate the power of trust-based correction. Inmates live with families, work outside the prison, and gradually reintegrate into society. These examples reflect how justice, when rooted in psychology, nurtures both personal healing and social peace.

TOWARDS A PSYCHOLOGICALLY INFORMED JUSTICE SYSTEM

Integrating psychology into justice administration demands a shift in both attitude and policy. Judicial training, sentencing guidelines, and correctional practices must include psychological evaluation and behavioural assessment. Courts should rely on forensic psychology, counselling interventions, and restorative sentencing frameworks to ensure justice addresses the mind behind the crime.

[80] Indian Penal Code, No. 45 of 1860, § 81 (India).

Furthermore, public perception of offenders needs reformation. Society must recognize that rehabilitation is not weakness but wisdom, that restoring a person's humanity is the highest form of justice. As the Indian judiciary moves forward, balancing deterrence with compassion will be essential to achieving a truly reformative legal system.

CONCLUSION

The psychology of justice provides a transformative lens through which India's legal system can evolve from retribution to restoration. The human mind, complex, adaptive, and capable of remorse lies at the core of every act of crime and every possibility of reform. By acknowledging the human mind as central to legal behaviour, this interdisciplinary approach bridges the gap between law and empathy.

Integrating psychological understanding into investigations, courtroom practices, and correctional strategies can significantly enhance fairness, reduce bias, and foster rehabilitation. The incorporation of forensic psychology, victimology, and restorative frameworks will strengthen justice delivery mechanisms and humanize legal processes.

For India, the path forward lies in systemic reforms, such as, education, infrastructure, and policy, that institutionalize psychological expertise within the justice system. Only then can the nation realize a justice model that not only enforces law but restores humanity.

Analyzing K.S. Puttaswamy vs Union of India Using Various Comparative Methodologies

Ujjwal Meena[81]

ABSTRACT

The landmark judgment in *K.S. Puttaswamy v. Union of India (2017)* marked a paradigm shift in Indian constitutional law by recognizing the right to privacy as an inherent fundamental right under Article 21. This analysis examines the Supreme Court's reasoning through the lens of four distinct comparative constitutional interpretation methodologies. It explores the dialogical approach, which allowed the Court to engage with evolving global jurisprudence on privacy, and the functionalist method, which focused on the core purposes of privacy rights: protecting autonomy and dignity across different legal systems. The analysis further highlights the Court's use of structuralist interpretation to derive the right to privacy from the interconnected principles and architecture of the Indian Constitution itself, particularly linking it to the Preamble's guarantee of liberty. Finally, the historical methodology is examined, tracing the evolution of privacy within Indian case law and its alignment with international human rights norms to correct past judicial errors. The paper concludes that the Court's nuanced, multi-methodological approach was instrumental in situating the right to privacy within the Indian constitutional framework, ensuring its relevance in the face of contemporary digital-age challenges while remaining grounded in domestic legal traditions.

Keywords: Right to Privacy, Comparative Constitutional Law, K.S. Puttaswamy Judgment, Fundamental Rights, Constitutional Interpretation

INTRODUCTION

"The Right to Privacy is a subject that the Indian legal system has historically explored only sparingly. In previous rulings, the Supreme Court denied recognizing the right to privacy as a fundamental right, notably in two landmark cases: ***MP Sharma v. Satish Chandra***,[82] adjudicated by an eight-judge bench, and ***Kharak Singh v. State of UP***,[83] decided by a five-

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[82] MP Sharma v. Satish Chandra, (1954) 1 SCR 1077
[83] Kharak Singh vs The State Of U. P. & Others, 1963 AIR 1295

judge bench. In both instances, the Court rejected claims that privacy was an integral part of Part III of the Constitution."

However, this stance was reversed in 2017 with the landmark judgment in ***K.S. Puttaswamy v. Union of India***.[84] "In this case, a nine-judge constitutional bench of the Supreme Court declared that the right to privacy is an inherent right under Part III of the Indian Constitution. The Court ruled that privacy, being linked to Article 21 (which falls under Part III), is a fundamental right.

While acknowledging privacy as a fundamental right, the judgment also emphasized that, like other fundamental rights, it is not absolute and must be subject to reasonable restrictions. This highlights the judiciary's effort to balance individual rights with the authority of the state to impose limits when necessary. A noteworthy aspect is that, unlike Article 10 of the German Constitution or Article 13 of the Swiss Constitution, the Indian Constitution does not explicitly mention the right to privacy. This raises the question of how the Supreme Court could establish such a right without explicit constitutional text."

"To address such challenges, the Court often uses its power of Constitutional Interpretation. This refers to the judiciary's ability to derive broader meanings and applications from the law when the text itself is insufficient. In the Puttaswamy judgment, the Court used various interpretative methods to read the right to privacy into Article 21, which guarantees the right to life and personal liberty. This assignment will analyze the judgment using four methods of interpretation within comparative interpretation: **Dialogical, Functionalist, Structuralist & Historical Methodologies**."

COMPARATIVE CONSTITUTIONAL INTERPRETATION

"Comparative Interpretation refers to the form of legal interpretation wherein the derivation of a definition or exegesis from a hard law is done by comparing a particular statue in reference to another country's constitutional provision(s) or case law(s). This is a method that needs extreme caution because any given case law needs to be read contextually with the domestic law."

[84] Justice K. S. Puttaswamy v Union of India, (2017) 10 SCC 1, AIR 2017 SC 4161.

"This opinion is also backed by a renowed scholar **Mr. Sujit Choudhry**, in his article Globalization in Search of Justification: Toward a Theory of Comparative Constitutional Interpretation, in the Indiana Law Review:"

"*The globalization of the practice of modern constitutionalism generally, and the use of comparative jurisprudence in particular, raise difficult theoretical questions because they stand at odds with one of the dominant understandings of constitutionalism: that the constitution of a nation emerges from, embodies, and aspires to sustain or respond to that nation's particular history and political traditions.*"[85]

"Considering how much South Africa's constitution has been influenced by those of other nations, comparative interpretation is regarded as a fundamental technique of interpretation. For example, Article 31(1)(b) and (c) of Chapter II of the South African Constitution, which lays out the Bill of Rights, state unequivocally that any interpretation of the Bill of Rights must take into account international law, which includes treaties, conventions, and other international statutes to which South Africa has ratified or signed. This is also true with regard to Article 51(c) of the Indian Constitution, which mandates that the state uphold its duties under international law and any treaties to which it is a party.

Common law nations often utilise the United States of America and the United Kingdom as anchors for comparative interpretations. ***The State v. Makwanyane,*** [86] ruling also made reference to this, stating that the interpretation of the South African Bill of Rights is guided by comparative constitutional interpretation. Furthermore, in *Printz v. United States*, Justice Scalia of the US Supreme Court noted that the comparative interpretation approach is improper for interpreting the constitution." [87]

In the *KS Puttaswamy case*, the Supreme Court established a distinct segment discussing comparative interpretation and its legitimacy in recognising the right to privacy as a basic liberty under the right to life. However, the ruling itself is subject to the arguments put out by Peter N. Boukaert and Bernard E. Harcourt, who contend that the vast majority of cases serve only as citations with no clear conclusion.

[85] Choudhury, Sujit, Globalization in Search of Justification: Toward a Theory of Comparative Constitutional Interpretation, INDIANA LAW JOURNAL: Vol. 74: Iss. 3 (1999).
[86] State v. Makwanyane 1995 (3) SALR 391 (CC).
[87] Printz v. United States, 521 U.S. 898, 921 n.11 (1997).

The judgement, in my opinion, is not very applicable because it just lists various case laws from various countries, international organisations, and laws without providing any justification for how these might affect the Indian Constitution's provisions on privacy under Article 21 other than the shared goal of protecting each person's integrity and privacy.

METHODOLOGIES OF COURT IN USING COMPARATIVE MATERIALS

Dialogical Approach

"A dialogical method, broadens the interpretive scope of the constitutional text, enabling Indian courts to consider evolving jurisprudence from other jurisdictions and update their constitutional understanding, particularly on issues like privacy. While the dialogical method serves as an initial framework for incorporating comparative materials,[88] the functional approach of comparative law supports the deeper academic discernment necessary for achieving a well-rounded comparative analysis.[89]

The second aspect of Dialogical Interpretation is effectively illustrated by **Günter Frankenberg** in "Critical Comparisons: Re-Thinking Comparative Law." This concept highlights the "road not taken," which refers to the potential trajectories that the Constitution could have pursued. If certain provisions were included, they might enhance the legal realities within the nation. [90] This idea is supported by various case laws and legislations discussed in Part K of the judgment, which details the historical context of privacy-related rulings in different countries."

For instance, in ***Wainwright v. Home Office***, [91] the court concluded that the right to privacy can be restricted under specific circumstances. This case contributed to the development of one of the initial frameworks for limiting the right to privacy, emphasizing the need to balance public interest against the interest in disclosure.

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[88] A.M. Smith, Making Itself at Home: Understanding Foreign Law in Domestic Jurisprudence: The Indian Case, 24 BERKELEY J.L OF INT L L., (2006).
[89] Pierre Legrand, The Same and& the Different, in COMPARATIVE LEGAL STUDIES: TRADITIONS AND TRANSITIONS, 240 (Pierre Legrand& Roderick Munday eds., Cambridge University Press 2003)
[90] G'nter Frankenberg, Critical Comparisons: Re-Thinking Comparative Law, 26 HARV. IHT'IL.J. 411 (1985).
[91] Wainwright v Home Office, [2004] 2 AC 406.

The court recognizes that not all provisions from foreign case law can be directly integrated into the Indian legal system due to the differing institutional frameworks in various countries. Instead, the court seeks to illustrate how incorporating the right to privacy into the Indian Constitution could enhance citizens' rights and how certain doctrines and tests from these foreign cases might be applicable in Indian courts concerning privacy issues. Furthermore, the judgment identifies both the advantages and disadvantages of the constitutional guarantee of the right to privacy that all citizens would possess.

Functional Approach

"The functional approach enables a detailed analysis of the functions of comparative legal objects across jurisdictions without emphasizing the structural relationships between legal institutions and individuals.[92] This comparative method facilitates an impartial constitutional examination of the specific role or "function" that a particular law serves. For example, if the right to privacy were officially recognized, it would affirm an Indian citizens fundamental right to free speech and promote a free internet. According to **James Gordley**, the functional method enables comparativists to discern the purposes of different laws and assess these purposes across jurisdictions with minimal bias, thereby fostering the harmonization of laws internationally.

The author argues that the functional method, when combined with a dialogical approach to comparative material, is most effective in situating the right to privacy within Indian constitutional logic. This is particularly relevant as the nature and scope of this right will largely draw from European and American discussions on data protection and free speech. Therefore, the emphasis should be on comparing the purposes and effects of privacy regulations in India with those in the EU and the U.S., a process that the functional-dialogical method effectively facilitates."

The functional method focuses on the purposes and effects of laws and rights across different jurisdictions without being constrained by the structural or institutional differences between legal systems. In the *Puttaswamy* judgment, the Court analyzed the functions of privacy rights, emphasizing how they contribute to the overall protection of individual autonomy and dignity.

[92] H. Patrick Glenn, Against Method?, in THE METHOD AND CULTURE OF COMPARATIVE LAW, (Maurice
Adams & Dirk Heirbaut eds., Hart Publishing, 2014

The Court in Puttaswamy assessed how privacy serves vital functions in promoting human dignity, freedom of expression, and personal autonomy. By recognizing the right to privacy, the Court underscored its role in enabling individuals to lead a life free from unwarranted state interference, thereby fostering a conducive environment for the exercise of other fundamental rights.

The Court compared the implications of privacy laws in different jurisdictions, particularly in the context of data protection and personal liberties. By evaluating how various countries have recognized and protected privacy rights, the Court was able to articulate the necessity of such rights within the Indian legal framework. This functional analysis revealed that privacy is essential for safeguarding individual rights in an increasingly digital world, where personal information is often vulnerable to misuse.

Structuralist Constitutional Interpretation

"In order to conclude that the right to privacy is an inherent part of the right to life, the Court did not solely rely on comparative constitutional interpretation but employed various constitutional interpretative methods. One of the key approaches used was the structuralist method. This section focuses on the structuralist approach in recognizing the right to privacy as a fundamental right under the Indian Constitution.

The structuralist method, as described by ***Professor Charles L. Black Jr***., involves deriving constitutional rules from the intricate relationships between different constitutional institutions.[93] Professor Laurence Tribe later expanded on this, arguing that constitutional interpretation should adopt a holistic approach, considering the document's logic, premise, underlying principles, and structure.[94] Similarly, **Professor Akhil Reed Amar** emphasized reading overarching principles and themes within the Constitution to guide structural interpretation.[95]

Although these modern interpretations broaden **Professor Black's** original idea, sometimes diluting the clarity of constitutional text, this paper adheres to Black's foundational

[93] Charles L. Black, Jr., Structure & Relationship in Constitutional Law(1969).
[94] Laurence H. Tribe, Saenz Sans Prophecy: Does the Privileges or Immunities Revival Portend the Future-or Reveal the Structure of the Present, 113 HARV. L. REV. 110, 110 n.3 (1999)
[95] Akhil Reed Amar, Foreword: The Document and the Doctrine, 114 HARV. L. REV. 26, 30 (2000)

understanding of the structuralist approach. The Puttaswamy judgment, in particular, draws multiple connections between various constitutional articles and the Preamble, exemplifying this method. Structural interpretation emphasizes the language of the law and its relationship to the broader Constitution, including the values, philosophies, and theories embedded within it.[96]

A prime example is the connection between the term "liberty" in both the Preamble and Article 21. The Preamble outlines fundamental guiding principles, including liberty, which is further reinforced by Article 21 guarantees of the right to life. This relationship suggests that the right to privacy, as an interpretation of the right to life, is a core component of Part III of the Constitution, from which no individual can be deprived.

Justice Bobde further supported this interpretation by asserting that privacy is an inherent right for every individual. Any violation of this right by the state, or entities defined as the state under Article 12, would warrant a claim against such entities. This demonstrates that the right to privacy is embedded in the Constitution itself, and its recognition as a fundamental right through structural interpretation was grounded in references to other constitutional provisions."

Historical Approach

The Supreme Court applied historical methodology to recognize the right to privacy as a fundamental right. The Court traced the evolution of privacy in India by examining constitutional debates from the Constituent Assembly, revealing that the framers intended for personal liberties, including privacy, to develop through judicial interpretation. The Court revisited earlier decisions like *M.P. Sharma* and *Kharak Singh*,[97] which had denied privacy as a right, and analyzed how societal and legal views had since evolved. It also considered the progression of privacy rights in Indian case law, such as in *Gobind v. State of Madhya Pradesh*,[98] where privacy began to gain recognition in a limited form.

Along with this, the Court placed privacy within international human rights frameworks, like the Universal Declaration of Human Rights and the ICCPR, noting how international norms had influenced the meaning of privacy. It was precisely such a historical lens that the Court turned to in order to correct past judicial misunderstanding of privacy as not being part of

[96] *Id*.
[97] *supra* note 82.
[98] Gobind v. State of Madhya Pradesh, 1975 AIR 1378.

individual liberty under Article 21. It is thus framed as a part of India's commitment towards the constitutional promise of protecting personal dignity and autonomy, modified with the changed realities of modern times, like privacy of data flow over the internet.

AUTHOR'S OPINION

In my opinion, the approaches undertaken in comparative interpretation of constitutional law, on matters relating to the KS Puttaswamy case, show a sophisticated approach in dealing with the understanding of the right of privacy from the Indian Constitution. I especially appreciate the critical caution urged in developing comparisons with foreign jurisdictions because it underlines the need to contextualize legal principles within their distinctive domestic frameworks. Indeed, the dialogical approach captivates me, and of course, it's because broadening the scope of interpretation is rather anchored within Indian legal traditions. The functional approach similarly effectively underscores purposes and implications of privacy, showing its value for individual autonomy and dignity in a basically digital society that is increasingly developing.

I find structuralist method very entrancing because it shows a string of connections between other constitutional provisions and demonstrates that the right to privacy is not just some isolated concept that floats around, but is pretty deeply intertwined with the core principles of liberty and life. Adding great value to the historical approach, traceability of this type of evolution finds the contours of privacy rights in India and links the contemporary understanding to the intentions of the framers and the general international human rights framework. Further, in my view, though my assignment has truly explored many ideas with implications across jurisdictions, it leaves plenty of scope for further exploration, particularly on how these methodologies practically can function within the Indian legal system. Discussions about special jurisdictions would also have been useful to explore how privacy rights have been interpreted elsewhere, giving proper scope to our understanding of possible influences on Indian law; in addition, engagement with counterarguments about the risks of over-reliance on foreign jurisprudence would balance the discussion. Overall, I see these methodologies as essential tools toward situating the right to privacy within the Indian constitutional landscape, hence making the right relevant yet sensitive to modern realities.

CONCLUSION

The judgment in ***K.S. Puttaswamy v. Union of India*** now stands as a landmark decision in Indian constitutional jurisprudence because it establishes the "right to privacy as a fundamental right under Article 21. The methodology of the Court in this landmark decision stands for an exemplification of a nuanced approach that embodies several interpretative strategies that have to include comparative constitutional interpretation, structuralist analysis, and historical methodology. The Court's comparative interpretation that intertwined international human rights norms and foreign legal precedents was together with the structuralist approach, which underscored the interconnections within the Constitution itself, linking privacy to broader principles of liberty and dignity. The historical approach also enabled the Court to look back at earlier judicial positions that rejected the concept of privacy and correct them in order to allow for its evolution with the times. After all, it not only strengthens the legal framework on individual rights within India but also underlines the role of judiciary in making constitutional interpretation suitable to current issues of digital privacy. Affirmation of the right to privacy reflects a promise to uphold personal autonomy and dignity, thus paving the way for stronger empowerment of individual rights against state intrusion and modern technological challenges".

Reconstructing Legal Thought: A Multidisciplinary Framework for Emerging Rights in the 21st Century

Dhanashree Padshetty[99]

ABSTRACT

The accelerating pace of global transformation driven by technology, climate change, and socio-economic inequalities demands a reimagination of law as an adaptive and collaborative discipline. This paper introduces the concept of "Cognitive Environmental Rights", a new category of rights that integrates mental well-being and environmental balance within the framework of human dignity. It argues that as artificial intelligence, digital surveillance, and ecological degradation increasingly influence human life, traditional notions of rights must expand beyond physical and economic security to encompass mental autonomy and environmental harmony.

Drawing from psychology, environmental science, and technology studies, the paper situates these emerging rights within a broader interdisciplinary framework. For instance, the intersection of law and neuroscience provides insights into cognitive freedom and consent in digital spaces, while the fusion of environmental ethics and jurisprudence emphasizes the intrinsic link between ecological stability and human survival. By merging these perspectives, the study highlights the inadequacy of purely doctrinal methods in addressing contemporary challenges such as algorithmic bias, digital addiction, and climate injustice.

The paper proposes a multidisciplinary reform model that embeds these new rights into national and international legal systems through constitutional interpretation, data governance policies, and sustainable development frameworks. It calls for reorienting legal education and policymaking towards interdisciplinarity where collaboration between lawyers, scientists, economists, and sociologists becomes essential for crafting just, inclusive, and future ready legal systems. Ultimately, the study envisions law not as an isolated discipline, but as an evolving social instrument capable of safeguarding both the human mind and the planet in the age of transformation.

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Keywords: Multidisciplinary law, Climate justice, Anthropocene, Sustainable development, Environmental governance, Cognitive environmental rights.

INTRODUCTION

An interdisciplinary approach in law involves a deeper integration of multiple disciplines to create new insights, fostering a comprehensive understanding of legal issues by examining multiple disciplines are studied alongside one another to analyse a legal issue, drawing distinct knowledge from each field without necessarily fully integrating them. Both interdisciplinary and multidisciplinary approaches are essential for addressing complex legal them through various lenses. Conversely, a multidisciplinary approach suggests that problems, creating effective policy, and understanding the real-world impact of the law beyond its formal text. These interdisciplinary and multidisciplinary studies are crucial for environmental laws because they provide the holistic understanding, innovative solutions, and effective implementation needed to tackle complex issues. Environmental problems like climate change and pollution are inherently complex, requiring a range of perspectives to understand their causes, effects, and potential solutions. A multidisciplinary approach integrates knowledge from various fields to create comprehensive and robust solutions that address environmental, social, and economic factors simultaneously. It is well recognized that protecting and preserving environmental qualities require input from multidisciplinary experts, and that environmental engineering and sciences programs should be interdisciplinary in nature and include aspects of various engineering and science disciplines(Sands, 2018).

Environmental degradation has emerged as one of the most significant detrimental issues in the contemporary world. The 21st century has profoundly reshaped the global landscape , introducing a complex interplay of technological, social, and ecological transformations that place unprecedented demands on the traditional frameworks of legal thoughts. The environmental issues are growing rapidly and had became one of the global issue. The increase in health problems shows what can happen when environmental process are not legal. According to research, about 10,000 people die every year in the country's capital due to air pollution(Centre for Science and Environment [CSE], 2023). The world today confronts a multitude of environmental problems, more than ever before, over a wider range of spatial and temporal scales, and requiring various skills for proper control(Luthy et al.1992). This article argues for the imperative reconstruction of legal thought, advocating for a robust

multidisciplinary framework designed to effectively contend with the emergence of new categories of rights. This paper assesses the need for an interdisciplinary approach in environmental education.

HISTORICAL ROOTS OF ENVIRONMENTAL LAW AND POLICY

The evolution of legal thought reflects humanity's constant pursuit of order, justice, and social harmony. From the Code of Hammurabi[100] to the philosophies of Greece and Rome, early traditions laid the foundations of legal reasoning. During the medieval era, theology shaped law by merging divine and secular authority. The Enlightenment of the 17th and 18th centuries then marked a turning point, emphasizing individual freedom, natural rights, and the social contract ideas that shaped constitutionalism, the separation of powers, and civil liberties [101].

The early roots of environmental law reveal humanity's deep connection with nature. Ancient societies, guided by spiritual and cultural values, regarded the environment as sacred and practiced sustainable methods such as soil preservation in China, India, and Peru more than 2,000 years ago. Though not formalized as environmental law, these practices reflected an inherent understanding of ecological balance and responsible resource use (Weyler, 2020).

In India, environmental awareness gained strength after independence, most notably through the Chipko Movement. Led by Himalayan villagers, this movement embodied non-violent resistance as people hugged trees to prevent deforestation. It became a symbol of environmental justice, linking rural livelihoods with ecological preservation and inspiring global activism. Responding to growing environmental concerns, the Indian government established the Department of Environment in 1980, later upgraded to the Ministry of Environment, Forest and Climate Change, and enacted the Environment Act[102], following the Bhopal Gas Tragedy creating a unified legal framework for sustainable development[103] .

The evolution of environmental law globally and in India thus demonstrates how legal thought adapts to new environmental realities. Addressing the ecological crisis demands a multidisciplinary approach that combines law with science, economics, technology, and ethics.

[100] The Code of Hammurabi (c. 1754 B.C.E.).
[101] JOHN SALMOND, JURISPRUDENCE (Sweet & Maxwell 2019).
[102] Environment (Protection) Act, 1986, No. 29, Acts of Parliament, 1986 (India).
[103] MADHAV GADGIL & RAMACHANDRA GUHA, ECOLOGY AND EQUITY: THE USE AND ABUSE OF NATURE IN CONTEMPORARY INDIA (Routledge 1995).

Such integration ensures that environmental governance is both scientifically sound and socially just, advancing climate justice and sustainable coexistence in the 21st century.

LAW AS AN INSTRUMENT OF SOCIAL AND ENVIRONMENTAL ORDER

Law functions as a structured mechanism for regulating human conduct and ensuring collective welfare. It also shapes markets, assigns duties, and guides decisions at scale. When teams blend law with science, health, and economics, these levers get smarter and fairer. Within environmental governance, it functions not merely as a mechanism of control but also as an instrument for cultivating public awareness and organizational responsibility(Boyle & Anderson, 1996). The structure of environmental law in India reflects a dual function it restricts harmful human activities while promoting sustainable practices.

Key environmental laws such as the Water Act [104], Air Act [105], and Environment Protection Act (1986) form the foundation of India's environmental framework. Constitutional provisions under Articles 48A and 51A(g) establish state and citizen duties toward environmental protection. Supplementary legislations like the Public Liability Insurance Act (1991) and Factories (Amendment) Act (1987) reinforce accountability. Landmark judgments in *Ratlam* [106] and *M.C. Mehta* [107] further recognized the right to a clean environment as an integral part of Article 21, transforming ecological protection into a constitutional obligation (Divan & Rosencranz, 2022).

At the global level, law fosters environmental order through cooperative frameworks and normative instruments. The Stockholm Declaration (1972) recognized the right to a healthy environment, while the Brundtland Report (1987) and Rio Declaration (1992) emphasized sustainable development, intergenerational equity, and polluter-pays responsibility(UNEP, 1992). Subsequent treaties like the Kyoto Protocol (1997) and Paris Agreement (2015) codified collective legal commitments to address climate change (Bodansky, 2016).

[104] Water (Prevention and Control of Pollution) Act, 1974, No. 6, Acts of Parliament, 1974 (India).
[105] Air (Prevention and Control of Pollution) Act, 1981, No. 14, Acts of Parliament, 1981 (India).
[106] *Municipal Council, Ratlam v. Vardhichand, (1980) 4 SCC 162 (India).*
[107] M.C. Mehta v. Union of India, (1987) 1 SCC 395 (India).

India's National Environment Policy (2006) integrated environmental concerns into economic planning, encouraged market-based mechanisms, and promoted participatory governance (MoEFCC, 2006). Alongside global frameworks, these initiatives highlight law's dual role as a moral and structural tool, converting ethical principles into enforceable norms that balance development with sustainability (Sands & Peel, 2018). Recently, environmental law has evolved through principles like precaution, public participation, and polluter-pays, while adopting modern mechanisms such as eco-taxes, emission trading, ISO 14000 standards, and negotiated agreements to strengthen environmental governance.

IMPORTANCE OF INTERDISCIPLINARY AND MULTIDISCIPLINARY APPROACHES

The significance of interdisciplinary and multidisciplinary approaches in contemporary legal thought lies in their ability to provide a comprehensive understanding of complex social and environmental problems. Modern issues such as climate change, pollution, biodiversity loss, and the degradation of natural resources are no longer confined to a single domain of knowledge. These challenges operate at the intersection of science, law, economics, ethics, and politics, demanding collaborative frameworks that go beyond the traditional boundaries of legal reasoning. A purely legalistic or doctrinal response to such problems is inadequate because environmental harm often involves intricate causal chains and global consequences that require multiple forms of expertise. Hence, an interdisciplinary and multidisciplinary approach allows for a deeper and more informed analysis of both the causes and the remedies of environmental degradation(Sands et al., 2021).

One of the foremost advantages of such an approach is that it ensures comprehensive understanding. Environmental problems like climate change cannot be analysed solely through legal provisions or policy documents; they must also be examined through scientific data, technological innovation, and social behaviour. The integration of these perspectives helps identify not only the visible legal and political dimensions of the issue but also the underlying ecological and human factors that shape it (Leal Filho et al., 2021). For instance, understanding air pollution requires insights from chemistry to analyze pollutants, from medicine to assess health impacts, from economics to evaluate industrial costs, and from law to frame effective regulatory measures. Only through this collective understanding can the law design responses that are both effective and sustainable.

A multidisciplinary approach fosters holistic and practical solutions by integrating insights from law, science, economics, and social sciences (Boyd et al., 2022). Climate policies that combine regulation with incentives for innovation and public participation are more effective than isolated legal measures. This integration ensures that environmental governance is legally sound, socially inclusive, and economically viable. Moreover, grounding laws in scientific evidence strengthens their legitimacy and enforceability, as policymakers and courts rely on expert research to address pollution, industrial risks, and ecological impacts (Sands et al., 2021; UNEP, 2023).

Furthermore, effective implementation of environmental laws depends on the union of legal mechanisms, scientific understanding, and social awareness. When people understand the scientific basis of environmental harm, they are more likely to comply with legal norms and participate in enforcement efforts (Leal Filho et al., 2021). Similarly, fostering collaboration between scientists, policymakers, legal experts, and communities strengthens the governance system by creating a shared responsibility for environmental protection. Such cooperation leads to more transparent decision making and enhances public trust in environmental institutions. Lastly, an interdisciplinary framework encourages innovation by blending the strengths of multiple disciplines. It opens space for developing sustainable technologies, renewable energy models, and conservation strategies that combine legal regulation with scientific creativity.

CLIMATE JUSTICE AND THE EVOLUTION OF GLOBAL LEGAL CONSCIOUSNESS

Climate justice marks a paradigm shift from traditional environmental protection to a rights based framework that centres on fairness, equality, and sustainability. It demands the equitable distribution of environmental benefits and burdens among all sections of society, irrespective of geography, class, or income. Originating from environmental justice movements in the United States during the 1980s, the idea gradually expanded into a global movement advocating for intergenerational equity and shared responsibility for planetary survival (Ali, Gulrez & Sawan, 2020). The Aarhus Convention (1998) further institutionalized environmental democracy through its three key pillars access to information, public participation, and access to justice establishing a legal foundation for citizen-driven environmental governance (UNECE, 1998). In India, the idea of climate justice became more

pronounced after the Bhopal Gas Tragedy (1984), which exposed the human cost of industrial negligence and led to landmark reforms such as the Environment (Protection) Act, 1986. Since then, climate justice has been recognized not only as an environmental concern but also as a matter of human rights and social justice.

Within the Indian legal framework, climate justice has evolved through progressive judicial interpretation and policy reform. Indira Gandhi's speech at the 1972 Stockholm Conference underscored that "poverty is the greatest polluter," linking environmental protection directly to economic and social development(Gandhi, 1972).This vision inspired the judiciary to expand the constitutional meaning of *the right to life* under Article 21 to include the right to a clean and healthy environment, as seen in M.C. Mehta v. Union of India (1987)and Karnataka Industrial Area Development Board v. C. Kenchappa [108] (Supreme Court of India, 2006). Through these decisions, the Supreme Court of India embedded the principles of polluter pays, precautionary action, and absolute liability within domestic jurisprudence, thereby bridging environmental ethics with constitutional justice. As scholars note, achieving climate justice in India requires aligning environmental protection with sustainable development ensuring that policies address poverty, education, and energy access while maintaining ecological balance (Ali et al., 2020; Boyd, 2022).

RECONSTRUCTING LEGAL THOUGHT IN THE ANTHROPOCENE: TOWARDS A SUSTAINABLE AND EQUITABLE FUTURE

The Anthropocene era has redefined humanity's relationship with the planet, demanding a transformation in how law perceives, protects, and sustains the environment. India's environmental jurisprudence has shown remarkable adaptability by interpreting Article 21 of the Constitution to encompass the right to a clean and healthy environment and by integrating doctrines like public trust, precautionary action, and polluter pays within its constitutional framework (Shakya, 2025; Sands et al., 2021). Yet, the effectiveness of these doctrines depends on the inclusivity and enforceability of climate governance. The challenge is not merely to legislate for environmental protection but to ensure that the most vulnerable communities tribals, farmers, coastal dwellers, and urban poor are active participants in climate decision-making. The Forest Rights Act[109], Environment (Protection) Act (1986), and National Action

[108] Karnataka Industrial Area Development Board v. C. Kenchappa, (2006) 6 SCC 371 (India).
[109] The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, No. 2, Acts of Parliament, 2007 (India).

Plan on Climate Change[110] embody attempts to bridge ecological sustainability with social justice, but gaps persist in their grassroots execution and in ensuring equitable access to environmental benefits (Government of India, 2008; Sharma, 2018). Reconstructing legal thought in the Anthropocene thus requires a multidimensional approach one that merges environmental ethics, social equity, indigenous knowledge, and participatory governance into the core of law-making.

A reconstructed legal order must move beyond reactive legislation toward preventive, participatory, and justice oriented governance. The judiciary, while progressive in recognizing climate rights through Public Interest Litigations, must be complemented by robust policy frameworks and institutional reforms that make environmental justice accessible to marginalized groups. India's commitment under the Paris Agreement (2015) and the adoption of State Action Plans on Climate Change (SAPCCs) reflect a growing recognition of sustainable governance; however, the absence of binding accountability and limited local involvement remain significant hurdles(UNFCCC, 2015; Government of India, 2021) A future-ready legal framework should prioritize climate equity, adaptive resilience, and intergenerational justice, reinforcing the idea that environmental protection is inseparable from human dignity and development. In the Anthropocene, reconstructing legal thought means designing systems of law that are anticipatory, inclusive, and ecologically grounded laws that do not merely govern human conduct but sustain life itself.

CONCLUSION

The 21st century demands a transformation in legal thinking that aligns law with the realities of environmental, technological, and social change. This research underscores that traditional, single-discipline approaches are inadequate to address complex global challenges such as climate change, pollution, and ecological degradation. A multidisciplinary and interdisciplinary framework integrating law with science, economics, ethics, and social policy is essential to create sustainable, inclusive, and enforceable solutions. Law must evolve from being merely a tool of control to becoming an instrument of balance that harmonizes human development with environmental preservation.

[110] National Action Plan on Climate Change (2008) (India).

India's legal evolution, reflected in constitutional provisions, progressive judgments, and policy initiatives, demonstrates how environmental protection has become central to justice and governance. Yet, achieving lasting impact requires stronger cooperation among policymakers, scientists, and communities, ensuring participatory and equitable decision-making. Reconstructing legal thought in the Anthropocene era means embedding sustainability, inclusivity, and climate justice at the heart of jurisprudence creating a future where law not only safeguards rights but also preserves the planet for generations to come.