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ARTIFICIAL INTELLIGENCE AND GOOD GOVERNANCE IN INDIA WITH REFERENCE TO LAW, POLICY AND ETHICS

Prof. (Dr.) M. Afzal Wani*

Abstract

Artificial Intelligence (AI) is increasingly transforming governance structures across the globe. In India, AI is being deployed as a tool to enhance transparency, efficiency, accountability, and inclusiveness–core elements of good governance. This paper critically examines the role of AI in strengthening governance in India through an analysis of policy frameworks, sectoral applications, and institutional developments. It also evaluates ethical concerns such as algorithmic bias, data privacy, and regulatory gaps. The paper argues that while India's "AI for All" approach provides a robust foundation, the absence of binding legal frameworks and institutional capacity constraints pose significant challenges. The study concludes with recommendations for a rights-based, accountable, and human-centric AI governance regime.

I. Introduction

Artificial Intelligence (AI), is the capability of a digital computer or computer-managed robot to perform everyday jobs and responsibilities commonly associated with intelligent human beings. The expression is generally applied to the venture of developing schemes endowed with the intellectual adventures or processes primarily a characteristic of humans, such as the capability to reason, determine meaning, theorise, or understand from past experience. Since their development and growth in the 1940s, these digital computers have been automated and programmed to carry out and achieve very complex tasks–such as discovering proofs for mathematical theorems or playing chess–with great proficiency. Despite continuing advances in computer processing speed and memory capacity, there are as yet no programmes that can match full human flexibility over wider domains or in tasks requiring much everyday knowledge. On the other hand, some programmes have

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attained the performance levels of human experts and professionals in executing certain specific tasks, so that artificial intelligence in this limited sense is found in applications as diverse as medical diagnosis, computer search engines, voice or handwriting recognition, and chatbots.[1]

The speedy progression of Artificial Intelligence (AI) has ushered in a paradigm shift in the governance systems of the world. Administration and management are increasingly dependent on AI-driven apparatuses to enhance decision-making, augment public service delivery, and warrant transparency. In a developing and assorted democracy like India, governance encounters such as large populace or population size, visible socio-economic inequalities, and administrative inefficiencies demand exceedingly innovative solutions.

AI bids for a transformative potential by allowing and empowering data-driven governance and prognostic policymaking. Recognising this, the Government of India has espoused a proactive approach to AI integration through policy initiatives and digital infrastructure development. However, the deployment of AI in governance also raises critical legal and ethical questions relating to accountability, privacy, and fairness.

II. Conceptual Framework of AI and Good Governance

Artificial Intelligence denotes need for effective computational systems capable of carrying out tasks requiring human and social intelligence, including learning, reasoning, and taking decisions.[2] Good governance,

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1 https://www.bing.com/search?qs=MT&pq=What+is+artificial+intelligence &sk=CSYN1BCT4LS1AS1&sc=15- 31&pglt=297&q =what+is+ artificial+ intelligence+with+examples&cvid=6f7604ce721142e8b6d08215b9534c1d&gs _lcrp=EgRlZGdlKgYIAxAAGEAyBggAEEUYOTIGCAEQABhAMgYIAh AAGEAyBggDEAAYQDIGCAQQABhAMgYIBRAAGEAyBggGEAAYQ DIGCAcQABhAMgcICBDrBxhA0gEJMjU0MTJqMGo3qAIAsAIA&FORM =ANNTA1&PC=DCTS&ntref=1 26th April 2026

2 Stuart Russell & Peter Norvig, Artificial Intelligence: A Modern Approach (3rd Edn., Pearson, 2010).

on the other hand, encompasses principles such as transparency, accountability, efficiency, rule of law, and inclusiveness.[3]

Transparency with accountability is a fundamental principle of good governance, ensuring that government actions, decisions, and data to be open and accessible to the public. It is not merely an ethical ideal but a practical inevitability for effective and real governance. Transparency necessitates a duty on officials to put out information and a lively and dynamic ecosystem, including a free self-regulating press, an independent judiciary, and an involved and engaged civil society, to put that information to use. The United Nations lists transparency as one of its eight core principles of good governance, defining it as the requirement that information be accessible to the public and understandable and monitored.[4]

The intersection of AI and governance lies in the ability of AI systems to enhance administrative efficiency while minimising human bias. However, the opacity of algorithmic decision-making challenges, traditional governance principles, particularly accountability and transparency.[5]

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3 United Nations Development Programme (UNDP), Governance for Sustainable Human Development (1997).

4 https://www.bing.com/search?pglt=297 &q= Transparecy+ and+good+ governace&cvid=e42cc44ef67f4db49e0abd7c795ed22e& gs_lcrp= EgRlZG dlKgYIABBFGDkyBggAEEUYOTIGCAEQABhAMgYIAhAAGEAyBggD EAAYQDIGCAQQABhAMgYIBRAAGEAyBggGEAAYQDIGCAcQABh AMgYICBAAGEDSAQkyNTUzOWowajeoAgCwAgA&FORM=ANNTA1 &PC=DCTS

5 The constitutional responsibility of the State for good governance is primarily outlined in the Indian Constitution, which emphasises the importance of effective governance and the obligations of the State to ensure the welfare of its citizens. Key aspects include:
Directive Principles of State Policy: These principles guide the functioning of the State and promote social justice, equality, and the welfare of the people.
State Government Structure: The State government is responsible for law and order, administration, and socio-economic development, ensuring decentralised governance to meet local needs.

III. Evolution of AI Policy in India

The governance policy in India focuses on creating a robust, inclusive, and accountable policy framework to achieve sustainable development outcomes. Key principles of good governance include participation, rule of law, transparency, responsiveness, oriented to consensus, equity and inclusiveness, effectiveness and efficiency, and accountability. These principles are essential for building trust, minimising corruption, and ensuring that governance structures are responsive to the needs of all citizens.

India's governance policy is also shaped by administrative reforms aimed at transforming the colonial-era machinery into one supporting democracy and development. These reforms have led to the establishment of commissions and committees to address new and emerging challenges. The systems and tools of governance are increasingly digital, open, and networked, necessitating major administrative reforms to take discretionary powers and reduce the real estate of the government.

NITI Aayog serves as the apex public policy think tank of the Government of India, catalysing economic development and fostering cooperative federalism through the involvement of state governments in the economic policymaking process. It provides directional and strategic inputs on development, innovation, and inclusive growth for the nation.

Governance in India is also discussed in policies, numbers, and announcements, with a focus on enhancing citizen welfare, providing information on benefits, subsidies, and support for various social

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Judicial Framework: The Constitution establishes an independent judiciary to interpret laws and ensure that government actions conform to legal requirements, which is crucial for maintaining good governance.
Obligations of State: The State has specific obligations to protect citizens' rights, promote social justice, and create an environment conducive to the growth and prosperity of the nation.
These elements collectively contribute to the State's constitutional responsibility for good governance, ensuring that the government operates effectively and serves the interests of the citizens.

groups, ensuring equitable access to opportunities, and enhancing social well-being.

The National Portal of India provides extensive information on governance and planning, detailing schemes, services, and open data from government entities at central, state, and local levels, aimed at promoting socio-economic development.[6]

A. National Strategy for Artificial Intelligence

India's AI policy framework began with the release of the National Strategy for Artificial Intelligence by NITI Aayog in 2018.[7] The strategy emphasises inclusive growth under the banner of "AI for All" and identifies key sectors such as healthcare, agriculture, education, smart cities, and mobility.

B. Responsible AI Framework

NITI Aayog's subsequent discussion paper, "Towards Responsible AI for All", outlines ethical principles including fairness, accountability, transparency, and privacy.[8] This reflects a shift from technological adoption to responsible deployment.

C. India AI Mission and Governance Guidelines

Recent developments, including the India AI Mission, aim to establish a comprehensive ecosystem for AI innovation and governance.[9] India's approach is characterised by a principles-based, flexible regulatory framework rather than rigid legislation.

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6 https://www.bing.com/search?pglt=297&q=Policy+of+governance+in+India &cvid=3a5671f00fbd4b8da57ba 4409adfe5af&gs_ lcrp=EgRlZGdlKgYIA BBFGDkyBggAEEUYOTIGCAEQABhAMg YIAhAAGEA yBgg DEAAYQDIGCAQQABhAMgYIBRAAGEAyBggGEAAYQDIGCAcQABhAMgYICBAAGEDSAQkxOTM5NGowajeoAgCwAgA&FORM=ANNTA1&PC=DCTS

7 NITI Aayog, National Strategy for Artificial Intelligence (2018).

8 NITI Aayog, Towards Responsible AI for All (2021).

9 Government of India, India AI Mission Document (2025).

IV. AI as an Instrument of Good Governance

A. Problems in Traditional Systems of Governance

Traditional systems of governance face several challenges that can hinder their effectiveness and adaptability. These include:[10]

a) Limited Participation: Traditional governance often lacks meaningful participation from the community, leading to decisions that do not reflect the needs and priorities of the people.

b) Inconsistencies: Traditional systems can be inconsistent, with leadership and decision-making processes based on consensus, wisdom, and kinship relations rather than formal political processes.

c) Corruption: Corruption is a significant challenge in traditional governance, diverting public funds and eroding trust in the government.

d) Institutional Inertia: Traditional institutions may resist change and adaptability, making it difficult to respond to new circumstances and challenges.

e) Capacity Limitations: Traditional governance may lack the necessary human resources and technological readiness to implement modern reforms and respond to complex issues.

Addressing these problems requires a comprehensive approach that includes reforms in governance structures, improved transparency and accountability, and the integration of modern technologies to enhance decision-making and service delivery.

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[10] https://www.bing.com/search?pglt=297&q=problems+ in + traditional+ systems+ of+governance&cvid=5db47befc8e84f2d83871d 8d9241d 718&gs_lcrp=EgRlZGdlKgYIABBFGDkyBggAEEUYOTIGCAEQABhAMgYIAhAAGEAyBggDEAAYQDIGCAQQABhAMgYIBRAAGEAyBggGEAAYQDIGCAcQABhAMgYICBAAGEDSAQkzNDMwOWowajeoAgCwAgA&FORM=ANNTA1&PC=DCTS

B. Enhancing Efficiency

AI-driven automation evocatively diminishes administrative delays and expands service delivery. Automated complaint attention and grievance redressal systems and AI chatbots demonstrate this significant transformation.

C. Promoting Transparency and Accountability

AI systems can most effectively spot and detect irregularities, deception and fraud in public administration processes, thereby plummeting bribery and exploitation, and enhance accountability.[11]

D. Advancing Inclusiveness

AI facilitates access to essential services in remote areas, particularly in healthcare and education, thereby promoting inclusive governance.[12]

E. Evidence-Based Policymaking

AI enables governments to analyse large datasets and predict policy outcomes, leading to informed decision-making and improved governance outcomes.

V. Sectoral Applications of AI in India

The governance of India is structured into three main branches: the Executive, the Legislature, and the Judiciary. Each branch plays a crucial role in maintaining checks and balances to prevent any one branch from becoming too powerful. The Central Government, also known as the Union Government, is the supreme governing authority in India. It is responsible for national-level administration and policy-making. The executive branch at the central level is headed by the President of India, who is the ceremonial Head of State. The real executive power, however, lies with the Prime Minister and the

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11 See generally OECD, Artificial Intelligence in Society (2019).

12 World Economic Forum, AI for Social Good (2020).

Council of Ministers. The Council of Ministers assists the Prime Minister in decision-making and policy implementation.[13]

The sectors that require the most attention in governance include public expenditure management, public procurement, and monitoring & evaluation. These areas are critical for ensuring that public funds are used effectively and that the public is well-informed about the government's activities. Additionally, addressing the challenges of accountability and the absence of checks and balances is essential for maintaining public confidence in the government's ability to deliver effective governance and public services.

The prioritisation of sectors for AI good governance in India is guided by the India AI Governance Guidelines, which focus on sectors that can benefit the most from AI in solving societal needs. These sectors include:

A. Healthcare

AI is increasingly integrated across clinical, administrative, and research domains. Clinically, AI supports diagnosis and treatment planning, such as analysing medical imaging, pathology reports, and patient histories to identify patterns and recommend personalised interventions (Mayo Clinic). AI-powered tools like ChatGPT Health and MedGemma analyse patient data from wearables and electronic health records (EHRs) to provide hyper-personalised recommendations and detect early signs of disease. Robotic-assisted surgeries use AI to enhance precision and reduce complications, while predictive models forecast disease progression and patient outcomes.

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13 https://www.bing.com/search?pglt=297&q=Prime+Sectors+of+ governance &cvid=4387792c2e6e4b50bafb8a4bfae2a7cc&gs_lcrp= gRlZGdlK gYIA BB FGDkyBggAEEUYOTIGCAEQABhAMg YIAhAAGEAyBgg D EA A YQDIGCAQQABhAMgYIBRAAGEAyBggGEAAYQDIGCAcQABhAMgY ICBAAGEDSAQk1ODk1N2owajeoAgCwAgA&FORM=ANNTA1&PC=D CTS

Administrative applications include automating documentation, coding, and scheduling, reducing clinician workload and improving efficiency. AI scribes, for example, can transcribe patient-clinician interactions, freeing physicians to focus on patient care. Health systems like UnitedHealth are investing heavily in AI, with $1.5 billion allocated in 2026 to software platforms and clinical tools.[14]

AI is used in disease prediction, diagnostics, and telemedicine, addressing accessibility and affordability challenges.[15]

B. Agriculture

AI-driven tools provide farmers with real-time data on weather, soil conditions, and crop health, improving productivity and income.

Precision Farming: AI tools analyse data from drones, sensors, and satellite imagery to optimise irrigation, fertilisation, and pest control. Drone-assisted surveillance identifies crop health issues in real-time, allowing targeted interventions.

Crop Disease and Pest Management: AI-powered platforms like Plantix and the National Pest Surveillance System detect diseases and pests with high accuracy, enabling timely treatment and safeguarding yields.

Automated Weed Control and Robotics: AI-driven systems distinguish weeds from crops and apply herbicides selectively. Autonomous tractors, robotic harvesters, and drones automate labour-intensive tasks, addressing labour shortages and improving efficiency.

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14 https://www.bing.com/search?pglt=297&q=ai+and+health+care&cvid= cfd39d6624dd444e8bce3afe1554b803&gs_lcrp=EgRlZGdlKgYIABBFGDkyBggAEEUYOTIGCAEQABhAMgYIAhAAGEAyBggDEAAYQDIGCAQQABhAMgYIBRAAGEAyBggGEAAYQDIGCAcQABhAMgYICBAAGEDSAQkxMDYzNmowajeoAgCwAgA&FORM=ANNTA1&PC=DCTS

15 Ministry of Health and Family Welfare, Government of India, AI Initiatives Report (2022).

Livestock Monitoring: Sensor-based AI systems track livestock health and behaviour, detecting early signs of illness to improve productivity.

Predictive Analytics and Climate Advisory: AI models forecast weather, monsoon onset, and climate risks, helping farmers plan sowing, irrigation, and harvesting decisions. For example, AI-based monsoon forecasts reached over 3.88 crore farmers, influencing crop management decisions.

Supply Chain Optimisation: AI platforms like DeHaat and Cropin provide real-time market insights, optimise logistics, and connect farmers with buyers, reducing post-harvest losses and improving price realisation.

Crop Diversification and Incentive Delivery: AI integrated with AgriStack enables remote verification of crop shifts, supports direct benefit transfers, and encourages diversification from monocultures to climate-resilient crops, enhancing soil health and economic returns.[16]

C. Education

AI enables personalised learning and automated evaluation systems, enhancing the quality of education.

"AI is playing a crucial role in enhancing the administration of education in India. The establishment of a Centre of Excellence in AI for Education under the Union Budget 2025–26 aims to integrate AI into educational practices, fostering research, and preparing a workforce ready for AI-driven sectors. This initiative will serve as a national hub for AI integration, offering structured training programmes, interdisciplinary curriculum, and hands-on

[16] https://www.bing.com/search?qs=UT&pq=use+of+AI +in+Agriculture&sk=CSYN1MT1&sc=8-24&pglt=297&q=use+ of+ai+in+agriculture+ in+ india &cvid=0083f06c801444a688d3d3f5395ddc3b&gs _lcrp=EgRlZGdlKgYIARAAGEAyBggAEEUYOTIGCAEQABhAMgYIAhAAGEAyBggDEAAYQDIGCAQQABhAMgYIBRAAGEAyBggGEAAYQNIBCTE4OTg1ajBqN6gCALACAA&FORM=ANNTA1&PC=DCTS

research opportunities. Higher Education Institutions (HEIs) will be engaged as implementation partners, contributing to curriculum development, faculty training, and student mentorship. AI Learning Labs within HEIs will support experiential learning and innovation, equipped with advanced simulation tools, datasets, and computing infrastructure. These labs will serve as regional centres for AI experimentation and will be integrated with existing digital infrastructure to support AI in education administration."[17]

"Artificial Intelligence (AI) is reshaping industries globally, and education in India is no exception. With a constitutional commitment to free and compulsory education for children aged 6-14 under the Right to Education Act (2009), India has made significant strides toward universal schooling. However, challenges like high dropout rates, infrastructure deficits, and the digital divide persist, particularly in rural and marginalised communities. AI offers innovative solutions to these issues, enhancing learning outcomes, streamlining administration, and fostering equity in both school (K-12) and higher education. This article explores the transformative potential of AI in Indian education, its necessity, supporting data, recent initiatives, and alignment with the National Education Policy (NEP) 2020, drawing on insights from UDISE+ data and *Samagra Shiksha* trends."[18]

India's education system faces multifaceted challenges: large class sizes, teacher shortages, outdated curricula, and unequal access to quality education, particularly in rural areas and among marginalised groups. According to UDISE+ 2023-24 data, total

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17 https://www.bing.com/search?pglt =297 & q=AI+in+ Education+ administration +in+India&cvid=417f7c4ac6e0410da85ad06615b13576 &gs _ lcrp= EgRlZ GdlKgYIABBFG DkyBggAEEUYOTIGCAEQABhAMg YIAhAAGEAyBggDEAAYQDIGCAQQABhAMgYIBRAAGEAyBggGEA AYQDIGCAcQABhAMgYICBAAGEDSAQkyMTU4NGowajeoAgCwAgA &FORM=ANNTA1&PC=DCTS

18 https://educationforallinindia.com/role-of-artificial-intelligence-in-indian-education-bridging-gaps-and-shaping-futures/

school enrollment dropped by 8.12% from 255.74 million in 2021-22 to 234.96 million in 2023-24, with significant declines at the primary (11.49%) and secondary levels (14.1% dropout rate). These trends underscore the urgency of innovative interventions like AI to address:[19]

a) Personalised Learning: AI-driven platforms analyse student data to deliver tailored content, addressing diverse learning needs, including those of students with disabilities or language barriers.

b) Administrative Efficiency: AI automates grading, scheduling, and data management, reducing teachers' workload and improving institutional efficiency.

c) Bridging the Digital Divide: AI-powered offline tools and low-bandwidth apps can deliver education to remote areas with limited internet access.

d) Skill Development: AI equips students with digital literacy and critical thinking skills essential for 21st-century careers, aligning with NEP 2020's emphasis on vocational training.

e) Support for Marginalised Populations: AI offers multilingual instruction and assistive technologies to include Scheduled Castes (SC), Scheduled Tribes (ST), and minority students.

Without AI, achieving NEP 2020's goal of universal school education by 2030 remains challenging, particularly for the 47.4 million out-of-school children (OOSC) reported in 2023-24.

D. Smart Governance

AI applications in smart cities include traffic management, waste management, and urban planning, contributing to efficient governance.

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19 *Ibid.*

> AI and Smart Governance are transforming the way governments operate, particularly in India. AI is being integrated into Digital Public Infrastructure (DPI) to enhance efficiency, transparency, and citizen engagement. Smart governance frameworks are being developed to ensure that AI systems are safe, ethical, and respect human rights. These frameworks include oversight mechanisms to address risks such as bias and privacy infringement, and they involve a wide range of stakeholders to ensure alignment with societal values. The integration of AI in governance is not just about efficiency but also about strengthening democracy, empowering citizens, and achieving sustainable development.[20]

VI. Legal and Ethical Challenges

Legal Issues in AI Governance

Regulatory Compliance: As AI technologies evolve, so do the legal frameworks, governing their use. Organisations must navigate a complex landscape of regulations, such as the European Union's AI Act, which aims to ensure that AI systems are safe and respect fundamental rights.

Liability: The question of liability for harms caused by AI systems is a pressing legal issue. Developers and organisations may face significant legal exposure if their AI systems cause harm, particularly if they fail to implement rigorous safety measures.

Intellectual Property: The use of AI in creating content raises questions about intellectual property rights. Determining ownership of AI-generated works and the implications for copyright law is an ongoing legal challenge.

Governance Frameworks: Various frameworks have been proposed to address these ethical and legal issues, including guidelines from governmental and international organisations. These frameworks aim

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[20] https://www.bing.com/search?q= AI%20andSmart%20Governance&qs= n&form=QBRE&sp=-1&ghc=1&lq=0&pq =ai%20andsmart%20 governance &sc=10-22&sk=&cvid=0F741BBC87944293A9C5CF3F66EF384E

to promote responsible AI development and deployment, ensuring that AI technologies align with ethical principles and legal requirements.

Ethical Issues in AI Governance

Bias and Fairness: AI systems can inadvertently learn and perpetuate biases present in training data, leading to unfair treatment of individuals or groups. Addressing these biases is crucial for ethical AI deployment.

Transparency: The decision-making processes of AI systems often lack transparency, making it difficult for users to understand how decisions are made. This raises concerns about accountability and trust in AI technologies.

Accountability: Determining who is responsible for the actions of AI systems is a significant ethical challenge. As AI technologies become more autonomous, establishing clear lines of accountability becomes essential.

Privacy: The use of AI in data processing can lead to privacy violations, especially when personal data is involved. Ethical AI governance must ensure that user privacy is respected and protected.

Thus, AI governance is a multifaceted field that requires careful consideration of ethical and legal issues. As AI technologies continue to advance, organisations must develop robust governance strategies that address these challenges, ensuring that AI is used responsibly and ethically in society. By fostering transparency, accountability, and fairness, stakeholders can build trust in AI systems and mitigate potential risks associated with their deployment.

India, in reality, currently lacks an all-encompassing or comprehensive legal framework specifically governing AI, relying instead on policy guidelines and sectoral regulations.[21]

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21 The notable issues are:

VII. Critical Evaluation of India's AI Governance Model

India's AI governance framework is prominently known for its suppleness and emphasis on innovation. But this leads to regulatory uncertainty and unpredictable implementation. A balance poise and equilibrium between innovation and regulation is quite indispensable to ensure principled artificial intelligence positioning and deployment.

So, the artificial intelligence instruction mechanism is still embryonic but developing, though not excitedly attended to be fully developed. Being positive to the efforts so far, it has strengths like some flexibility, innovation-friendly posture, digital public infrastructure, but suffers several high ailments and infirmities creating uncertainty, risks, perils, threats and enforcement gaps. There is an urgent need to address the following problems:

1. *Enactment of a Comprehensive AI Law*

India should stop relying on patchworks of Digital Personal Data Protection Act 2023; Information Technology Act 2000; sectoral guidelines; and advisories from Ministry of Electronics and Information Technology. There is no unified definition of AI; no clear risk categories; no standard liability framework; no regulatory distinctness for businesses and citizens. The result is that innovation may continue, but accountability remains weak. This is unlike the European Union with its EU AI Act.

A. Algorithmic Bias and Discrimination
AI systems may perpetuate biases present in training data, leading to discriminatory outcomes.
B. Privacy and Data Protection
The extensive use of personal data in AI systems raises significant privacy concerns. The recognition of privacy as a fundamental right by the Supreme Court underscores the need for robust data protection laws.
C. Lack of Transparency
The "black-box" nature of AI systems undermines accountability, making it difficult to attribute responsibility for decisions.
D. Regulatory Gaps
The absence of a comprehensive and dedicated AI-specific legal framework creates regulatory gaps, particularly in areas such as liability, safety, accountability, and the governance of high-risk AI systems.

2. *Place Reliance on Rules, Not Advisories*

Several AI-related advisories have been issued, lacking binding force, consistency, parliamentary legitimacy, judicially tested standards. It may not be known whether the direction is mandatory or suggestive resulting in to no compliance, creating confusion and choosy enforcement.

3. *Fight Weak Algorithmic Accountability*

Several AI arrangements affect recruitment, lending, policing, insurance, and welfare targeting. There is deficiency of compulsory rulebooks requiring explainability, auditability, bias testing, human oversight, and algorithmic impact assessments. Black-box pronouncements are likely to harm people without remedy.

4. *Insufficient Protection Against Bias and Discrimination*

The country is socially diverse across caste, religion, language, gender, disability and region. AI grounded on biased or incomplete datasets may multiply social disparities causing risks of hiring tools supporting urban English-speaking people, throw scoring disadvantages on rural applicants, or facial recognition inaccuracies for shadier skin qualities. This demands working against the problem of regulatory gaps which exists in the form of a weak anti-discrimination AI testing mandate.

5. *Frail Deepfake and Misinformation Control*

Using generative artificial intelligence are created fake speeches, manipulated videos, impersonation scams, and election misinformation. In India, enforcement of rules often happens after harm has spread, and the misinformation has badly affected elections, communal peace, and public trust.

6. *Privacy Law Still Narrow for AI Challenges*

Use of artificial intelligence raises additional concerns of inferred data, profiling, automated decision-making, synthetic identities, emotion recognition, surveillance analytics requiring more specific protections due to new increasing challenges.

7. *No Independent AI Regulator*

The multiple regulators that may touch artificial intelligence are: MeitY, RBI, SEBI, IRDAI, TRAI, and sector ministries. Being there the existing fragmentation creates overlapping jurisdiction, gaps in enforcement, or inconsistent standards. A dedicated Artificial Intelligence Authority or coordinated National Artificial Intelligence Commission is desirable.

8. *Restricted Community Consultation and Transparency*

Policy discussions need very wide coverage and focus. Sometimes they occur through consultations, but broader public participation remains inadequate. It is momentous because artificial intelligence affects workers, students, consumers, patients, artists, and citizens. In the absence of inclusive consultation and regulation, it is sure to become exclusive or industry-centric.

9. *Inadequate Attention on Labour and Employment Disruption*

While artificial intelligence may displace or transform jobs in customer support, legal research, or coding media, logistics, the country lacks a clear national transition framework for reskilling worker insurance, platform labour adaptation, and artificial intelligence taxation debates.

10. *Surveillance Risks*

Popular use of artificial intelligence in facial recognition, predictive policing, and public monitoring raises civil liberties concerns, which, without strong judicial and statutory safeguards,

expands state surveillance beyond constitutional limits and values, including privacy, dignity, equality, and due process.

11. *Startup Uncertainty*

To become a global artificial intelligence hub, startups need certainty on permissible data use, liability exposure, model deployment standards, open-source obligations, and procurement norms. But unclear regulation works against that and discourages investment.

12. *Operational Contradictions*

The country tries to balance innovation-first growth model and citizen-rights protection model, when the former is stronger than the latter. The immediate reforms may be:

1) Artificial Intelligence Ombudsman.

2) Deepfake Watermarking Rules.

3) Worker Transition Policy.

4) Risk-Based AI Law: Low-Risk AI lightly regulated, High-risk AI strictly regulated.

5) Mandatory Audits: bias, safety, privacy, and security checks.

6) Constitutional AI Framework: Aligning AI with Articles 14, 19 and 21 of the Constitution of India.

VIII. General Assumption

The present artificial intelligence regulation model needs better maturing and adequacy. Its deficiencies of carrying legal fragmentation, weak accountability, insufficient rights protection, and reactive governance are unbearable. There is a compulsion of making shifts from advisory governance to enforceable democratic regulation

as artificial intelligence risks becoming a tool of inequality, opacity, and concentrated power rather than inclusive development. It is notable that the European Union adopts a stringent regulatory approach, while the United States emphasises innovation. India may be said to be trying to balance these approaches, with a focus on inclusiveness and development.

IX. Way Forward

The country is urgently in need of ethical orientation and legislation in the form of:

a) Enactment of a comprehensive artificial intelligence legislation to regulate high-risk applications.

b) Strengthen data protection frameworks to safeguard constitutional guarantees like privacy.

c) Ensure transparency through understandable artificial intelligence systems.

d) Encourage and ensure capacity building within government institutions.

e) Boost public participation in artificial intelligence policymaking.

Artificial Intelligence has the potential to revolutionise governance in India which, however, requires addressing legal, ethical, and institutional challenges with much more concern, accuracy and neutrality.

PUNJAB'S GOVERNANCE AND LEGAL FRAMEWORK: A HISTORICAL OVERVIEW OF CONFLICT AND REFORM

Prof (Dr.) Shaveta Gagneja*

Abstract

Punjab's constitutional and legal history is marked by a rich tapestry of political evolution influenced by both indigenous civilisations and foreign powers. Known as the land of the Five Rivers, Punjab has served as a cultural, economic, and strategic hub for various empires, including the Aryans, Persians, Greeks, Mughals, and notably, the British Empire. The region also saw the rise of significant indigenous civilisations like the Indus Valley, and the Sikh Empire. British colonial rule introduced a systematic legal and bureaucratic framework that transformed governance in Punjab, impacting education, agriculture, and social institutions, thus laying the groundwork for modern administrative practices. This paper examines the evolution of Punjab's constitutional and legal framework, highlighting the significant political, social, and environmental challenges faced by Punjab post-Partition, beginning with the implications of the 1947 Partition and the creation of the Punjabi Suba. The study illustrates how political and identity issues contributed to militancy within the region. Furthermore, it evaluates the effects of militancy and the rising drug crisis on Punjab's social fabric and international standing. Additionally, current governance challenges are discussed, particularly related to water conflicts, groundwater depletion, environmental deterioration, and agricultural pressures. The paper assesses how these issues influence state policy, governance, and socio-economic development today.

Introduction

Punjab, etymologically the land of the five rivers, is a vital segment in the history and culture of South Asia, located on the entrance of the Indian sub-continent and an essential channel to the rest of the world. In the historic continuity of this region, over thousands of years, it has been variously referred to as '*Sapta Sindhu*' (Rigveda), the

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land watered by the seven-fold Indus, '*Panchnada'* (Mahabharata) and '*Uttarapatha'* as the north western division of 'Bhartavarsha'.[1] From the ancient Indus Valley Civilisation to the modern Indian Republic, Punjab has played a critical role in shaping the sub-continent's destiny. Its legal and socio-economic framework reflects both its rich heritage and contemporary challenges. Punjab's culture is vibrant and welcoming, characterised by hard work, joy, and brotherhood, its people, whether farmers or city dwellers, embody simplicity and enthusiasm. Festivals like *Baisakhi* and *Lohri* are celebrated with excitement, featuring traditional dances like *Bhangra* and *Gidda*. Punjabi cuisine, including dishes like *makki di roti* and *lassi*, reflects warm hospitality. The language, folk songs, and traditional attire, such as *phulkari* and turbans, further enrich this lively culture, making it emotionally resonant and charming.

Punjab has undergone significant conflict and reform phases, particularly highlighted by the rise of militancy in the 1980s, which prompted stringent legal and security measures. Concurrent issues such as drug abuse, unemployment, and agrarian distress further impacted the state's social dynamics and reputation. Recently, governance has been increasingly influenced by environmental issues, including water-sharing conflicts, pollution, and sustainable agriculture. This paper examines Punjab's governance and legal framework, analysing the interplay of conflict, state policies, and institutional reforms from the post-Partition era to the present.

Historical Evolution of Punjab: 1947–Indian Independence and Partition

The word Punjab originates from the Persian words *panj* (five) and *aab* (water), referring to the five rivers–Sutlej, Beas, Ravi, Chenab, and Jhelum. The region has witnessed numerous invasions, dynasties, and empires, including the Mauryas, Guptas, Mughals, and Sikhs. The Indus Valley Civilisation marked the zenith of archaeological discoveries in Punjab, showcasing its significance in the ancient

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1 Ganda Singh, "Introducing the Punjab", *The Panjab Past and Present* 5, pt. 1–2 (April & October 1967), edited by Ganda Singh (Patiala: Panjabi University, 1967), 28.

world. Unique antiquities indicate a developed urban culture, eventually giving way to village settlements under later Aryan influence, which established a socio-religious framework known as 'Vedism' or 'Brahmanism'[2]. After Alexander's invasion, Punjab became part of the Mauryan Empire, followed by periods of Kushan and Hindu revival under Harshawardhana. With the onset of Islamic rule, Punjab thrived culturally as Islamic leaders promoted arts and literature, leading to industrial growth during the Sultanate period. The Mughal Empire further established Punjab's importance, especially under Akbar, where it was closely linked to Lahore and situated between the Indus and Sutlej rivers.[3]

The current Punjab was established by Banda Singh Bahadur, a hermit turned military leader, who, along with his Sikh followers, briefly liberated the eastern region from Mughal control between 1709 and 1710. After Banda Singh's defeat and execution in 1716, the Sikhs engaged in a long struggle against the Mughals and Afghans, ultimately asserting their dominance by 1764-65. Ranjit Singh (1780–1839)[4] later transformed Punjab into a formidable Sikh kingdom, incorporating neighboring regions like Multan, Kashmir, and Peshawar, which are now part of Pakistan. In 1849, the British East India Company conquered the Punjab kingdom, making it a province under British rule. The late 19th century saw the rise of the Indian nationalist movement, highlighted by the 1919 Amritsar Massacre, where British General Dyer ordered troops to fire on a peaceful protest, resulting in hundreds of casualties.[5]

The Akali agitation led to the Gurdwara Reform Act of 1925 and the formation of the Shiromani Gurdwara Prabandhak Committee, significantly influencing Sikh politics. Punjab's religious reform

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2 Gurcharan Singh, "Indus Valley Civilisation and Drama", in *Punjab History Conference Proceedings* (Patiala: Panjabi University, October 28–30, 1966), 31.

3 B. R. Grover, "Approach and Methodology to the Study of Medieval Punjab", in *Punjab History Conference Proceedings* (Patiala: Punjab History Conference, February 28–29, 1976), 45–47.

4 Fauja Singh, *Some Aspects of Sikh Society under Ranjit Singh* (Patiala: Master Publications, 1982), 372.

5 Government of Punjab, *Disturbance in Punjab*, Memo no. 144, Z/2587 (1919), Punjab Archives, Chandigarh.

evolved into an anti-colonial movement. Simultaneously, landlords formed the Unionist Party to advocate for their interests. With the ongoing national freedom struggle, the Sikh homeland issue emerged as paramount amid the looming partition. Rising communal tensions in Punjab were exacerbated as leaders focused on asset division rather than planned population exchanges. Jinnah's proposals for a population exchange were largely ignored by Congress leaders. The 1946 elections revealed strong Muslim support for the Muslim League, which prompted Sikhs and Hindus to push for a separate Sikh-Hindu Province to counter this trend.[6]

Punjab's map was drastically redefined after Independence. The wealthy Punjab Province was divided into West Punjab (Muslim-dominant, part of Pakistan) and East Punjab (Hindu-dominant, part of India) by the Radcliffe Line, leading to extensive demographic shifts, mass migrations, and the creation of new administrative units.[7] Following India's independence in 1947, Punjab was divided between India and Pakistan, with the eastern part becoming part of India.

Constitutional and Legal Framework in Punjab

The Indian Constitution was established in the aftermath of India's partition, which necessitated the creation of a new judicial framework to address the legal needs of the newly formed states. Prior to the adoption of the Constitution, the Government of India Act of 1915 was the prevailing legal framework. A significant development occurred on March 20, 1919, when the British Crown established the High Court of Judicature in Lahore through Letters Patent, utilising the authority granted by Section 113 of the aforementioned Act. This court was recognised as a court of record, which conferred upon it a certain level of legal authority and prestige. With the partition of India in 1947, the former province of Punjab was divided into West Punjab, which became part of Pakistan, and East Punjab, which became part of India. Consequently, the Lahore High Court lost jurisdiction over Delhi and East Punjab due to its location in

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6 Giani Kartar Singh, *The Case for a New Sikh Hindu Province in the Punjab* (Delhi, 1946), 9.

7 B. R. Ambedkar, *Thoughts on Pakistan* (Bombay: Thacker and Company, 1941).

Pakistan, prompting the need for a new High Court to serve the legal requirements of the Indian territories. The decision was made to establish the East Punjab High Court in Shimla, which was officially inaugurated on August 15, 1947, through the Governor General's High Court (Punjab) Order 1947, enacted under Section 9 of the Indian Independence Act of 1947. This newly formed High Court was designated as a court of record in accordance with Section 229 (1) of the Government of India Act, 1935, and it assumed the original, appellate, and other jurisdictions that had previously been exercised by the Lahore High Court for the Punjab and Delhi regions. As the successor to the Lahore High Court, the East Punjab High Court's rulings were binding under the legal principle of *stare decisis*, ensuring continuity in legal precedents. The adoption of the Constitution of India on January 26, 1950, brought about significant changes, including the renaming of the State of East Punjab to simply Punjab, which also necessitated a change in the name of the High Court. Article 214(2) of the Constitution provided for the continuation of the High Court, alongside others, and granted it the authority to issue various writs aimed at enforcing fundamental rights. However, the East Punjab High Court itself did not possess the power to issue writs, and its seat remained in Shimla. On account of its inclement weather in winter, it was very inconvenient for the litigants to go to Shimla. Accordingly, the seat of the High Court was shifted to Chandigarh. The Court started functioning at Chandigarh from its present building with effect from January 17, 1955.

Post-independence, the language issues in Punjab became politically significant in 1949, marked by demands for a Punjabi-speaking state from the Akali Party. The Punjab University was tasked with finding a resolution, but the academic response was influenced by political pressures, prompting the Punjab Government to propose the Sachar Formula on October 1, 1949. This proposal gained support from Sikhs but faced criticism from Hindu organisations that argued it undermined their linguistic identity, leading to increased tensions between communities. The debate also involved accusations of the government imposing Gurumukhi as the sole script, with Hindus declaring Hindi as their mother tongue. This linguistic dispute, entwined with state reorganisation issues, fueled the demand for

Punjabi Suba, complicating an initially straightforward matter of language choice in education.[8]

Demand for Punjabi Suba

The demand for a "Punjabi Suba" was made in February 1948. Sikh leaders like Tara Singh and Sant Fateh Singh pushed for a separate Punjabi-speaking state.[9] Additionally, he asserted the right to self-determination for the Sikh community in religious, social, political, and other matters. He, however, made it clear that they did not want a separate and independent sovereign state but a province which would be part of the federal unit.[10]

However, in November 1956, instead of a linguistic division, Punjab was expanded to include territories from the Patiala and East Punjab States Union (PEPSU)[11], with Sardar Partap Singh Kairon serving as Chief Minister from 1956 to 1964. The demand for a separate Punjabi state intensified, leading to Punjab's division on March 21, 1966, the Indian Parliament approved the establishment of a Boundary Commission to reorganise Punjab. The Commission recommended merging Kharar Tehsil and Chandigarh with Haryana, though its Chairman, S. Dutta, opposed this. The government favoured the minority report, converting Chandigarh into a Union Territory. This decision was formalised in the Punjab State Recognitions Bill, sanctioned on September 18, 1966, which resulted in Punjab being divided into Punjabi-speaking areas for Punjab, Hindi-speaking areas for Haryana, and hill areas for Himachal Pradesh. The Act also established common governance structures

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8 S. M. Rai, *Partition of the Punjab* (Bombay: Asia Publishing House, 1965).

9 *Ibid.*

10 V. Bhardwaj and U. Sharma, "Revisiting Punjab's Transformative Journey, 1947–1966: An Appraisal", *European Scientific Journal (ESJ)* 20, no. 37 (2024), 308.

11 Khushwant Singh, *A History of the Sikhs*, Vol. 2 (Delhi: Oxford University Press, 1987), 42.

between Punjab and Haryana and centralised management of major dams, including the Bhakra Dam complex.[12]

In 1966, a significant development occurred in the history of the High Court. The States Re-organisation Act of that year established the State of Haryana and the Union Territory of Chandigarh, effective from November 1, 1966. Following this, the High Court of Punjab was renamed the 'High Court of Punjab and Haryana'. The judges from the High Court of Punjab transitioned to the new common High Court, retaining all their powers and jurisdiction. Nevertheless, the main seat of the High Court continued to be located in Chandigarh. Since November 1, 1966, the High Court of Punjab and Haryana has been operating in its present form.

Agrarian Transformation: Green Revolution and Distress

Green Revolution was India's first industrial agricultural revolution that replaced the traditional farming system completely. But the adverse consequences of Green Revolution in the form of stagnation in production aggravated the problems of the farmers in the era of post-Green Revolution in 1980s and 1990s. The late 1990s witnessed an emergency of debt-driven suicides and rapid indebtedness that had taken hold of the countryside across the nation. Being the epicentre, the Green Revolution in Punjab did not sustain for a long time, as it started losing its charm and was followed by a series of 'crises', especially in its economy and environment. The farmers in Punjab were facing a severe problem with stagnation in production due to vast cereal-based mono cropping (mainly wheat-rice cycle) instead of multiple cropping, abandoning other crops like pulses, mustard, vegetables, and so on. Besides the practice of monoculture, the application of expensive chemicals (like fertilisers, pesticides, weedicides, and so on), over-mechanisation, labour and irrigation eventually increased the input cost of cultivation manifolds. Due to this high input costs of cultivation, farmers resorted to various formal (like banks, cooperatives, and so on) and informal (like local moneylenders or *arhtiyas*, who are commission agents in the grain

12 D. Singh, *Dynamics of Punjab Politics* (Delhi: Macmillan, 1981).

markets) credit institutions for borrowing money. But due to repeated stagnation, the net output and subsequent profit margin reduced drastically. As a result, farmers could not repay the loan and eventually got entrapped into the vicious cycle of debt. On the other hand, after the liberalised economic policy of the government, the farmers received marginal importance and they could not cope up with the free and open market system. As a result, the incidence of indebtedness increased at an alarming rate. To get rid of indebtedness, many farmers across the state committed suicide. Ecological collapse and economic distress are tightly interwoven. Rising costs for seeds, fertiliser, diesel, pesticides and labour have squeezed margins year after year. Shrinking landholdings, averaging two hectares, mean more households are surviving on less, often with debt that farm income cannot service. Formal credit falls short of seasonal needs, pushing many towards informal lenders at punishing rates.

The human consequences are stark. Punjab has recorded a troubling number of farmer suicides over the past decade. Debt is not only an economic burden, it is a social and psychological one, affecting family stability, education and mental health. Agriculture no longer represents security or dignity. It represents entrapment.

That is one reason Punjab's youth are leaving. International migration has become not merely an ambition but a social script. The state is losing the very generation needed to reinvent its rural economy and replacing productive transformation with remittances as a coping mechanism.

In the decades that followed, Punjab's socio-economic landscape is often referred to as the "Granary of India" due to its significant contribution to the Green Revolution in the 1960s. Its fertile soil and extensive canal system made it one of India's leading agricultural states. However, Punjab also faces pressing socio-economic and legal challenges. This also brought environmental degradation, groundwater depletion, and long-term agrarian distress.[13]

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13 M. S. Swaminathan, *50 Years of Green Revolution* (Chennai: Green Scientific, 2017).

Agriculture and Farmers' Rights

Punjab produces large quantities of wheat and rice for the central pool under the Minimum Support Price (MSP) regime. Legal debates around contract farming, land acquisition, and farmer suicides remain highly relevant. The Farm Laws of 2020 sparked massive protests in Punjab, culminating in their eventual repeal.

Industrial and Employment Challenges

While agriculture dominates Punjab's economy, industrialisation has lagged behind. Legal issues such as labour rights, industrial disputes, and land-use policies continue to influence Punjab's developmental trajectory. With 16,606 farmer suicides from 2000 to 2015, largely due to falling profitability and heavy debt. A study from Punjab Agricultural University reported 9,291 suicide cases between 2000 and 2018, predominantly among small and marginal farmers. In response, state and central government initiated relief measures, including significant farm loan waivers. Despite this, many farmers did not benefit, as waivers tend to serve political ends rather than addressing the root problems. A SBI research report from July 2022 indicated these waivers have only reached 50% of indebted farmers since 2014, highlighting the need for an enhanced Minimum Support Price (MSP) to increase farmers' incomes effectively. Factors contributing to farmers' indebtedness in Punjab include financial issues like low financial literacy and exploitation by commission agents through high-interest rates, creating a debt trap. Increased alcohol consumption diminishes disposable income for productive uses. Expenditure on education and health arises from modern lifestyles, while hereditary debt adds to unproductive financial burdens. Social factors, such as spending on marriages and celebrations, further strain repayment capacities. Additionally, low landholding sizes increase production costs and reduce profitability. Economic challenges, including rising input costs, falling profits, and crop failures due to natural disasters or pests, exacerbate income decline. Consumer demand rises, pushing producers to spend more, hurting their profitability. Personal factors like the use of intoxicants

and litigation costs add further financial pressure, often leading to mental distress among indebted farmers.[14]

Rise of Militancy and Khalistan Movement

Punjab's post-1966 history also includes phases of political turmoil, especially during the 1980s insurgency, Operation Blue Star, and the anti-Sikh riots. The concept of Khalistan, like that of Pakistan, emerged from British "Divide and Rule" policies. Initially, the Sikh community did not respond to separatist slogans due to the traumatic impact of partition and alignment with the national mainstream. The 1972 Anandpur Sahib Resolution by Akali leaders marked a shift towards advocating for a Sikh Raj. This was compounded by Congress leaders who, seeking to undermine the Akali Dal, supported Khalistani factions. By the 1980s, political figures like Sant Jarnail Singh Bhindranwale began promoting Khalistan, culminating in a declaration in 1986 which sought international recognition. Khalistani separatists engaged in armed conflict against India, posing a significant threat to national stability. In the 1980s, militant factions within the Sikh community sought an autonomous Sikh homeland, Khalistan, resorting to terrorism against both Hindus and dissenting Sikhs. The Indian army's assault on the Golden Temple in June 1984 aimed at removing militants resulted in significant casualties, including the death of Sikh leader Jarnail Singh Bhindranwale. This led to the assassination of Prime Minister Indira Gandhi by her Sikh bodyguards, inciting violence against Sikhs.[15] Despite ongoing turmoil throughout the 1980s, Punjab achieved relative stability by the early 1990s, a peace that continued into the early 21st century, aided by the appointment of a Sikh, Manmohan Singh as Prime Minister of India in 2004.[16]

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14 Gurmeet Singh, "Magnitude and Determinants of Indebtedness Among Farmers in Punjab", *Artha Journal of Social Sciences,* 24, no. 1 (2025), 81–102.

15 Mahesh A. Kalra, "Operation Blue Star: India's First Tryst with Militant Extremism", *DNA India*, November 5, 2016, https://www.dnaindia.com/india/report-operation-blue-starindia-s-first-tryst-with-militant-extremism-2270293

16 https://www.britannica.com/place/Punjab-state-India/History

Drug Menace in Punjab

The crisis has attracted widespread media and academic attention and is now considered one of India's most severe public health emergencies. Punjab's location near the "Golden Crescent", comprising Afghanistan, Iran, and Pakistan, places it at the epicentre of transnational heroin trafficking. The 553 km long international border shared with Pakistan further exacerbates the issue, with frequent reports of drug smuggling through tunnels, drones, and river routes.[17] The UNODC (United Nations Office on Drugs and Crime) World Drug Report 2023, while covering South Asia broadly, identifies India and Punjab in particular as a key transit zone due to its porous western border.[18] In recent years, the state has been increasingly identified with a mounting substance use problem, particularly among its youth. At least one-third of the rural population in Punjab consumes opium, similar to the urban concept of 2 drinks after a hard day. The daily dose of opium used to cost Rs.30-Rs.40 on the pocket. The Punjab Opioid Dependency Survey (PODS) by the National Drug Dependence Treatment Centre, AIIMS, reveals that the largest concentration of consumers comes from economically weaker sections with limited education and employment. The typical drug addict is male, young, Punjabi-speaking, and from a lower middle class background, with 83% being employed, 89% having some level of addiction, and 99% living with families.[19] Recent data reveals a concerning trend regarding the severity of the issue. Punjab Police reported that in the first half of 2024, there were 4,373 cases filed under the Narcotic Drugs and Psychotropic Substances (NDPS) Act, leading to over 6,000 arrests and the confiscation of 215 kg of heroin. From 2015 to 2024, more than 51,000 NDPS cases were recorded, with over 4,600 kg of heroin seized. A 2022 survey by Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, estimated that 15.4% of

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17 Punjab Vidhan Sabha, *Assembly Session Report: Ministerial Statement on Drug Control Measures* (2023).

18 United Nations Office on Drugs and Crime, *World Drug Report 2023* (Vienna: UNODC, 2023). https://doi.org/10.18356/d6291ea8-en.

19 R. Baruah, "Why Does Punjab Have a Drug Problem? The Untold Story", *BQ Prime* (2016).

Punjab's population was involved in some form of substance use. Additionally, a 2015 study by AIIMS and the Ministry of Social Justice and Empowerment indicated that over 230,000 people in Punjab were dependent on opioids, underscoring the persistent and worsening nature of the crisis.[20] Structural determinants and contributing factors such as high youth unemployment, particularly in rural regions, increases the risk of substance use among young people, which is often driven by peer pressure, recreational desires, or coping with stress. Additionally, the state's mental health infrastructure is critically underfunded, with less than 0.75 psychiatrists per 100,000 people, and stigma prevents many from seeking help, resulting in only 30-35% of diagnosed individuals receiving treatment.[21] The Narcotic Drugs and Psychotropic Substances Act (NDPS Act), 1985 is heavily enforced in Punjab. Courts in Punjab routinely handle NDPS cases, and the legal system remains engaged in balancing strict enforcement with rehabilitation. Violence in the region led to people turning to drugs as a safer alternative to alcohol. Drug dealers smuggled drugs from the borders, making a lot of money. This increased drug use in Punjab, as farming became less profitable and young people struggled to find good jobs, making them more frustrated and turning to drugs for comfort. The drug problem in Punjab stems from multiple factors including militancy, poverty, unemployment, and the easy availability of narcotics. The rise of terrorism led to a shift from alcohol to injecting drugs for safety, with smugglers profiting from trafficking across the Indo-Pak border. A lack of quality education and job opportunities fosters frustration among the youth, driving them toward substance abuse. Cultural elements, such as heavy drinking habits and the glamourisation of drugs in *bhangra* music, exacerbate the issue. The local market price for heroin, sourced from Afghanistan and

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20 H. Sachdeva, M. Sharma, and Maninder Kaur, "A Narrative Review of Trends and Challenges of Substance Use in Punjab: A 10-Year Analysis of Data from 2015 to 2024", *Discover Public Health* 22 (2025): 476.https://doi.org/10.1186/s12982-025-00887-x.

21 D. Singh, R. Kaur, and A. Mahajan, "Relapse Patterns Among Substance Users Attending Government De-Addiction Services in Punjab", *Indian Journal of Psychiatry* 65, no. 2 (2023): 137–142. https://doi.org/10.4103/psychiatry.IndianJPsychiatry_229_22.

smuggled into Punjab, is alarmingly low, making it accessible to the youth. The state has seen a troubling increase in drug consumption, particularly among students aged 15 to 25, with statistics showing high rates of tobacco and drug use among school and college students. The prevalence of drug abuse is linked to rising mortality rates, partly due to the spread of HIV and Hepatitis C from shared injection practices.[22]

Numerous cases under the NDPS Act highlight Punjab's ongoing struggle with drug trafficking and abuse. Drug cases in Punjab have seen a minor decline over the past six years, with reported cases falling from 25,788 to 20,717, although many cases remain unreported. As of 2021, there were 20,717 pending cases related to drugs and liquor, with drug cases making up 9,972 of those. Between July 2022 and July 2023, law enforcement agencies arrested 19,093 individuals connected to drug trafficking, averaging approximately 45 arrests per day. During the same period, a total of 14,179 FIRs were filed under the Narcotic Drugs and Psychotropic Substances (NDPS) Act. The National Crime Records Bureau indicates a variable trend in drug cases from 2017 to 2022, highlighting a considerable decrease in 2021, followed by a slight uptick in 2022.[23] Over the years from 2017 to 2022, the conviction rate and pendency percentage have shown notable variations. The conviction rate rose from 69.9% in 2017 to 72.4% in 2018, peaked at 83.8% in 2020, then fluctuated, ending at 74.1% in 2022. These variations might reflect changes in the criminal justice system's effectiveness. Conversely, the pendency percentage was relatively stable at around 85% from 2017 to 2018, increased to 92.8% in 2020, and improved to 86% by 2022, indicating a faster case resolution or reduced backlog in recent years.

Punjab state has implemented a comprehensive strategy to tackle drug abuse, focusing on three key areas: Enforcement, De-addiction, and Prevention. The enforcement measures include strict law

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22 J. Bharti, S. Parveen, R. Sahota, and A. Sharma, "From Tradition to Troubles: Evaluating the Consumption of Opium as Social Practice in Western Rajasthan", *Journal of Drug and Alcohol Research,* 12 (2023), 1–7.

23 National Crime Records Bureau, *NCRB Reports* (2017–2022).

enforcement against drug trafficking, targeting the entire supply chain, and addressing collusion between officials and smugglers. The de-addiction programmes aim to provide affordable outpatient services for rehabilitation, allowing individuals to maintain their daily routines while receiving support. Prevention efforts include public awareness campaigns and community involvement, such as training volunteers and the Drug Abuse Prevention Officers programme, to combat drug use and promote safe practices. Overall, the strategy seeks to disrupt drug supply, rehabilitate victims, and prevent future abuses through holistic community engagement.

Water Dispute and Sutlej-Yamuna Link (SYL) Canal Case

The SYL canal was conceptualised for the effective allocation of water from the Ravi and Beas rivers as per a 1981 agreement, spans 121 km in Punjab and 90 km in Haryana, intended to irrigate 4.46 lakh hectare in Haryana and 1.28 lakh hectare in Punjab, along with generating 50 MW of power. While Haryana's section is complete, Punjab's was to be finished by March 1991 but stalled in July 1990. Haryana filed a suit in the Supreme Court, which ordered Punjab to complete the canal by January 2002, or the central government would take over. Punjab later sought to dissolve its obligation to build the canal, but the Supreme Court dismissed this in 2004, directing the central government to proceed with construction. Punjab's subsequent enactment of the Punjab Termination of Agreements Act, 2004, was deemed unconstitutional by the Supreme Court in 2016. Haryana's original suit regarding the canal's construction remains pending in the Supreme Court.[24]

In 2016, the Supreme Court declared Punjab's 2004 law terminating water-sharing agreements, unconstitutional. The Supreme Court on 10th November directed the governments of Punjab and Haryana to cooperate with the Centre to resolve the Sutlej-Yamuna Link (SYL) canal row.

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[24] https://www.jalshakti-dowr.gov.in/offerings /schemes-and-services/details/sutlej-yamuna-link-canal-ANwETNtQWa

Legal Responses to Insurgency: Punjab Disturbed Areas Act and TADA Cases

The 1980s in Punjab suffered a decade-long insurgency by Sikh militants, spurred by failed attempts to gain more autonomy. Militants were responsible for numerous human rights violations during the violent separatist struggle for an independent Khalistan, including the murder of Hindu and Sikh civilians, the assassination of political leaders, and the indiscriminate use of bombs, which resulted in a large number of civilian deaths in Punjab and other parts of India.[25] Under the guise of militancy, criminals began coercing businesspeople and landowners by demanding protection money. The Indian government responded with force, prompting several charges of human rights breaches.[26] From May 11, 1987 to February 25, 1992, the Indian government dismissed the elected government in Punjab and imposed President's Rule, that is, direct governance by the central government.[27] In addition, India's Parliament enacted counterinsurgency legislation that facilitated human rights violations and shielded security forces from accountability for these violations. The National Security Act was amended to allow for detention without trial for up to two years in Punjab for acts prejudicial to the security or defense of India.[28] The Terrorist and Disruptive Activities

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25 Ramachandra Guha, *India After Gandhi* (New Delhi: Picador, 2006), 557–562. See also Human Rights Watch, *India–Punjab in Crisis: Human Rights in India* (New York: Human Rights Watch, 1991), 170–204.

26 *Ibid.*

27 United States Department of State, "Country Reports on Human Rights Practices–1990: India", 1437; and "Country Reports on Human Rights Practices–1992: India", 1133. Article 356 of the Indian Constitution empowers the President and Parliament to bypass the elected state government and administer the state if the governor determines that "the Government of the state cannot be carried on in accordance with the provisions of this Constitution".

28 The National Security Act, 1980, http://www.satp.org/satporgtp/ countries /india/document/actandordinances/NationalSecurityact.htm (accessed August 13, 2007). The National Security (Amendment) Act, 1987, http://www.mha.gov.in/acts-rules/National_Security%20_Amendment _Act 1987.pdf (accessed August 13, 2007). Also see United States Department of State, "Country Reports on Human Rights Practices–1989: India", 1388.

(Prevention) Act of 1987 (TADA), provided the police with powers of search, seizure, and arrest.[29] The Terrorist Affected Areas (Special Courts) Act of 1984 provided for special *in-camera* courts in "terrorist affected" areas that could conceal the identity of witnesses. In addition, a defendant charged with "waging war" had the burden of proving his innocence.[30] Under Section 15, a confession allegedly voluntarily made before a police officer, not lower in rank than a superintendent of police, was admissible in court against an accused (or co-accused, abettor or conspirator) for an offense under this Act.[31] There were widespread allegations that police routinely used torture to obtain confessions from detainees and/or planted evidence as a means of detaining them under TADA. TADA provided immunity from prosecutions for any acts in "good faith done or purported to be done in pursuance of this Act".[32]

The provisions of TADA were excessively harsh with ample scope for misuse and abuse of the fundamental rights guaranteed by Chapter III of the Constitution. Accordingly the Supreme Court has pronounced the constitutional validity of TADA in *Kartar Singh v. State of Punjab*.[33] The Act was also challenged on the ground of the legislative competency of the Parliament to enact the same. The Supreme Court of India upheld its constitutional validity on the assumption that those entrusted with such draconic statutory powers would act in good faith and for the public good. However, this was

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29 Widely criticised for perpetrating human rights abuses, TADA was eventually allowed to lapse in 1995. The Prevention of Terrorism Act (POTA) which replaced TADA in 2001 was repealed in 2004 because of similar abuse.

30 United States Department of State, "Country Reports on Human Rights Practices–1989: India", 1989.

31 The Terrorist and Disruptive Activities (Prevention) Act, 1987, http://www.satp.org/satporgtp/countries/india/document/actandordinances/TADA.htm (accessed June 5, 2007).

32 Section 26, The Terrorist and Disruptive Activities (Prevention) Act states: "No suit, prosecution or other legal proceeding shall lie against the Central Government or State Government or any other authority on whom powers have been conferred under this Act or any rules made thereunder, for anything which is in good faith done or purported to be done in pursuance of this Act or any rules made thereunder or any order issued under any such rule".

33 (1994) 3 SCC 569.

just a myth. In reality there were many instances of misuse of power for collateral purposes. The Hon'ble Supreme Court in the same case has stated, "The invocation of the provisions of TADA in cases, the facts of which did not warrant, was nothing but sheer misuse and abuse of the Act by the police". The rigorous provisions contained in the statute came to be abused in the hands of law enforcement officials. The Supreme Court also directed the Government to constitute Review Committees for periodical "scrutiny" of the cases registered and also to review the prevailing situation in the areas notified as ones affected by terrorist activities.

Environmental Challenges

***Stubble Burning Litigation*:** Stubble burning is India's most pressing environmental concerns as burning of crop residue in Punjab contributes significantly to air pollution in Delhi and surrounding states. Scientific studies have shown that stubble burning contributes only 6%–8% to Delhi's air pollution. The number of farm fires in Punjab has already dropped by 75% this year. The development of environmental law in India has notably advanced, particularly through the interpretation of Article 21 of the Constitution, which links the right to life with the right to a clean environment. The judiciary has recognised sustainable development as essential for future generations, particularly in cases related to stubble burning. The precautionary approach has been applied to anticipate and prevent environmental damage from agricultural practices. Stubble burning, primarily a residue disposal method, significantly contributes to air pollution, especially during winter months in northern India. The judiciary, through cases like *M.C. Mehta v. Union of India*[34], has reinforced the connection between environmental protection and fundamental rights, underscoring the need for proactive measures against stubble burning. Efforts have evolved to include technological solutions like residue management systems, financial aid for farmers, and public awareness campaigns about the effects of stubble burning. The National Green Tribunal has developed compliance frameworks and penalties for violations,

34 AIR 1987 SC 1086.

while initiatives like satellite monitoring systems have been employed to track infractions. Overall, the judiciary's interventions reflect a comprehensive approach to addressing the complex issue of stubble burning, combining legal, technological, and socioeconomic strategies.

Groundwater Depletion

Punjab is experiencing a critical water crisis characterised by severe groundwater depletion and surface water contamination. Farmers have historically extracted water far beyond natural recharge, reaching up to 165% of the annual recharge in certain years. A report from the Central Ground Water Board in 2024 indicates an alarming average annual drop of 0.49 meters in groundwater levels, with 80% of state blocks over-exploited mainly due to irrigation demands for water-intensive crops like rice. Over 70% of districts are now classified as critical, leading to reduced agricultural productivity and higher costs for deeper borewells. Rice, though unsuitable for Punjab's semi-arid climate, became the dominant kharif crop during the Green Revolution, necessitating extensive water use[35], largely supported by subsidised electricity for tubewells. This creates a damaging paradox where already water-scarce farms are incentivised to cultivate a highly water-dependent crop. In addition, surface water sources such as the Sutlej and Beas rivers are contaminated by industrial discharges and untreated sewage, rendering them unsafe for use. To combat these issues, urgent action is required, including crop diversification, improved irrigation practices, and enhanced water conservation techniques. The Subsoil Water Preservation Act of 2009 aimed to curb groundwater depletion by regulating paddy cultivation; however, data shows continued decline in water levels post-enactment, compounded by increases in paddy acreage and deep wells, along with rising electrification of these wells due to free electricity policies. To mitigate groundwater depletion, the focus should shift towards optimising water availability for crop selection and improving water

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35 "Beyond the grain: Punjab needs new Green Revolution", *Hindustan Times* (Chandigarh edition), May 1, 2026, accessed May 13, 2026 https://www.hindustantimes.com/cities/chandigarh-news/guest-column-beyond-the-grain-punjab-needs-new-green-revolution-101777624194522.html

use efficiency. Recent government initiatives, such as "*Pani Bachao Paisa Kamao*", may hold promise for addressing the crisis effectively.

Conclusion

Punjab stands at the crossroads of tradition and modernity, prosperity and challenge, stability and conflict. Its history of resilience continues to inspire, but its legal and socio-economic issues demand urgent and thoughtful reforms. The interplay of law, governance, and society in Punjab provides not only a case study of a unique Indian state but also lessons for the entire country. For legal practitioners, policymakers, and citizens alike, understanding Punjab's challenges and opportunities is essential to ensuring justice, equity, and sustainable growth in the years ahead.

RECONCEPTUALISING PERSONALITY RIGHTS IN INDIA: BETWEEN CONSTITUTIONAL DIGNITY AND TRADEMARK COMMERCIALISATION

Dr. Shikha Sharma*

Abstract

The rapid commercialisation of individual identity in the digital economy has brought personality rights to the centre stage of contemporary legal discourse in India. Despite increasing judicial recognition, the legal framework governing personality rights remains scrappy and conceptually vague. This paper explores the dual foundations of personality rights in India, with constitutional protection under Article 21 for privacy and dignity on one side, and commercial protection under trademark law on the other. It argues that these parallel frameworks rest on fundamentally different foundations, leading to structural inconsistencies in their application. Through a doctrinal analysis of constitutional jurisprudence and trademark principles, the paper highlights how the existing regime disproportionately privileges celebrities by linking enforceability to commercial goodwill and public recognition, thereby excluding ordinary individuals from effective protection. The paper further explores emerging challenges posed by digital technologies, including artificial intelligence and deepfakes, which intensify the risk of unauthorised identity exploitation beyond traditional commercial contexts.The study suggests a coordinated two-track framework that maintains the distinct normative foundations of constitutional and commercial rights while ensuring their cogent interplay, rejecting the need for a single statutory system. It concludes by promoting a more comprehensive and moral approach to personality rights that aligns with constitutional principles and adapts to evolving technological realities.

Keywords: Personality Rights; Right to Privacy; Right of Publicity; Trademark Law; Passing Off; Constitutional Law.

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Introduction

The rapid monetising of individuality in the contemporary digital economy has accentuated the legal significance of personality rights. This is particularly evident in our jurisdictions, where the images, names, and likenesses of celebrities have a substantial commercial potency. The publicity rights protect a more lucid and personal facet of a person from unauthorised commercial use, including their 'persona' and portrayal.[1] In particular, Indian courts have recently protected celebrity personalities like Telugu actor Akira Nandan[2] to acclaimed singer Jubin Nautiyal[3] and, very recently, Yoga Guru Swami Ramdev[4], yet have not articulated a consistent theoretical framework for these protections, highlighting a lack of legal clarity.

Broadly, the personality rights are understood as *the rights to protect, control and profit from one's image, name, and likeness.*[5] There are apparently two facets of these publicity rights: firstly, the commercial right to protect one's identity from being monetised without permission by competitors. Secondly, the right to privacy, which involves the right to be by oneself, i.e., the right to be let alone.[6] Under the Indian legislative regime, personality rights are considered in a '*shrouded realm*' with no dedicated statute, but rather a fragmented piecemeal approach from common law, constitutional law, and intellectual property jurisprudence.

Traditionally, the doctrinal foundation of publicity rights was broadly enshrined in various fundamental constitutional principles, such as Article 21, which guarantees "the right of life and personal liberty", and Article 19, which guarantees freedoms. Lately, the right to privacy as a fundamental right has been settled with the famous

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1 Dori Ann Hanswirth & Kyle Schneider, 'Using One's Image and Personality, Part I: Free Speech or Right of Publicity Violation?', available at *https://www.inta.org/perspectives/features/using-ones-image-and-personality-part-i-free-speech-or-right-of-publicity-violation/* (Last retrieved on 14 Oct 2025).

2 See *Akira Desai v. Sambhawaami Studios LLP*, 2026 SCC Online Del 283.

3 *Jubin Nautiyal v. Jammable Ltd.*, 2026 SCC Online Del 759.

4 *Swami Ramdev v. John Doe*, 2026 SCC Online Del 771.

5 *Estate of Presley v. Russen*, 513 F Supp 1339, 1353 (DNJ 1981) (U.S.).

6 See *R. Rajagopal v. State of Tamil Nadu*, 1994 SCC (6) 632 (AIR 1995 SC 264).

Aadhar case.[7] Parallel to this constitutional evolution, the courts in India have addressed the commercial dimension of personality rights in the Intellectual Property Rights regime.

The crossroads of the intellectual property regime and constitutional rights create a subtle and contradictory legal landscape. On one side is a 'constitutional dignity-based right', an essential component of human existence and personal autonomy, while on the other side, IP laws prioritise commercial reputation and protection. The absence of a clear statutory framework aggravates this tension, leaving the judiciary to navigate these issues on a case-by-case basis without consistent and clear guidelines. The central argument of the paper is that personality rights in India are built on a structural contradiction: whether they are exclusively for celebrities to protect their commercial goodwill or whether the right to privacy guaranteed under the Constitution is available to all common people. The focus of the present paper is to critically analyse the development of personality cum privacy rights through a constitutional lens with special reference to its commercial interaction with the Trademark Law. The paper proposes that there is an urgent need for a logical and comprehensive legal framework in tune with constitutional values and commercial realities, ensuring effective and meaningful protection of personality rights for all people.

Legal principle

Historically, personality rights are considered a facet of the right to privacy. Personality rights are protected through the umbrella of fundamental rights to privacy. The background of these rights could be traced to an article by Warren and Brandeis (1890)[8] which set forth the true basis of the right to privacy. It includes the right to one's own personality, peace of mind and 'right to be let alone'.[9] With the advancement of civilisation, especially with the advent of digital

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7 *Justice K.S.Puttaswamy (Retd) v. Union of India,* 2019 (1) SCC 1.

8 Samuel D. Warren, & Louis D. Brandeis, The Right to Privacy, 4, *Harvard Law Review*, 193, 207 (1890).

9 See Cooley, T. M. (1879), A Treatise on the Law of Torts, or the Wrongs Which Arise Independent of Contract, Callaghan and Company, p. 29.

media, the ambit of the right to privacy has become critical. In modern times, digital media can easily twist and misrepresent information. Thus, the need to protect personality rights is on the rise.

In India, personality rights are considered generic and lack specific statutory backing. It is understood in two senses–

Right to privacy

One of the closest laws protecting personality rights in India is Article 21 of the Constitution. One of the earliest cases includes the Kharak Singh case and the M.P. Sharma case[10], which ruled against the right to privacy as a Fundamental Right. The decision was based on different facts and circumstances, different grounds and reasons. This was emphasised in the case of *Gobind v. State of M.P.*, where the Apex Court held that '*the rights of privacy in any event must necessarily have to be seen through a process of case-to-case development*'.[11]

One of the first cases that accepted the right to privacy within the ambit of Part III of the Constitution was *R. Rajagopal v. State of Tamil Nadu.*[12] The case focused on the pre-publication censorship. In substance, the case elaborated on the concept of the Right to Privacy as a Fundamental Right enshrined under Part III of the Constitution. The Court observed:

> *"The right to privacy is implicit in the right to life and liberty guaranteed to the citizens of this country by Article 21. It is a "right to be let alone". A citizen has a right to safeguard the privacy of his own, his family, marriage, procreation, motherhood, child-bearing and education among other matters. None can publish anything concerning the above matters without his consent whether truthful or otherwise and whether laudatory or critical. If he does so, he would be violating the right to*

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10 See *M.P. Sharma v. Satish Chandra* AIR 1954 SC 300 & *Kharak Singh v. State of U.P.*, AIR 1963 SC 1295.

11 (1975) 2 SCC 148.

12 (1994) 6 SCC 632.

> *privacy of the person concerned and would be liable in an action for damages".* [13]

The Court also acknowledged issues and exceptions related to the right to privacy. After a decade, in 2012, Justice (Retd.) K.S. Puttaswamy filed a petition questioning the constitutional validity of the Government's anticipated scheme for a uniform biometrics-based identity card (Aadhar card), which will become compulsory for getting government services and benefits. It was argued from the side of the State that the right to privacy was not a Fundamental Right in light of precedent decisions of the Supreme Court, i.e., *M.P. Sharma v. Satish Chandra* and *Kharak Singh v. State of U.P.* But the constitutional bench, unanimously held that the right to privacy is a Fundamental Right under Part III of the Constitution of India. The Court further observed that the right to privacy "*is a right which protects the inner sphere of the individual from interference from both State and non-State actors and allows the individuals to make autonomous life choices*".[14] Further, it stated that the right to privacy is protected as an inherent part of the right to life and personal liberty under Article 21 of the Constitution. However, this general rule has an exemption where information that forms part of the public record may be available or commented on. This creates tension regarding public figures, where the boundary between private life and public interest is often blurred.

Personality rights

As the dynamics of media and technology changed, especially seen in the entertainment industry, creating awareness and recognition beyond the cultural aspect, celebrities are approaching the Court for the 'Ashok Kumar' order (John Doe Order) to protect their celebrity brand value. *Prima facie*,

> *"Personality Rights of individuals, simply put, entail the right to control and protect the exploitation of one's image, name, likeness or other attributes of the individual's personality, in addition to the commercial*

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13 Para. 26, *Id.*, *Auto Shankar case, R. Rajagopal v. State of Tamil Nadu, 1994 SCC (6) 632 (AIR 1995 SC 264).*

14 The famous Aadhar case.

> *gains that can be derived from the same. Personality Rights can be located in the individuals' autonomy to permit or deny the exploitation of the likeness of other attributes of their personality*".[15]

Personality rights simply give celebrities control over such commercial exploitation. Whether it is calling doll shops to withdraw dolls that look alike, Daler Mehndi, or protecting a name, likeness, image, persona, etc., deserves to be protected, not only for the celebrity's sake but also for his family and friends.[16] Recently, the technology has been questioned for portraying celebrities in an unflattering manner.[17] The list is long, and the case may differ from case to case, but a similar approach is emerging in which celebrities are questioning the unauthorised commercialisation and AI-generated depictions. In recent times, the judiciary has been resolving disputes related to the commercial exploitation of personality rights under the Intellectual Property Rights regime. For the purposes of this paper, personality rights would be understood as the reputation and goodwill dimensions accessible through the trademark regime.

The Indian Trademark Route

There are distinct ways in which the personality rights are approached under the Indian trademark regime. Firstly, it's the legal recourse available to the registered owner of a trademark under Section 29 of the Trademark Act, 1999. According to the definition of mark under Section 2(m), Trademark Act, 1999, a name, signature, distinctive catch phrase that is capable of being distinctive with reputation and goodwill in the market is protected within the realm of the definition of 'trademarks'.[18] This is a powerful tool often used by celebrities to protect their distinct character and reputation. The marks like

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15 See Aishwarya Rai Bachchan, CS(COMM) 956/2025 (Delhi High Court) para 34.

16 *Anil Kapoor v. Simply Life India & Ors.*, Manu/Deor/248558/2023.

17 *Aishwarya Rai Bachchan v. Aishwaryaworld.com & Ors.,* CS(COMM) 956/2025 (Delhi High Court).

18 See Sec 2 (z) (g), Trademark Act, 1999.

'Amitabh Bachchan'[19] or 'Bhidu', 'Jackie Shroff'[20] were central issues to the celebrities' statutory claim under the trademark regime.

According to Section 29(1) of the Act, the registered proprietor is protected against any person who '*uses in the course of trade, a mark which is identical with, or deceptively similar to, the trade mark in relation to goods or services in respect of which the trade mark is registered* '.[21] Section 29(4) extends this shield in two situations for personality rights perspective. Firstly, it applies to the goods or services that are dissimilar to registered trademarks, provided that the registered mark '*has a reputation in India'* and the use '*takes unfair advantage of or is detrimental to the distinctive character or repute*' of the mark.[22] This dilution provision charts from the American anti-dilution rationale and provides a statutory basis for restraining the use of a celebrity's registered name on merchandise in categories unrelated to the celebrity's commercial activities. The above provision acts as a powerful tool available only to those who have registered their marks.

Another class of relief is the common law remedy of passing off. This action is available for personality rights, as seen in the case of ICC Development[23] and Titan Industries decisions.[24] The Court applied the classical trinity test[25] in the personality rights cases. The court observed–

> *"Passing off cases can be divided into two broad categories. First are those in which the competitors are engaged in a common field of activity, and the plaintiff complains that the defendants have named, packaged, or described Ms product or business in a manner likely to lead the public to believe that the defendants' product or business is that of the plaintiff.*

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19 *Amitabh Bachchan v. Rajat Nagi & Ors.* (2022) [CS(COMM) 819 of 2022]

20 Jackie Shroff Case, CS(COMM) 389/2024, para. 6.

21 Trade Marks Act, No. 47 of 1999, Sec. 29(1) (India).

22 Trade Marks Act, No. 47 of 1999, Sec. 29(4) (India).

23 *ICC Development (International) Ltd. v. Arvee Enterprises and Anr.*, reported in 2003 (26) PTC 245 Del.

24 *Titan Industries Ltd. v. Ramkumar Jewellers*, CS(OS) No. 2662/2011.

25 *Reckitt & Colman Products Ltd. v. Borden Inc.*, [1990] 1 All ER 873, 880 (HL), Lord Oliver articulating the 'classical trinity' of passing off: goodwill, misrepresentation, and damage.

> *Second type of passing off, is where it is alleged that defendant has promoted his product or business in such a way as to create the false impression that his product or business is in some way approved, authorised or endorsed by the plaintiff or that there is some business connection between them*".[26]

As stated above, commercial reputation is goodwill, and unauthorised use of identity in a commercial sense is 'misrepresentation'. In the *Titan Industries case*, the Court added a specific requirement related to celebrity: the plaintiff must have a 'publicly identifiable image', and the respondent tried to exploit it for commercial gain.[27] In contrast to registration, the common law remedy of passing off has some structural benefits: it applies to a wide range of identity attributes, including the celebrity's voice or image, within the element of 'misrepresentation', without imposing class restrictions. But there is one significant drawback: it is structurally inaccessible to those who have not attained commercial recognition, as it requires evidence of proven goodwill. For a common man whose voice is copied without consent, it would be difficult to claim personality rights under the passing-off regime, as the voice has not become distinct and lacks a reputation that could be proven before the Court.[28]

The third mechanism is the route through the well-known trademark framework. Structurally, Section 11(6) sets out the conditions for considering the mark to be well-known. The Act defines a '*well-known trade mark*' as one '*which has become so to the substantial segment of the public*' that its use in relation to other goods would indicate a connection with the original proprietor.[29] Under the personality rights regime, the threshold of knowledge among a substantial segment of the public is correlated with the celebrity's fame. This is a more rigorous requirement than the goodwill-reputation element under the passing-off regime. An emerging performer or influencer may not be able to satisfy this requirement, even if their public image is commercially

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26 *Id.* as above, ICC Development, Pg. 34.

27 *Id.* as above, Titan Industries, CS(OS) No. 2662/2011, para. 29.

28 *T-Series (Super Cassettes Industries Private Limited) v. Dreamline Reality Movies (M/s.)*, F.A.O. No. 6386 of 2023.

29 Trade Marks Act, No. 47 of 1999, Sec. 2(1) (zg).

exploited. The only route available would be the dignity–privacy violation. This orientation confirms that well-known trademarks with broad reach do not address the issue of personality rights; rather, they exclude it.[30]

Lastly, the most crucial limitation under the trademark regime for the purpose of modern personality rights is the definition of marks under Section 2(m) of the Trademark Act, 1999. The Section provides an inclusive list for consideration as marks. The question is, can voice, likeness, and image be protected as trademarks under the unconventional status? Especially in the age of Deepfakes, digital form *avatars* and voice assistance. Many of these unique personality traits of artists cannot be trademarked unless they are part of a legal definition of a mark, phrase, or logo.

Incompatibility concerns

The present paper highlights many gaps in the protection of personality rights, the first being the *theory of injuria.* The constitutional route identifies *injuria* as a violation of a person's dignity and privacy. Irrespective of commercial consequences, an individual's persona can be protected under the constitutional regime.[31] While the trademark regime identifies *injuria* as commercial harm to the reputation and goodwill in the market.[32] These are not merely two different routes, but they also yield two different conclusions in the same case. A non-famous person whose image is used with express consent for commercial purposes suffers a 'dignity injuria' under the constitutional route, irrespective of the fact that they do not have commercial goodwill. The same person cannot bring a passing-off claim because they would be unable to meet the goodwill requirement. The constitutional route would grant a remedy; the trademark route would not.

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30 Rahul Bhatt & Aishwarya Singh, "Trademark Inadequacy in Protecting Voice, Image and Likeness: A Study Under Indian Law", 6 NLU Nagpur J. L. & Soc. Sci., 88, 97 (2023).

31 Puttaswamy, (2017) 10 SCC 1, para. 301.

32 See *Cadila Health Care Ltd. v. Cadila Pharmaceuticals Ltd.*, (2001) 5 SCC 73.

The second is the class of necessary persons whose interests are affected. Under Article 21, the rightful holder is any person, without exception or threshold, whose right to dignity is violated. The trademark route is structurally tamed by fame and commercial activity. Passing off requires reputable goodwill, while Section 29 requires registration of a mark, and the well-known marks are based on the threshold of recognition in a substantial segment of the public. These are not modest requirements. They systematically exclude persons who have not entered commerce or have not yet achieved recognition. The Courts' practice of developing personality rights law specifically in celebrity cases has given the impression that the doctrine is celebrity-specific. But this impression is constitutionally unsound as a common man's dignity is no less at stake in an AI deepfake-driven world than a celebrity, and Article 21 provides no basis for the distinction.

The present research proposes a two-track framework in which Constitution and Trademark regimes should be retained as distinct legal mechanisms that serve different purposes and protect different kinds of rights, but are subject to a clear coordination rule to address rapidly evolving technological threats to personality rights. It further rejects the option of a separate Personality Rights Act that would merge the two routes in a single statutory framework. The legislature would have to decide between the property rationale and the dignity justification in this merger, and the decision would result in the same theoretical incoherence as the current position. Secondly, it disapproves of the possibility of judicial gradual progress in the absence of legislative action.

Conclusion

The landscape of personality rights in India is constantly evolving and often feels fragmented and confusing. The present paper highlights that personality rights protection hinges on two main, distinct but overlapping areas: on the one hand, the constitutional promise of dignity and privacy enshrined in Article 21; on the other hand, the commercial aspects of identity protected by trademark law. While both aim to protect an individual's identity, they rest on very

different fundamentals–one rooted in human dignity and the freedom of the individual, and the other in market value and reputation.

This inherent duality leads to notable inconsistencies in how rights are safeguarded. The constitutional approach, reinforced by the landmark case of *Justice K.S. Puttaswamy*, offers a blanket protection for everyone, regardless of their social or commercial standing. On the flip side, trademark laws–through mechanisms such as infringement, passing off, and well-known mark doctrines–tend to favour those who already have commercial value and public recognition. This creates a system that disproportionately protects celebrities, leaving ordinary individuals vulnerable to the unauthorised use of their identity, especially in emerging technologies and non-commercial situations. The challenges become even more distinct in our digital age, where innovations such as artificial intelligence, deepfakes, and virtual *avatars* blur the lines between identity, consent, and commercial use. Current legal frameworks fall short in addressing harms that don't neatly fit traditional concepts of goodwill or reputational damage.

This paper argues against simply merging the constitutional and commercial frameworks into a single, all-encompassing system, as such a move could weaken the distinct strengths of both. Instead, it advocates for a coordinated two-track model. This model would keep the distinct goals of each system intact while clarifying how they can work together. In this approach, constitutional protections would serve as a fundamental baseline, guaranteeing universal rights to dignity and autonomy, while trademark law would provide an additional layer focused on commercial misappropriation in cases involving established goodwill.

Ultimately, recognising personality rights in India should go beyond focusing on celebrities and create a more inclusive and principled framework. We need a well-rounded legal response–whether through judicial clarification or focused legislative action–to balance the competing interests of dignity and commerce, ensuring the law adapts to the realities of our increasingly digital, identity-driven world.

BEYOND BORDERS NAVIGATION OF JUDICIAL APPOINTMENTS: A COMPARATIVE STUDY OF US, UK, AND AUSTRALIA [Thoughts for India]

Dr. Paras Chaudhary*

Abstract

This research is a comparative analysis that explores the complexities of judicial appointment procedures in the United States, United Kingdom, and Australia. By evaluating the distinct structures, methods, and concerns inherent in each system, this research seeks to find best practices and lessons that might be applied to improve transparency, efficiency, and meritocracy in the judiciary of great India. This study thoroughly explains the structure of judiciary and examines the judicial appointment regime within the constitutional framework, institutional dynamics, and socio-political situations. It recognises the importance of judicial independence, diversity on the bench, public engagement, and transparency systems in maintaining a strong judiciary. At last, this research provides brief overview of some other countries' judicial appointment process thereby advancing the cause of justice and the rule of law.

Keywords: Judicial Appointments, Collegium System, N.J.A.C., Comparative Analysis of US., U.K., and Australia.

1. Introduction

The comparative analysis of the judicial appointment process will help analyse the judicial appointments of various countries. Moreover, it will help the researcher to reach a logical conclusion as to which process of appointment is the best and what features can India borrow from these jurisdictions. With this underlying theme and purpose the researcher undertakes the task of analysing the appointment process of the U.S., U.K., and Australia. Before understanding the judicial appointment process the researcher will

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aim to give a brief overview of the judicial administration of these countries to understand the structure and working of the judiciary and how the judicial independence is safeguarded through the judicial appointment process adopted in these jurisdictions.

2. United States

The organisation, structure, and jurisdiction of the Courts including the place of Court and infrastructure of the Courts in the United States is controlled and managed by the Congress which is thereupon signed by President. Moreover, the number of judges in each District and the number of Federal Courts is approved by Congress itself, based on workload in the respective Court and the requirement of the State concerned.[1]

Furthermore, matters other than the administration of Courts are also governed by the law passed by the Congress. Just for clarity, the Congress in the United States is the legislative body of the Federal government and consists of two houses, the House of Representatives (lower house), and the Senate (upper house).

The United States judiciary is hierarchical in structure with the Supreme Court sitting at the helm of affairs. The Supreme Court consists of nine judges, amongst them one being the Chief Justice. The United States Supreme Court is the final adjudicator of the Federal Court system.

There are 12 regional Courts of appeal and 167 authorised appellate Courts throughout the country. The 12 administrative Courts have jurisdiction over the Circuit area and hear appeals from the judgments of District Courts, and the United States Tax Court hears appeals from the orders and decisions of the various administrative authorities. The Federal District Court system is the starting point of the cases and exercises original jurisdiction over the cases arising out of the Federal statutes, the Constitution, and the treatise.

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1 Overview of the Judiciary, available at: https://www.usCourts.gov/ sites/ default/files/Overview %20 of%20 the% 20Judiciary.pdf (last visited on 22.05.2023).

The State Courts and the Federal Courts overlap in their jurisdiction. This means that the plaintiff has an initial choice of either bringing the case before a Federal Court or the State Court. If the plaintiff chooses to bring the case before the State Court then, the defendant has the choice of objecting to it and suggesting that the case ought to be brought before Federal Court. The cases that are brought from the State law can also be filed before the Federal Court under diversity jurisdiction. This is based on the need of the defendant who is situated in different State jurisdiction. On a similar basis, the defendant can object to the jurisdiction of the State Court. To bring a case filed before the State Court to the Federal Court the plaintiff must be residing in a different State than the defendant and the claim amount must be more than 75,000$.

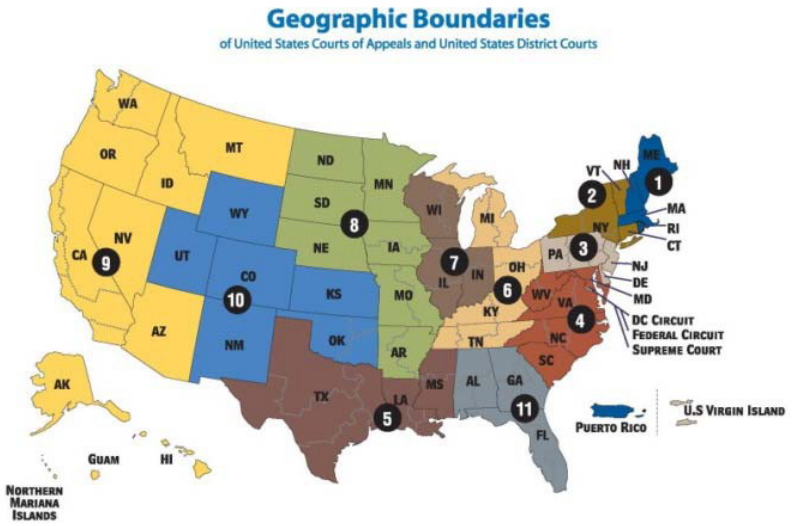

Figure 1: Jurisdiction of Courts in U.S.[2]

Criminal cases are not brought before different Courts. This means that the State agencies can bring the case before State Court and the

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2 Overview of the Judiciary, available at: https://www.usCourts.gov/sites /default /files/Overview %20 of%20 the% 20Judiciary.pdf (last visited on 22.05.2023).

central agencies can bring the case before the Federal Court. Here it is important to mention that the principle of double jeopardy does not apply to criminal cases to file the case before a Federal Court. As once the case is decided by the State Court case can be brought before the Federal Court or case can be brought before the State Court if the case is decided by the Federal Court. This means that the State agencies are free to bring the case before the State Court, once the criminal case is decided by the Federal Court if the act is an offence under State law. Hence, they can be tried again.

The President appoints Federal Court and ultimate Court justices, who're confirmed with the help and recommendation of the Senate. The judges remain in office as long as they keep proper conduct. This means they could keep the position indefinitely; however, may surrender or retire early. Moreover, they may be eliminated via impeachment through the House of Representatives and conviction by the Senate.

The Trial Courts under the Federal Court system are the America's District Courts. Each U.S. District Court has at least one District judge. District Court judges preside over both civil and criminal instances. Certain District Court duties are delegated to Federal magistrate judges. Magistrates are appointed by way of the District Court via a majority vote of its judges. They're appointed for a term of 8 years if they work full-time and four years if they are engaged on temporary position. They are also eligible for reappointment at the end of their term.

Federal Trial Courts are also formed for conducting subject-specific trials. Inter-alia the Federal Courts are formed for bankruptcy matters, tax matters, international trade, and claims against the Federal government. Each such Court has a certain subject-specific designation and each deals with a particular subject.

The appeal from the Federal District Court's judgments lies before the Circuit Courts. The Circuit Courts have jurisdiction over the entire nation on certain subjects such as patents. Besides the Circuit Courts, certain subject-specific Courts of appeals decide the appeals

on particular subjects. A few distinct examples of such Courts are the United States Courts of Appeals for Veterans Claims and the United States Courts of Appeal for the Armed Forces.

The United States Supreme Court has the power to decide the appeals on all cases heard and decided by the Federal Court or the State Court. But the United States Supreme Court cannot decide the matter in an appeal from the State Courts dealing completely with the matter governed by State laws.

After a Circuit Court or State Apex Court judgment, both litigants may additionally seek to appeal to America's Apex Court. In comparison to the Circuit Courts and the State Apex Court, which can be obligated to pay heed and decide the appeals filed pending before them. The United States Apex Court is not duty bound to hear the appeal. So the approach accompanied by the United States Apex Court docket is that the litigant ought to record a writ of *certiorari* with the case file, which might or might not decide on to hear and pronounce its judgment on it. In most cases, to be precise, only one per cent of appeals are heard by the U.S. Apex Court, and all other cases are determined by way of the Circuit Courts and the State Apex Courts.[3]

2.1. Terms and Nature of Judicial Appointments in United States

Historically, the appointment process of judges in the United States was a hotly debated topic. In the United States, the colonial era marked the appointment of judges being made by the King. But this method of appointment was condemned and criticised by the members of the colony. After the Independence Revolution, the appointments were made in the same way but the power of the executive to control and dominate the judiciary was limited to a great extent.

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3 Murray Tobias QC, "Judicial Appointments in the United States and Australia – A Comparison", 20, Australia Law Review, 1 (2018).

Thereafter, though slowly there was a shift in the appointment process with the legislature having a greater say and judges starting to be elected rather than being appointed. For example, Georgia started with the appointment through an election that to as far as 1812. Thereupon, four years later the State of Indiana entered the federation with terms for elected judges in Circuit Court. In 1832 the State of Mississippi became the first State to have all the judges, elected. Michigan was also not far behind as it elected its trial judges in the year 1836.[4]

But this was the time when the judicial appointment process came under scrutiny and criticism on the allegations of being represented by only elites of the country. The people were determined to put an end to this tendency of the appointment process that favoured the privileged over the impecunious and thus felt the need to introduce Jacksonian democracy or popular sovereignty.[5]

At that time it was believed that the elected judges are best and the elected judicial appointment process is a panacea for what ails the appointment process. This is all the more evident from the fact that the New York Constitution Convention in 1846 had little to no discussion on the pros and cons of the process of appointment. Though generally the need for reform was felt and this paved the way for a new appointment regime. By the end of the Civil War, 24 out of 34 States adopted the elected judiciary. All the new States admitted to the federation adopted only this process of appointment until 1959 when Alaska formally entered the federation.

Soon after the experiment with the election process for the judgeship began, it was realised that it is not the best process and came to be criticised strongly. As it is not the solution to what ails the judiciary. In 1853, the Massachusetts Constitution Convention came heavily on the election of judges to the Courts. They refused to accept this process. At this time, it was generally believed that the judiciary has

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4 Judicial Selection in the United States: A Special Report, available at: https://heinonline.org/HOL/LandingPage?handle=hein. journals/judica64 &div=38&id=&page= (Last visited on 22.05.2023).

5 *Ibid.*

fallen to the legislative elites and that is an anathema. The debate for change was centered on, the need for a return to the old judicial appointment regime.

The main concern against the appointment regime was that it was susceptible to being influenced by the legislature and was also corrupt. The corruption and incompetence of judges was major issue that was to be addressed by the changed appointment process. The ethos which brought in an election process was that the judges are not influenced by considerations beyond the scope of the law. This was something that was simply not achieved by this regime. This paved the way for a new appointment mechanism along the lines of either adopting the old mechanism of appointment or a non-partisan election for the post of judge in the higher judiciary.

The idea of non-partisan elections was proposed and implemented by the judges themselves. The idea of judges contesting the elections without the support of any party symbol was felt to address the need of electing judges who are not inclined to untoward considerations. In 1873 Chicago, Illinois adopted non-partisan elections for the first time. The idea gained pace slowly and by 1927, 12 States adopted a non-partisan election process for judgeship.

Yet again there was dissatisfaction with the appointment mechanism. The flak against it rose as soon as it rose against the previous regime. As early as 1908, the South Dakota Bar Association expressed dissatisfaction with it. Three States that had adopted the experimentation of non-partisan election were unsatisfied with the appointment process and had already changed it by 1927. The criticism was on the lines that the judiciary was filled by persons who were elected after giving little to no choice to the masses. The names were selected by the political elite. The unguided people were not able to make informed decisions as they had no clue as to whom they were electing. This created a maze where the needs of an independent judiciary were being not met.

At present, almost no two States adopt the same method of appointment. Hence, the systems of selection are hybrid.

Moreover, in many States, there is more than one method of selection for different levels of Courts or even for the same level of Courts. Furthermore, even when the same method is used there are still variations in the actual practice and applicability of the process.[6] Thus the process of appointment needs to be generalised on the lines of method adopted. The methods used in selection can broadly be divided into these four types of selection methods:

2.1.1 Commission-based Appointment (Merit-based selection or Missouri Plan)

Under this process of appointment, a nominating commission evaluates the names and makes recommendations of the best qualified to the Governor. The Governor is at liberty to appoint one of them to the post of judge. Moreover, a person appointed under this method is subject to a referendum as to whether he or she should continue or not to the post after the expiry of the period of a fixed tenure.

This plan is also known as the Non-Partisan Selection of Judges' Court Plan and has served as an ideal model of selection for the States that desire and aim for merit-based selections. This selection process was built to remove the judiciary from the shackles of the executive and legislature.

However, there are certain dissimilarities among the plan implemented by various States. By and large, the process is uniform, besides these two differences; some States interview only selected candidates whom the commission feels are likely to make a final recommended list, whereas some States interview all those who apply for the post; the other major difference is that in some States, the selection is made by the Governor alone and the legislature is not to be consulted, whereas in other States the Governor's consent is subject to the approval of the legislature.

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6 Judicial Selection in the United States: A Special Report, available at: https://heinonline.org/HOL/ LandingPage?handle=hein. journals/judica64 &div=38&id=&page= (Last visited on 22.05.2023).

The Commissioners, to make recommendation to the Governor, are selected by a panel consisting of the Governor, judges of the highest Court of the State, Attorney General, Officers of the Bar Association, Members of Civil Society, and in some States Members of the Legislature. Presently more than two-thirds of States implement the Missouri Plan of Appointments including the District of Columbia.

2.1.2 Contested Election

The second method of selection is the one under which various persons contest for the same post. Masses vote to select one of them for the post of judgeship. The candidate who gets the most votes is declared the winner. The election process can broadly be divided into two broad categories i.e., partisan and non-partisan elections. Under a partisan election, the candidates contest on the symbol of the party to whom they are affiliated. In non-partisan elections, the candidates contest the elections but not on the symbol of a political party.

This modality of selecting judges is facing criticism from most legal luminaries and members of the bar and bench because the election process is believed to influence the judges as they feel the need to conform their decisions to the popular belief of the masses and their sweet will. Moreover, they are more likely to feel bound to return the favour to those who finance their election, under the present system of appointments. Hence, this form of election is felt to be adversely affecting judicial independence and this system needs to be changed. Moreover, this method of appointment is unique as it is only in the United States that judges are elected by masses at any level, whatsoever.

This process of appointment is also criticised because the appointments might be influenced by political considerations and cronyism. This is simply unacceptable to a judiciary that aspires to be independent and if it wishes to stand the might of the executive and legislature.

2.1.3 Gubernatorial Appointments

In some States, the appointments are made by the Governor without the recommendation and assistance of the nomination commission. But in most cases, the recommendation of the Governor is approved by the legislature or executive council.

2.1.4 Legislative Appointment

The appointments are also made by some States through the legislature of the country. In this method of appointments, the candidates are put to elections but only the members of the legislature are entitled to vote.[7]

2.2 Nomination and Confirmation at Federal Level

Article 2, Section 2 of the Constitution of the United States mandates that the appointment of judges to the Supreme Court, Court of Appeals, and District Courts shall be made by the President by and with the aid and advice of the Senate. Though, this has a rider that the Congress can by law confer the power over to the President alone, in the Courts of Law, or for the Heads of Department. But the Congress has not made any such law and, therefore, the power to appoint is vested in the President only who has to act on aid and advice of the Senate.

The names of potential nominees are recommended by the senators or the Members of the House of Representatives who are Members of the political party of the President. The candidates are examined and have to go through a confirmation hearing before being finally appointed by the President and confirmed by the Senate. The judges appointed so are appointed for life as mandated by the Article III of the Constitution.

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7 Fiona O'Connell & Ray McCaffrey, "Judicial Appointments in Germany and the United States", Research and Information Service Research Paper, 1 (2012).

2.3 Role of Senators

The President of the United States hears the views of the senators of his party for making selections to the Federal District judgeship and even the Circuit Court judges. If the senator is not a member of the party of the President, then also they may send their views about the suitability of the person under consideration for being appointed. But generally, the views of the members of the party of the President carry more weight. If the State in which vacancy lies for the judgeship may it be Circuit Courts or the Federal District Courts, has no senator from the party of the President even then the members of the President's party fill the space for recommending and nominating the person for the said post.[8]

2.4 Criteria Applied by the President in Selecting the Candidates

The criterion that results in the final selection by the President was analysed by a Commission established by the Congress. The nub of the report submitted by the Commission can be summarised in the following words:

Almost all Presidents have laid down guidelines as to who should be appointed as a judge and who should not be. But the predominant basis of a rational decision revolves around the professional expertise of the candidate and his or her ability to deliver judgment independently and impartially. Though great importance is also given to the ethos and values of a judge, and to the fact that he must abide by basic principles of the Constitution. Moreover, his idea as to what these basic principles are according to the judge and the commitment of the judge to abide by them, play a dominant role. Furthermore, as to what is the understanding of the President to the basic role and function of the judge under the constitutional scheme, is a guiding force before the names are finally confirmed.

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8 Ryan W. Scott, David R. Stras, "Navigating the New Politics of Judicial Appointments", 4, Northwestern University Law Review, 1869 (2008).

The file for appointing a candidate as a judge in the initial stage is prompted by his meeting the standards of professional skills and integrity. This means that merit is the pre-dominant criterion in the selection process. This is visible from the fact that only those persons are appointed as judges who have established themselves professionally and, to say the least merit plays a dominant role. The process begins with an evaluation of the candidate by the District or State Bar Association or a Panel of Advocates. The panel might be formal or informal but merit is analysed professionally.

Once the name is suggested to the White House the candidate is subjected to further rigorous scrutiny and test together with an in-depth evaluation of expert report by way of the American Bar Association's Standing Committee on the Federal Judiciary, of the man or woman to be nominated so as to decide upon candidature.[9] The Standing Committee is of the view that the person to be nominated should have a standing of at least 12 years.

The role of senators has been under scrutiny under the present regime of appointments. The central theme on which the senators' role is being analysed is that, what is the weightage that should be given to the advice rendered by senators? Whether they should always be allowed to present views on the candidature of the person? And what should be the effect of the views of the senator if he has a different party affiliation than the President? Moreover, it was considered that the senators should be allowed to block the candidature of a person to be appointed.

2.5 Senate Committee on Judiciary

The appointments of judges sent to the Senate for confirmation are forwarded to Senate Committee on Judiciary. Once the file is sent to the Senate Committee on Judiciary for confirmation, it is most likely to conduct a confirmation hearing before the appointment is made.

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9 Role of Home State Senators in the Selection of Lower Federal Court Judges http://www.fas.org/sgp/crs/misc/RL34405.pdf (last visited on July 19, 2022).

But, before the confirmation hearing, the candidate has to fill out a detailed questionnaire.

The Senate Committee on Judiciary provides a detailed analysis of the professional qualifications of the candidate, inter-alia. The Committee provides a recommendation, after a proper and complete evaluation, on the candidate's competence, integrity, and temperament. It is important to be mentioned here that the recommendation is not on the political ideology and leanings of the candidate but rather on the professional competence and skills as a lawyer.

After the confirmation hearing there's a question and answer session to analyse the nominee, which takes place between the candidate and the judicial committee. If the Committee has been left with certain questions even after the Q&A session or certain questions are required to be answered that come to the mind of the Committee after the hearing, then the Committee can send follow-up questions to the nominee. Then there comes the role of the Business Executive Committee where, after the answers to follow-up questions are received, the nomination can be listed for consideration.

Then there is also the concept of 'recess appointments' where the President is empowered to fill the vacancies during the recess of the Senate through granting Commissions. The Commission's tenure expires at the start of the session of Senate. But this needs to be noted that, the Senate usually confirms the appointments made by the President to the Supreme Court. Out of a total of 159 nominations made since the first nominations in 1789, 123 were confirmed by the Senate. This means there were 36 candidates whose names were approved by the President but were not confirmed by the Senate. Out of these 11 were rejected outright in roll-call votes and the remaining were either not put for the vote or withdrawn by President because of opposition by the Senate. Out of these 36 non-confirmations, 6 were re-nominated and their appointments were confirmed by the Senate in a second attempt.

There is another general tendency followed by the Senate for recommending the names for appointment as judge of the U.S.

Supreme Court i.e., it takes time before taking the final call on the appointments to the Supreme Court. This tendency is owed to the need for scrutiny before it is finally approved. This need was felt more strongly during the tenure of Justice Earl Warren. His tenure was so special that this period came to be known as the 'Warren Court' because the tendency of the Court to revolutionise the society through its judgment is so great that more often than not they can change the direction the society is moving and may even stir it another direction than the executive and legislature want it to move. This caused the standard operating procedure being observed by the Senate to be modified, to a process where more scrutiny of the candidature was felt to be a necessity and requirement which cannot be ignored. This was done even if there were no controversy surrounding the candidature of the person to be appointed. However, this tendency raised another problem for the authorities involved in the process. Now almost every appointment was being subjected to controversy, because the slow process and scrutiny often deviated from what ought to be, to what ought not to be. This happens when something more normal than expected; something other than competence, integrity, and temperament was being analysed. Sometimes, scrutiny let to an analysis of the political ideology of the candidate or his philosophical values. This is bound to raise controversy because there will always be something that will not be acceptable to certain sections of society or a few of the senators to the least.

The US Constitution establishes an appointment process for the judiciary which provides a justice delivery system that is bragged to be one of the most independent ones across the globe. The appointment here is made by the executive, which is subject to approval by the Senate. It is interesting to note that here judiciary has no role to play and the appointment is made and confirmed by the other two branches of the government, and yet it is one of the most independent judiciaries in the world. This is a lesson for the Indian appointment regime where the judiciary needs to learn that interference of the executive need not necessarily mean compromising the independence of the judiciary.

3 United Kingdom

3.1 The Organisation and Structure of Judiciary in U.K.

The United Kingdom's judicial system works under a well-established hierarchical structure, where the original jurisdiction at first instance over criminal cases is exercised by a Magisterial Court. The Magistrate's Court transfers serious cases to the Crown Courts after a preliminary hearing. The cases that are trivial or the cases dealing with offences committed by juveniles and some civil cases as well such as family proceedings are tried by the Magistrates. The Magistrate's Court hears three types of cases; first, the cases that are dealt with summarily or the trivial cases, second the cases can either be heard by the Magisterial Courts or the Crown Courts, and thirdly the preliminary hearing of the cases exclusively triable by the Crown Courts. The proceedings in Magisterial Courts take place either before three Magistrates or the District Judge.

As the Magisterial Courts deal with criminal cases, the County Courts deal with civil cases, particularly non-criminal and non-family matters. The County Courts deal with cases that are not complex and thus are simple such as the cases involving compensation for wrongs committed or the cases where organisations or people claim to recover certain amounts due to them.[10] The most complex civil matters are heard by the High Court in its original jurisdiction.

Both District judges and the Circuit judges sit at the County Courts hearing center. The Circuit judges hear matters where the value of property is more than 25,000 pounds or where the complexity of the matter is greater. The District judges hear the matter where the matter in dispute is less than 25 thousand pounds or its value is over 25,000 pounds but is not so much in terms of complexity in the dispute involved. The District judges also overlook the smooth functioning of the Court. The technical term used for this task is

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[10] The judicial system of England and Wales, A visitor's guide, available at: https://www.judiciary. uk/wp-content/uploads/2016/05/international-visitors-guide-10a.pdf (Last visited: 23.11.2022)

'case management' and the person undertaking this task is District Judge.

The Crown Courts hear criminal matters of a more serious nature such as rape, robbery, murder etc. These criminal matters of serious nature are transferred to the Crown Courts after the preliminary hearing. Moreover, sometimes the Magistrates after convicting the person send the file to the Crown Court for sentencing because the gravity of the offence is such that it seems more prudent for Crown Court to award the sentence. The Crown Courts also hear appeals from the order of the Magisterial Courts.

The general mode of operating the Court matters in Crown Courts is that the case is heard and decided by both judge and jury. The decision as to guilt and innocence is given by the jury usually unanimously but if there is no unanimity the judge may agree to decide the matter as per majority. Moreover, the power to sentence a person for a criminal wrong is with the judge, and the judge is also bound to guide the jury on legal points and helps them to make an informed and reasoned decision. The appeal from the decision of the Crown Court lies before the Criminal Bench of the Court of Appeals.

The High Court decides the most complicated and intricate disputes of civil and family nature. The High Court has three benches; Queen's Bench, Family, and Chancery. The judicial head of the Chancery is the Chancellor of the High Court, while the judicial head of the other branches are the President. Of the three benches the Queen's Bench division is the biggest within the High Court and deals with the most distinct varieties of instances mostly, as a specialist Court.

Moreover, the Queen's Bench hears matters that are found to be unsuitable for the County Courts on the grounds of the amount of claim or the complex nature of the matter. The official work of the central office in London is administered by the senior master with the help and support of the judge in charge of the Queen's Bench's civil list. The judge in charge of the Queen's Bench's civil list while administering the Court work acts under the authority of the President of the Queen's Bench. The work of the division bench

beyond London is carried on by the provincial office, popularly known as District Registry.

The Court of Appeal and the High Court represent what we understand as Appellate Courts. The Court of Appeal has divisions: criminal division and civil division. The appeal is considered by the Court of Appeal only if litigants have permission for doing so. The permission may be granted either by the High Court or more commonly by the Court of Appeal itself. The permission for appeal is granted by a single judge of the Court of Appeal only.

The appeals are generally heard by a bench consisting of three judges. The 3 judges who sit on the bench deciding appeal consist of the head of division and the senior judges having years of sitting in appeal. The senior judges are appointed as the head of the division. The bench of the Court of Appeal on the civil side hears matters of appeal from the High Court or directly from the county Court and at times from tribunals as well. The Court of judges consists of three judges who decide the appeal by majority of 2:1 or unanimously and when there is no unanimity the dissenting judgment has to give the reasons for dissent.

Alternatively, the criminal bench of the Court of Appeal hears matters in appeal from Crown Court and the legal issues referred by the Attorney General. The criminal bench hears appeals in opposition to acquittal and unreasonably minuscule sentences. The Court of Appeal *qua* criminal bench consists of Lord Justice and two High Court Judges.

When the criminal bench of the Court of Appeal hears matters of great importance and significance, the deciding Court consists of the Lord Chief Justice or the President of the Queen's Bench, or the Vice-President of the Court of Appeal. There is a peculiarity in the process of deciding cases by the criminal bench that the matter is to be decided unanimously and even if the bench is not unanimous the dissenting judge has to concur and he cannot give dissenting judgment.

The Supreme Court is the highest Court of Appeal for the whole of the United Kingdom when the matter is civil in Britain, Wales, and Northern Ireland for criminal cases. For criminal matters, Scotland has the Court of Justiciary, which is the highest Court of Appeal for these matters. Permission for appeal is given only when the case is on a question of law that is of great public importance. The Coram of judges deciding a case consists of 5 or 7 or 9 judges out of the total of 12 judges of the Supreme Court and the matter once decided either by the Supreme Court or the Court of Appeal is a binding precedent over all the Courts of law of the land and that also for all future cases. The Coram decides the matter either unanimously or by simple majority.

3.2 Principles Governing the Judicial Appointment Process of United Kingdom

3.2.1 Judicial Independence

The United Kingdom believes that Judicial Independence is crucial to maintain the rule of law and is vital so, that the masses can impose their faith on the judiciary as a whole and on the judges also individually. Therefore, to achieve this underlying purpose of judicial independence, the judicial appointments must ensure that the judges appointed must be independent. The independence is from whom and for what can be understood as follows:

First of all, the judiciary should be independent from the executive. If the executive can influence the outcome of cases in their favour then that is simply unacceptable. The people believe that when any wrong is committed against them or there are allegations against them then the Court will decide impartially and without ill will or favour.

Secondly, the judiciary must be independent of the legislature as well. The House of Commons has been conferred the power to make laws and the judiciary must decide the cases pending before it in consonance with those laws but beyond this limit, the judges have full discretion to decide the matters without any political pressure or undue influence from the executive or the legislature.

Thirdly, the judiciary must be free from the influence of the parties to the case. May it be the government in civil litigation, or the Crown as being represented by the prosecution in criminal cases, they must not be able to exert untoward pressures from either side in litigations pending before them. Moreover, justice should not only be done but justice should be seen to be done without any prejudice.[11]

The appointment process that both appoint independent judges, as well as judges, who don't feel obligated to oblige after appointment is crucial for maintaining judicial independence. What is meant by independent judges is that judges should not be politically biased or willing to succumb to pressure or be lured into for awarding favourable decisions. Besides the appointment process, there are various other important factors that directly or indirectly influence the independence of the judiciary but for the research purposes underhand the zone of analysis is only restricted to the appointment process.

3.2.2 Equality

Modern-day Britain envisions and cherishes a wide range of principles and rights for the diverse population that resides there. Significantly, the people of the country believe that those wide strata of rights are protected by the judiciary and those who reside there feel that they should have a sense of protection as well as representation. For this, what is required is that there is equality of opportunity for the selection of judges. The need for judges to be selected from diverse backgrounds and the ability of judges to understand those communities and their skills to reflect that understanding in their judgments is too important to be part of the process, for one and all.

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[11] The Governance of Britain: Judicial appointments, available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/228725/7210.pdf (last visited on: 23.05.2023)

Moreover, equality must be focused both inwards and outwards. The inward parts of equality will rely on the right environment for the ones selected to ensure diversity. The selections must be made of persons who are from different backgrounds and regions. Further, they must not feel differentiated based on their background, ethnicity, or because of regionalism. The outward focus on equality will lead to engagement of the judiciary with people from different backgrounds and help them better understand the needs, ethos, and reservations for the same.

3.2.3 Merit

Another major requirement for an ideal appointment process as envisioned by the United Kingdom is that the judicial appointments must be purely based on merit. This among other things ensures independence as well. How come so? Because if an incompetent person is appointed to the judiciary then more likely than not he will succumb under the pressure, and this will be because of his appointment being made after liaisoning and undue interferences or on some criteria that should not have been considered. This is very likely to result in the feeling of reciprocity towards the ones who lent him the favour of the appointment. And thus negatively affect judicial independence.

Merit as a pre-dominant criterion will result in nullifying the allegations of bias, corruption, and undue favour accorded. Merit should be the nub of the entire process and should be done both in the selection of judges and the ones who select them. Amongst the objectives of the selection process based on merit, the first one is to select one who has greater merit and secondly when two persons are on the same level as far as one can analyse their merit then the person who can deliver better services must be selected.

3.2.4 Transparency

The United Kingdom views the need for transparency in the selection process as an absolute necessity. Though, the legitimate concern of those whose name has been rejected or even if someone's

candidature is accepted but there's a negative comment in the case file that can tarnish the career of the person, this needs to be protected. Therefore, confidentiality about a particular individual should be accepted but at the same time, the process should be as transparent and open as possible.

3.3 Background and the Present Appointment Process in the U.K.

3.3.1 Background

The appointment regime for judicial officers has always been governed by the executive in the United Kingdom (though the degree of control has varied over time). The judges are appointed by the Queen and hold office during the pleasure of the Queen. The Queen may exercise her power on the aid and advice of her ministers or she can even delegate her powers to the ministers.

Before the present system came into being, Lord Chancellor–the Lord Chancellor is a member of the Cabinet and is, by law, responsible for the efficient functioning and independence of the Courts–occupied a prominent role in the selection process. Lord Chancellor recommended the names for appointment directly to the Queen and in case of most senior appointments, he recommended the names to the Prime Minister who in turn will recommend the names to the Queen. The names were selected by Lord Chancellor in closed doors via informal discussions with senior judges. This process for selection led to criticism that those people who did not fit into the scheme of things of a few elites, there was no scope for them to make it to the list of finally selected candidates. There was a belief amongst the legal fraternity that in this method of selection, merit was being ignored and the talent suffered at the whims and fancies of a few. There were also allegations that the judges selected the spitting images of themselves, and thus talent was being sidelined under this process.

These criticisms were taken positively by the then-governing apparatus. This opened the doors for improving the process of

appointments. The appointments below the High Courts started to be made through a competitive process governed by open and published criteria. Lord Chancellor Irwin announced in 1997 that the appointments to the High Courts will no longer be by invitation only and anyone eligible from the legal profession can apply against the vacancy. Moreover, the Parliament will be presented an annual report each year, on the judicial appointments made throughout the country. Lord Irwin did not stop here. He went one step ahead and established a Commission under the stewardship of Sir Leonard Peach to analyse the present system of appointments and suggest changes to it if required.

Sir Leonard Peach gave a positive appraisal of the present system but at the same time proposed certain changes in the process. Amongst the changes few prominent amendments were to establish a consistent, efficient, and effective process for filling up the judicial vacancies, a better consultative mechanism, establishing a Judicial Appointment Commission to monitor and supervise the selection process, and an effective appraisal mechanism. These changes moved a long way in the right direction but did little to amend the process being governed by the Lord Chancellor who made the selection on the aid and advice of the senior members of the judiciary.

In 2001, the Commission for Judicial Appointments was made, following the proposal of the Commission led by Sir Peach. The Commission for Judicial Appointments was responsible for auditing the process of appointments of the judges and at the same time, it investigated the complaints filed against the individual selections made. But the CJA was not given the power to change the decisions of the appointer if the appointment was found to be wrong. At best Commission for Judicial Appointment acted as an Ombudsman and not as a fully potent part of the process which can ensure fair and just decisions. Nevertheless, Commission for Judicial Appointment was capable enough to monitor the process, raise an alarm whenever there was any wrong committed and suggest changes wherever there was a need for it. The reforms did not stop there and the changes were carried on in the years to come such as the appointments to the

post of judges in the High Court, which were made through the applications only.

3.3.2 Present System of Judicial Appointments in U.K.

The Constitutional Reforms Act established the Judicial Appointment Commission and took the powers of appointment of judges from the executive to the Judicial Appointment Commission. The Commission started to work in 2006 and made the process more transparent and open and ensured that merit prevails in the selection process.

Sections 25 to 31 of the Constitutional Reform Act, 2005[12] and its Schedule 8 govern the procedure of appointment of judges to the Supreme Court. The schedule has been amended once by the Crime and Courts Act, 2013. Section 25 of CRA, 2005 provides the qualifications for the post of judge. Section 25 mandates that if a person has been holding a high judicial post for 2 or more years, then he is eligible to be appointed as a judge. High judicial post as defined includes the post of judge of a High Court of England, High Court of Wales, or High Court of Northern Ireland or Courts of Appeal of the same jurisdiction or the judge of Courts of Session. Alternatively, a barrister or solicitor can be appointed as a judge if he has a post-qualification experience of 15 years or more in senior Courts.

For selection, the Lord Chancellor has to constitute a Selection Commission. The Selection Commission is constituted by the Lord Chancellor by sending a recommendation letter to the President of the Court. The President is the ex-officio Chairman of the Selection Panel. But the Vice-President cannot be a member of the Selection Panel, instead the President nominates one judge to be its member. The judge nominated can be from any Court throughout the United Kingdom but he cannot be a judge of the Supreme Court. In addition to these members, one member is nominated from each Judicial Appointment Commission of England and Wales, Scotland, and Northern Ireland. One member of the Selection Panel has to be a lay

12 Constitutional Reform Act, 2005, Section 25.

member. Nominations to the Selection Panel from the Judicial Appointment Commission are to be made by the Chairman of the Appointment Commissions, respectively. Some changes were introduced by the Crime and Control Act, 2013 by which now the Selection Panel constituted for the selection of the President, the outgoing President cannot be a member of the Selection Commission.

The Selection Panel constituted for the selection of the judge of the Supreme Court has been directed by the Crime and Control Act to give due weightage to the need for diversity. The Act mandates that if two candidates are standing equal in merit then one person who will bring diversity to the Court will be given preference over the other.

Further, regarding the process of selection to be followed by the Selection Panel, the law of the land laid down by Section 27(9) of CRA is that the Selection Panel will have due regard to the guidance given by the Lord Chancellor, but in actual practice, the Selection Commission is free to decide its procedure and make the recommendations as is just and reasonable.

Though, the Selection Panel in making the selection is bound to make a few necessary consultations before making selections, with not just the Lord Chancellor, First Minister of Scotland and Wales, the Judicial Appointment Commission of Northern Ireland, and also the Senior Judges. What means and includes senior judges is defined by Section 27(9) of the CRA, 2005.[13]

The paragraph no. 27 of the CRA[14] directs the Selection Panel to meet a few other requirements. These requirements allow the selections to be made only of eligible persons on merit. Moreover, only one recommendation can be made and if someone is a member of the Selection Panel then he cannot be recommended. Another major requirement of selection to the Supreme Court is that the appointee must have knowledge of and experience of practice in every part of the United Kingdom. This requirement was felt

13 Constitutional Reforms Act, 2005, Section 27.
14 Constitutional Reforms Act, 2005.

necessary because the judges from territories other than England must have continued presence in Supreme Court.

Once the recommendation is made by the Selection Commission the role of Lord Chancellor comes into play. The Selection Commission will submit the report stating recommendations, persons consulted, and any other information required by Lord Chancellor. The Lord Chancellor, if satisfied with the recommendation then he will forward the name to the Prime Minister who in turn will guide the King to make the appointment. And if he is not satisfied with the recommendation then he can send the name for reconsideration or can even reject the recommendation. But the decision has to be a reasoned one.

All other judicial appointments are made through the JAC. The JAC constrained the position of government in the decision-making procedure, to a considerable amount. JAC is a Non-Departmental Public Body, comprising of 15 Commissioners, five judicial participants, 2 individuals from criminal professions, five lay individuals, a tribunal office holder, and one magistrate. The appointments of Commissioners are made by the Queen on the assistance and recommendation of the Lord Chancellor. This process is mandated by the Schedule XII of the CRA[15] and is aimed to ensure non-partisan selections of Commissioners.

The procedure followed by the JAC for appointments to the judiciary begins upon vacancy in the office and the Lord Chancellor requesting thereupon to fill the judicial vacancy. But the modality prescribed in this regard is that the Lord Chancellor will first consult the Lord Chief Justice before recommending the filling up of the vacancy. Then the JAC will decide the procedure to be followed by it for the appointment against the vacancy if the vacancy is for the office of High Court judges and below. But the procedure to be applied and the actual execution of that is to be governed, for the selection of Lord Chief Justices, Heads of Division, and the Lord Justices of Appeal, is done by a Selection Panel appointed by the Judicial

15 *Ibid.*

Appointment Commission. Then the JAC recommends one person for each vacancy and forwards the report of recommendation to the Lord Chancellor.

The JAC makes the recommendation once it is sure of the merit and integrity of the person. But when merit is the same then the need for diversity is also to be met. After the candidates meet the requisite criteria the JAC recommends the name to Lord Chancellor. Once the recommendation is made a three-stage process starts, which can be summarised as under:

- On receiving the recommendation, the Lord Chancellor can act on it and decide to do one out of these 3 things; he can approve the selection, he declines the recommendation or he can send the recommendation for reconsideration. If he is satisfied with the candidature of a person he will approve it for appointment, but if he is doubtful of the merit, he may decline to approve the recommendation. If he is not able to decide on the grounds of lack of evidence and supporting material, he may send it for reconsideration. He may also send it for reconsideration, if he is doubtful of the merit, so that Commission may provide more information and enable him to make an informed decision.

- This stage is applicable only if the Lord Chancellor has rejected the candidate in the first stage or he has sent the name for reconsideration upon the first recommendation. If the Lord Chancellor has rejected the candidate at the first stage then the JAC can recommend a different person only against the vacant post. If the Lord Chancellor has sent the name for reconsideration then the Commission has the option of reiterating the same name or sending a different name. The options of the Lord Chancellor are limited if he sends the name for reconsideration or rejects the name on the first recommendation. At this stage, the Lord Chancellor can make the following three decisions but there is a rider attached to three recommendations i.e., when can it be done? First of all, he can accept the recommendation. This can be

done no matter what the decision on recommendation is being made in the first instance. Secondly, the Lord Chancellor can reject the recommendation, but this can be done only if the Lord Chancellor had sent the file for reconsideration at Stage-1. Thirdly, the Lord Chancellor can send the name for reconsideration, but that can be done only if he had rejected the name at the first stage.

- The file reaches the third stage only, if the Lord Chancellor does not accept the recommendation after the first two stages thus the vacancy still exists. The option that exists, with the Lord Chancellor at this stage is that he has to accept the name sent to him at Stage-3, however, he can accept the name sent by him for reconsideration during the initial 2 stages. Regarding the options that exist with Commission or the Selection Panel at this stage are that, if the Lord Chancellor has sent the name for reconsideration then the Commission can send a fresh name or it can send the name of the same person. And if in Stage-2, the Lord Chancellor denied the choice then the Panel of Selection must choose an alternative candidate. However, it can't pick the person whose candidature was sent for re-examination at Stage-1. The Lord Chancellor must accept the recommendation at Stage-3 but the Lord Chancellor is free to accept the name sent for reconsideration in first two stages.

The Constitutional Reform Act, 2005 mandates a new and amended procedure for the appointments of judges of the Supreme Court. The appointment procedure to be adopted for the selection and appointments of Supreme Court judges had to be implemented after the CRA came into being i.e., 2009. But the Lord Chancellor had agreed to make the appointments of Supreme Court judges even before the CRA comes into force by the same procedure of appointments as envisioned after its implementation.[16]

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[16] The appointment, tenure and removal of judges under Commonwealth principles, available at : https://production-new-commonwealth-files.s3.eu-west-2.amazonaws.com/migrated/press-release/documents/Compendium%

In the appointment regime for Supreme Court judges the Judicial Appointment Commission has little to no role to play as the appointment of judges for Supreme Court is to be made by the Queen on the advice of Lord Chancellor normally but on the advice of Prime Minister directly in case of appointment of senior-most Supreme Court judges after the recommendation of a Selection Panel constituted by the Lord Chancellor under the provisions of Schedule-8 of the Constitution Reform Act, 2005.

Another striking feature of Judicial Appointments in U.K. is that the judges are appointed by the Queen. They owe their oath of allegiance to the Queen. They derive their authorities from the Crown, even the jurisdiction is derived from the Queen and the administration of justice is carried out by the Courts in the name of Queen.

The Constitutional Reform Act, 2005 also establishes Judicial Appointments and Conduct Ombudsman (JACO).[17] The JACO is an independent organisation, free from the control of the Judicial Appointment Commission as well as the Government. The Judicial Appointment and Conduct Ombudsman renders a critical function of checking on the important service delivered by the Judicial Appointment Commission of appointments, as any person aggrieved by the process of appointment or how his candidature was handled by the JAC can file a complaint with Judicial Appointment and Conduct Ombudsman. The JACO is also the competent authority to investigate the questions raised on the appointment process by the Lord Chancellor himself.

Coming on to the role of the judiciary in the appointments of judges, the judiciary by far plays a critical role in the appointment of justices. Even when the appointments were made by the Lord Chancellor the judiciary was always consulted and now the scheme of appointments mandates that the judiciary is best equipped to guide the JAC and

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20on%Judicial%20Appt%20Tenure%20and%20Removal%20in%20the%20Commonwealth.pdf (last visited on: 23.05.2023).

17 Constitutional Reforms Act, 2005, Section 62.

executive over the selections being made and thereupon also it can manage and has to supervise those appointed.

The Lord Chancellor consults the Lord Chief Justice whenever there is a vacancy in the judiciary and the proposal for judicial appointment necessarily contains the views of the Lord Chief Justice. The Lord Chief Justice then in turn consults the Presiding Judges if the vacancy is in a Court below the High Court and the Heads of Divisions in case of a vacancy in the High Court. Moreover, the JAC consults the judiciary for the appointments of judges. Though the advice is not binding on the Commission, it carries significant weight and guides the JAC to reach a logical conclusion. Furthermore, the judiciary is represented at the JAC.

Explaining the role of the legislature in the appointment process needs just one mention that the legislature even historically, has no role to play in the judicial appointments regime. This is in sharp contrast to the appointment process of countries like the U.S. and Israel where the appointments made are subject to the approval of the legislature.

The process adopted under CRA is no exception to this as the legislature has no significant role to play in judicial appointments. But this is also equally true that the legislature has always been keen to scrutiny the acts of the executive. Historically, there has been no interference in the judicial affairs by the legislature. Although there is engagement between the two organs of the government and the judiciary speaking through the Lord Chief Justice and the Heads of Divisions appears and produces evidence before the Select Committee of Parliament.

Moreover, the CRA also confers the statutory power on the Lord Chief Justice that he can recommend and suggest through representation before the Parliament on crucial topics of judicial significance or related to judicial administration.

This is equally true that the legislature has no role to play in judicial appointments and judicial actions are not subject to legislative

scrutiny but the judges can be removed from their office only on the recommendation of the legislature. The judges hold office during period of good behaviour and can be removed by Her Majesty. But the executive power can be exercised only on the positive recommendation of the legislature. This renders a crucial control to the legislature and ensures judicial independence which can be maintained only if the judges are not removed on flimsy grounds and be removed only on proven acts of misconduct.

4 Australia

4.1 Judicial Administration

Australia boasts a big range of Courts and Tribunals, every with its crucial functions and the potential to cope with precise topics at each the Federal and nation levels. Thus the Federal Court structure includes 4 principal Courts, which might be as follows:

4.1.1 High Court of Australia

As the very best Court in the Australian judicial machine, the Apex Court serves as the highest Appellant Court and derives its authority from the Australian Constitution. Its primary responsibilities include deciphering and applying Australian laws, identifying instances of enormous Federal significance (along with demanding situations to the constitutionality of laws), and hearing appeals from all Australian Courts in civil and criminal matters.

4.1.2 Federal Court of Australia

This Court handles instances relating to financial ruin, commercial, matters of the family, native identify, taxation, business laws, and the appeals from the Federal Circuit Courtroom. Its jurisdiction is expansive, encompassing almost all civil topics bobbing up from Australian Federal law, in addition to some precise and indictable criminal subjects.

4.1.3 Family Court of Australia

The range of issues that this Court focuses on is resolving family disputes, which include parenting problems, divorce lawsuits, and succession. It also serves as an Appellate Courtroom for own family subjects heard within the Federal Circuit Court, besides for instances in Western Australia, wherein matters relating to family are dealt by this Court directly.

4.1.4 Federal Circuit Court of Australia

From its inception to hitherto, the Federal Circuit Court's jurisdiction has expanded to cover a huge range of issues, along with family law, child delinquency, administrative law, admiralty regulation, bankruptcy, copyright, human rights, business regulation, migration, business and trade practices. It shares a number of these jurisdictions with the Family Court of Australia and the Federal Courtroom of Australia. However, some cases within those domains stay dealt with the aid of State and Territory Courts. Moreover to these Federal Courts, Australia additionally has diverse array of Courts, which consist of:

4.1.5 Magistrate's Court

The Magistrate's Court is the starting point of Australia's justice administration system. It handles the bunch of *faujdari* and *diwani* matters, covering broad array of cases including traffic matters, minor offences (e.g., shoplifting or disorderly conduct), and serious crimes of highest order like housebreaking, assault, fraud, and drug-associated offences. The Courtroom, presided over by a Magistrate, does no longer contain a jury, and the Court itself makes decisions and can provide verdicts, usually within the shape of fines or punishments. If a case is particularly severe, a committal listening to is carried out to decide whether or not it ought to be referred to a Higher Court. The Magistrate's Courtroom also deals with home violence topics and child safety orders. It encompasses Specialised Courts just like the Teenagers' Court and Trade Magistrates.

4.1.6 District Court

Placed at the second position in judicial hierarchy, the District Court hears appeals from the Magistrate's Court and handles civil instances regarding amounts among $150,000 and $750,000. Moreover, it deals with critical criminal offences, such as theft, rape, risky driving, and fraud. Criminal trials before the District Court involve juries. Also this Court takes duty for cases that require special attention related to defendants below 17 years of age in the Children's Court in Australia and the making plans for surroundings of such Courtroom.

4.1.7 County Court

Working as Victoria's Primary Trial Court, the County Courtroom is equivalent to the District Court docket in different States (except Tasmania). It adjudicates criminal, common law, commercial, and civil topics.

4.1.8 Supreme Court

The Highest Court of State Judiciary is the Supreme Court (is subordinate to the High Court). It incorporates the trial division and the Court of Appeal. The Court of Appeal handles instances heard in junior Courts and features about 3 or 5 judges. The trial division of Supreme Court resolves civil disputes regarding people and organisations with amounts exceeding $750,000. It also handles criminal offences like homicide, manslaughter, and commercial quantity, drug-associated crimes. Trials before this Court contain a jury of twelve regular citizens responsible for determining the accused's guilt or innocence.

Other than these numerous Courts, Australia additionally possesses several Tribunals that play particular roles in the criminal landscape, including:

4.1.9 Administrative Appeals Tribunal

All the decisions made by any executive authority in Australia are capable of being reviewed by the Administrative Appeals Tribunal.

4.1.10 Australian Competition Tribunal

The Australian Competition and Consumer Commission's (ACCC) decisions are heard in appeal by Australian Competition Tribunal.

4.1.11 Commonwealth Courts Portal

The Australia has Commonwealth Courts Portal to monitor and ensure smooth functioning of the online platform of the Australian Justice system.

4.1.12 Copyright Tribunal of Australia

The Tribunal of Copyright entertains and decides issues of royalty payable to copyright holders such as use of literary work. It also monitors issuing of license and dispensation of money for it.

4.1.13 Defence Force Discipline Appeal Tribunal

The matters pertaining to the service of the armed force personnel is heard and decided by the Defence Force Discipline Appeal Tribunal.

4.1.14 Defence Force Remuneration Tribunal

The issues relating to allowances and pension of armed force personnel is decided at this forum.

4.1.15 Work Commission

The cases that relate to problems of employees, their unjust removal and certain other workplace related issues are determined by this Commission.

4.1.16 National Native Title Tribunal

The forum to decide issues of native title and the rights associated with use of land and water is the National Native Title Tribunal.

4.1.17 Veterans' Review Board

It decides problems associated with repatriation pensions and attendant allowances.

In summary, Australia possesses a complete and various criminal framework along with numerous Courts and Tribunals, each and every with its precise features and jurisdiction, aimed at addressing a wide variety of topics at both the national and State level.

4.2 Analysis of Judicial Appointment Process in Australia

4.2.1 Appointment Criteria

Federal Courts, besides the Family Court of Australia and South Australia, do no longer have said standards for appointments. However, certain standards or attributes are used inside the Australian Capital Territory (ACT), New South Wales (NSW), the Northern Territory (informally), Tasmania, Victoria, and Western Australia.

4.2.2 Advertising or Expressions of Interest

Neither the vacancies are notified nor the selection procedure put forth for selection of judges for the Higher Courts such as High Court or Supreme Court. Though some States notify the vacancy and procedure for Courts of Trial. ACT, Tasmania and Victoria invite application for selection of Supreme Court judges. Whereas State of Victoria uses permanent call for applying for all the vacancies at every level in judiciary. This can be done at the official website of Courts in State of Victoria.

4.2.3 Consultation

There are no written guidelines or requirement for consultation when it comes to the Supreme Court, Federal Circuit Court, Federal Family Court and all Subordinate Courts or the other Courts dealing having specific subject matter jurisdiction. For the appointment of judges to the Apex Court of Australia i.e., High Court, there is a requirement of consultation and it is prescribed also.

4.2.4 Selection Panel

The mode of utilisation of selection panel is not prevalent for Higher Courts or the Federal Courts. Though for Magisterial Courts there is a practice of using selection panel for appointment (State of Queensland is an exception to this otherwise general rule). NSW uses it for District Courts. Victoria uses selection panel for County Court. Northern Territiory and Tasmania use it for appointment of Supreme Court judges. It is also crucial to note that the use of selection panel is not apparent in other State jurisdictions.

4.2.5 Formal Interviews

The candidature is analysed through formal interviews for Magisterial Courts appointment throughout Australia except in Queensland. Interviews are conducted by the Attorney General for District Court appointments in New South Wales. Tasmania conducts interview for Supreme Court judges' appointment. Thus, it can be said that–as a general rule–interviews are not conducted for selection of judges in Higher Judiciary.

4.3 Appointment process to Federal Judiciary

The process of appointing judges to Federal Courts in Australia involves several key elements. These elements are as follows:

4.3.1 Authority to appoint

Article 72 of the Constitution of Australia outlines the provisions regarding the selection, period of service, and payment of Federal

judges. In keeping with Article 72, justices serving in the High Court and other Courts set up by means of Parliament are appointed by the Governor General in Council. In practice, this appointment procedure entails appointments being confirmed by the cabinet after being initial recommendation from the Attorney General.[18] Once the Governor General makes the appointment, the nominee assumes charge of the office by using taking an oath or affirmation of workplace.[19] Federal judges preserve their positions until they attain the age of 70.[20]

4.3.2 Eligibility for Appointment

As per Section 7 of the High Court of Australia Act, 1979 any person to be appointed as a judge of High Court must have a prior experience of being working as a judge in Federal or State judiciary.[21]A person has not been a judge can still be appointed as a judge if he has been on the roll of advocates and practising in any Court in Australia as an advocate for a continuous period of 5 years. The eligibility for appointment to any other Court of law is the same as that it is for appointment to High Court.[22]

4.3.3 Criteria for Appointment

Except for the Family Court, specific criteria for judicial appointments are not explicitly mentioned. It can be assumed that the individual's demonstrated competence and merit play a crucial role in the selection process. Senator George Brandis, QC, expressed during a 2013 Federal election campaign debate, prior to becoming the Attorney General that all judicial appointments made under the

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18 George Williams, 'High Court appointments: the need for reform', 164–166, *Sydney Law Review*, (2008) 30(1).

19 Daryl Williams, 'Judicial independence and the High Court', 140, *Western Australian Law Review,* (1998) 27.

20 Commonwealth Constitution, Section 72; Federal Circuit Court of Australia Act, 1999 (Cth) Schedule 1, pt. 1(3)– (5).

21 High Court of Australia Act, 1979 (Cth) Section 7(a).

22 Federal Court of Australia Act, 1976 (Cth) Section 6(2); Federal Circuit Court of Australia Act, 1999 (Cth) Schedule 1, pt. 1(2); Family Law Act, 1975 (Cth) Section 22(2)(a).

Coalition would adhere to meritocratic principles.[23] In the case of appointments to the Family Court of Australia, candidates must possess the necessary qualifications, experience, and personal qualities to handle family law matters effectively.[24]

4.3.4 The Selection Process

It is an accepted truth that there is no specific criteria for appointment of judges to Federal Courts. This is all the more evident from the information available on the website of the Attorney General. But the unwritten criteria starts with recommendation from the office of the Attorney General. The Attorney General is the senior most law officer of the country. It is his sole responsibility and prerogative of the Attorney General to make recommendations for judicial vacancies in the Federal Courts of the nation. The judicial vacancies are thus being filled through a more conventional method whereby the Attorney General recommends to cabinet. And if cabinet approves, the Governor General will pass the official order of appointment.

4.3.4.1 Advertising or Calls for Expressions of Interest

As per the information available on the website of the Attorney General there are no instances of notifying the vacancy to the post of Federal judgeship.[25] Therefore, it can be deduced that there is currently no established practice of advertising vacancies for potential appointees to Federal Courts.

4.3.4.2 Consultations

The Consultation for appointment of a judge to Federal Court is not mandatory. But at the same time it is also crucial to note that judges

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23 'Australian Financial Review Legal Affairs Debate', available at <http://www.lawchat.com.au/ wpcontent/uploads/2013/08/AFR-Legal-debate-26-August-2013.pdf [last visited on 9/7/2022].

24 Family Law Act, 1975 (Cth) Section 22 (2) (b).

25 'Chief-Justice controversy sounds an important warning', The Australian (online), 20 June 2014 available at https://www.theaustralian.com.au /business/legal-affairs/chiefjustice-controversy-sounds-an-important-warning/story-e6frg97x-1226960301844 [last visited on 5/2/2022].

to High Court cannot be recommended by the Attorney General without consulting the Attorneys General of the States. The requirement of Consultation for appointment to High Court is laid by the Section 6 of High Court of Australia Act, 1979.

The States held the belief that the exclusive authority of the Commonwealth in appointing High Court members was leading to a bias towards Commonwealth interests. To answer the legitimate demands the States, the Attorneys General of the States were empowered to render consultative advice to the Federal government. Though the Centre is not bound by the views of State on a given recommendation. The purpose of this provision was explained in Parliament with the aim of ensuring that the Court maintains a truly national character and possesses the necessary capabilities to fulfill its constitutional responsibilities as per the Federal Supreme Court.[26]

As per a report presented to the Constitutional Commission in 1987, the Consultation process at that time involved the Commonwealth Attorney General writing to the Attorneys General of the States, requesting them to suggest names of individuals they deemed suitable for appointment.[27] The Attorney General would then assess the proposed names before making a recommendation to the Cabinet. It is important to note that there was no obligation to select an appointee from the list of candidates put forward by the States. It is unclear whether this practice is still in effect presently.

4.3.4.3 The Selection Panels

Currently, the practice of utilising Advisory Panels for judicial appointments is not in place. At this time a need was felt by both bar and bench that a Selection Panel to assist the office of the Attorney General will be in the interest of the judiciary. Though in 2009, the shadow Attorney General questioned the demand for a panel to assist the Cabinet in appointment matters.

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26 Daryl Williams, 'Judicial independence and the High Court', 145, *Western Australian Law Review*, (1998), 27.

27 Advisory Committee to the Constitutional Convention, 'Separation of powers, appointment and removal of judges', Australian Judicial System (1987), Ch. 5.

Senator Brandis expressed concerns regarding the proposal for a panel procedure, arguing that it would essentially introduce two separate groups of decision makers for judicial appointments. While the Cabinet, advised by the Attorney General, would ultimately make the appointment, proponents of the panel procedure suggested involving other individuals or groups to narrow down the list of candidates. This additional step would make it more challenging for the Attorney General or the Government to appoint someone not included on the narrowed list. Senator Brandis likened it to a Bicameral Parliament, where one must pass through two stages of decision-making.

The Attorney General opined that, "I raise doubts about the appropriateness of such an approach. I question why the Government, specifically the Minister responsible for the appointment, should not take full responsibility for the ultimate decision or recommendation made to the Cabinet. If they are accountable, then it seems inappropriate to rigidly exclude suitable individuals from their consideration through a specific process. Further, it appears that what you are suggesting is that appointments should be made based on publicly known criteria, and the appointer should be well-informed about the qualities of the candidates being considered. I agree with both of these points. However, neither of these arguments supports the need for a panel to perform a task that the Attorney General could do themselves. The difficulty with your suggestion is that the criteria applied by the Attorney General may not be publicly known. In response, I propose that the Attorney General could publish the criteria, similar to how Mr. McClelland has published the criteria that should be presented to the Panel".

4.3.4.4 Formal Interviews

Formal interviews may be conducted as part of the selection process to assess the candidates' suitability and competence for the judicial position.

5. Conclusion

The three jurisdictions discussed above provide three different perspectives to debate and discuss for judicial appointment process in India. Though the dominant view of prominent personalities in position in judiciary in India are of the view that, what works for other jurisdictions, may or may not work for India. The nub of the matter in India requires *sui generis* solution for the problem of tussle between Executive and Judiciary. Even if the process adopted by other countries cannot be implemented as it is. There is a need to discuss and analyse them. There is a need to reason out every minute detail adopted there before being brushed aside simply on the ground of being alien to Indian jurisdiction. The article is an attempt in that direction.

Now, coming over to the crux of discussions done so far. First of all, in the considered opinion of the author the appointment regime in U.S. adopts a very good process for analysing the merit of the candidate. As explained above the competence, integrity and temperament is thoroughly checked in US. This mechanism for assessment can be used in India *mutandis mutatis*. Secondly, the U.K.'s system of appointment was similar to India regime appointment. They switched to Appointment Commission method for appointments. It should certainly be looked upon before implementing the NJAC in India. Thirdly, the lesson from Australian jurisdiction is that the Executive need not be looked upon too critically. Like the need was felt after the supersessions, transfers without consent and confirmation of additional judges. The point is, if it cannot be trusted with blind faith, at least its considerate opinion should be given due heed.

The research at hand demands that many jurisdictions be analysed for judicial appointments prevalent round the globe. But the problem is that the more it is, the less it seems. And hence the need is there to draw a line at some point. So, the researcher has limited the need for comparative analysis to the bare minimum of three countries i.e., U.S., U.K., and Australia. But the table drawn below will give a brief overview of judicial appointments in few other countries:

Table 4.1: Brief Overview of Judicial Appointments in Few Countries [28]

Nomination/Recommendation				Appointment		Combined
Country	**Recommendation or Screening by a separate Appointments Committee**	**Nominations made by the Executive**	**Consultation with the judiciary/ Attorney General**	**Appointments by the Executive**	**Appointments must be confirmed by the Legislature**	**Selection and Appointment by a separate Appointments Commission**
Canada	X			X		
Cyprus			X	X		
Czech Republic			X			
France	X		X	X		
Germany	X		X	X		
Hungary	X			X		
India			X	X		
Ireland	X			X		
Israel		X			X	
Italy						X
Malta	X			X		

[28] The Judicial System of England and Wales, A Visitor's Guide, available at: https://www.judiciary.uk/wp-content/uploads/2016/05/international-visitors-guide-10a.pdf (Last visited: 23.11.2022).

New Zealand			X	X		
Poland			X	X		
South Africa	X		X	X		
Spain			X			X
Sweden			X			X
UK	X		X	X		
USA		X			X	

ARTIFICIAL INTELLIGENCE AND INDIAN BUSINESS LAWS: A DOCTRINAL AND REGULATORY STUDY

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Abstract

AI (Artificial Intelligence) has emerged as a transformative force in contemporary business ecosystems, raising complex legal and regulatory challenges. In India, the governance of AI remains fragmented, embedded within an already existing legislative framework rather than an integrated statutory command. Here is undertaken a doctrinal analysis of Indian business laws and commandments in their tender to AI technologies, focusing on data protection, intellectual property, contract law, and competition regulation. In particular the adequacy of these frameworks in addressing issues such as algorithmic decision-making, liability attribution, and data-driven market dominance are evaluated. The constitutional implications, particularly concerning privacy, equality, and freedom of expression are brought to focus. By drawing upon comparative perspectives, including developments in the European Union and the United States, the regulatory gaps and enforcement challenges in the Indian context are highlighted. A coherent and risk-based regulatory framework that balances innovation with accountability, transparency, and protection of individual rights is proposed with force, recommending reforms in law and policy to ensure responsible and sustainable positioning and deployment of AI in Indian business practices.

I. Introduction

AI (Artificial Intelligence) is very overwhelmingly redefining Commercial India by enabling automation, predictive analytics, and data-driven decision-making. In the country, AI adoption has visibly accelerated across sectors including finance, e-commerce and governance. However, the legal framework governing these technologies remains underdeveloped and fragmented. Unlike

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jurisdictions that are moving toward comprehensive AI-specific legislation, India continues to regulate AI through existing statutory frameworks. This raises critical questions about the adequacy of traditional legal doctrines in addressing emerging technological realities. It is quite touching to examine the interface between AI and Indian business laws, investigating whether the current legal system is adequate or inadequate requiring structural reforms. The *sine qua non* is doctrinal research relying on statutory interpretation, judicial precedents, and policy analysis, focusing on crucial zones of business law impacted by AI, including data protection, intellectual property, contract law, and competition law.

II. Artificial Intelligence and Legal Personality

A million-dollar question is whether AI is recognised as a 'legal or juristic person'. AI systems operate with varying degrees of autonomy, raising questions regarding legal personhood and accountability. Indian law as such does not recognise AI as a juristic entity, limiting legal responsibility to natural or corporate persons only.

This non-recognition of legal personality complicates liability attribution, particularly where harm results from autonomous decision-making rather than direct human intervention.

III. Data Protection and Privacy

The enactment of the Digital Personal Data Protection Act, 2023 is a very significant legislation and represents a momentous development in the data ascendency framework of India. The features of the Digital Personal Data Protection Act, 2023 are reported below with precision for general understanding.

a) Consent and Data Processing

The Act commands informed consent and purpose limitation, which though are required but are also considered as posing

challenges for AI systems dependent on large-scale data processing.

b) Fiduciary Obligations

The entities deploying AI are bound by the obligations relating to transparency, accountability, and data security.

c) Constitutional Dimensions

On the premise of social and political wellbeing of a person, the fundamental rights of life, liberty, equality and privacy of all citizens have been enshrined in the Constitution of India. They are a constant reminder for the legislative, executive and judicial authorities for safeguarding against intrusive AI applications.

d) Cyber Law and Security Framework

Mainly the Information Technology Act, 2000 continues as the main legislation to govern intermediary liability and data protection practices.

IV. Intellectual Property Implications

a) Copyright Law

Under the Copyright Act, 1957, authorship is attributed to human creators.

AI-generated works challenge this premise, creating uncertainty regarding ownership and protection.

b) Patent Law

The Patents Act, 1970 requires a human inventor, excluding AI from inventorship recognition.

c) Emerging Concerns

The increasing reliance on trade secrets highlights gaps in existing intellectual property regimes.

V. Contract Law and Automated Transactions

The Indian Contract Act, 1872 governs contractual relationships, including those facilitated by AI.

a) Formation and Validity

AI systems can execute contracts, but their legal validity depends on human authorisation.

b) Smart Contracts

The absence of explicit statutory recognition creates uncertainty regarding their enforceability.

c) Risk Allocation

Contracts increasingly include clauses addressing algorithmic errors, and system failures.

VI. Competition Law and AI Markets

The Competition Act, 2002 addresses anti-competitive conduct in AI-driven markets.

a) Algorithmic Collusion

AI systems may facilitate tacit collusion without explicit agreements.

b) Market Dominance

Data concentration can lead to monopolistic practices.

c) Enforcement Issues

Traditional regulatory tools may be inadequate to address algorithmic conduct.

VII. Sectoral Regulation and Policy Frameworks

The Reserve Bank of India regulates AI applications in financial services, emphasising transparency and accountability.

The NITI Aayog has developed policy frameworks promoting ethical AI principles, including fairness and inclusivity.

VIII. Constitutional Implications

AI technologies intersect with fundamental rights under the Constitution of India:

Article 14: Equality and non-discrimination

Article 19: Freedom of speech and expression

Article 21: Right to life and privacy

These intersections necessitate a rights-based approach to AI regulation.

IX. Comparative Analysis

The AI regulatory framework of the European Union espouses a risk-based approach, while the United States relies on sector-specific regulation. Indian hybrid approach reflects elements of both EU and US, but lacks coherence.

X. Challenges and Regulatory Gaps

a) Fragmented legal framework

b) Uncertainty in liability attribution

c) Limited regulatory capacity

d) Tension between innovation and regulation

XI. Recommendations

a) Enact comprehensive AI legislation

b) Introduce algorithmic accountability standards

c) Strengthen data protection enforcement

d) Promote interdisciplinary regulatory expertise

XII. Conclusion

India's current approach to AI regulation reflects an incremental adaptation of existing legal frameworks. While flexible, this approach is insufficient to address the complexities of AI-driven commerce. A coherent, risk-based, and rights-oriented regulatory framework is essential to ensure responsible innovation and legal certainty.

XIII. Judicial Trends in India and Abroad[1]

The regulation of artificial intelligence in India is still mainly jurisprudential rather than legislative. Courts, both in India and abroad, have been addressing issues central to AI governance, including privacy, algorithmic accountability, freedom of speech, and

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1 References

a) *Justice K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1.

b) Information Technology Act, 2000, Sections 43A, 79.

c) Copyright Act, 1957, Section 2(d).

d) Patents Act, 1970, Section 6.

e) Indian Contract Act, 1872, Sections 10–11.

f) Competition Act, 2002, Sections 3–4.

g) Reserve Bank of India, Guidelines on Digital Lending (2022).

h) NITI Aayog, Responsible AI for All (2021).

liability. Some leading judicial decisions shaping AI-related legal principles are reported here.

A. Indian Trends

1. In 2017, in a landmark decision in the case of *Justice K.S. Puttaswamy v. Union of India* established the right to privacy as a fundamental right under Articles 14, 19, and 21 of the Constitution. The Supreme Court articulated a three-fold test for any infringement of privacy:

   a) Legality

   b) Necessity

   c) Proportionality

   This judgment is foundational for AI regulation in India because: AI systems rely heavily on data collection and profiling; it establishes informational self-determination; and imposes constitutional limits on surveillance technologies and automated decision-making. The judgment effectively constitutionalises data protection, making it a core standard against which AI systems must be evaluated.

2. In 2015, in *Shreya Singhal v. Union of India,* the Supreme Court struck down Section 66A of the Information Technology Act for being vague and unconstitutional. This judgment establishes limits on algorithmic censorship; reinforces that automated moderation systems must comply with free speech standards; and prevents arbitrary or opaque algorithmic restrictions on expression.

   This case is increasingly relevant in the context of AI-driven content moderation systems used by digital platforms.

3. In 2020, in *Anuradha Bhasin v. Union of India*, which though not directly about AI, this case addressed internet shutdowns and

freedom of expression. It recognised internet access as integral to freedom of speech; and emphasised proportionality in digital restrictions. The judgment requires AI-driven governance tools that restrict digital access or content must satisfy constitutional scrutiny similar to that articulated in this case.

4. In 2018, in Aadhaar (Puttaswamy II) judgment, the Supreme Court of India upheld the Aadhaar scheme with limitations, emphasising data protection safeguards. It validates biometric-based systems with safeguards; highlights risk of mass surveillance and profiling; and reinforces need for data minimisation.

B. Trends Abroad

1. In 2020, United Kingdom Court of Appeal in *R (Bridges) v. South Wales Police,* held that the use of facial recognition technology violated privacy rights due to lack of adequate safeguards. The judgment established the key principles about: the requirement of clear legal framework; need for algorithmic transparency; and recognition of risks of bias in AI systems. This case is persuasive for India in shaping standards for: facial recognition; surveillance technologies; and public sector AI deployment.

2. In 2016, United States Wisconsin Supreme Court in *Loomis v. Wisconsin* addressed the use of AI-based risk assessment tools in sentencing. The judgment acknowledged risks of algorithmic bias and permitted use with caution and human oversight. It demonstrates judicial acceptance of AI with safeguards and highlights importance of explainability and due process.

   In 2015, in United States: *Authors Guild v. Google,* the Court upheld Google's digitisation of books as fair use. It supports data scraping for transformative purposes and influences legality of training AI models on copyrighted material.

3. In 2020, in *Schrems II 2020*, the Court of Justice of the European Union invalidated the EU-US Privacy Shield framework giving

strong emphasis on data protection rights and limits on cross-border data transfer. The judgment impacts global data flows used in AI systems and reinforces stringent data governance standards.

C. Synthesis

A combined view of Indian and other judgments reveals several emerging legal principles:

1. Constitutionalisation of data; privacy as a fundamental right forming the constitutional backbone of AI regulation.

2. Algorithmic Accountability is advanced, through judgments of *Loomis and Bridges,* highlighting the need for: transparency, explainability and human oversight.

3. Limits have been set on Automated Decision-Making as courts are cautious in allowing AI to replace human judgment, especially in high-stakes decisions.

4. As regards Rights-Based Regulatory Approach, there is a clear shift toward protecting: Privacy, Equality, and Freedom of expression.

D. Implications for Indian Legal Framework

The above-mentioned developments suggest that India is prospectively supposed to evolve towards:

a) Legislation for Judicially driven AI regulation;

b) Proportionality and fairness tests;

c) Increasing scrutiny of algorithmic bias and opacity;

d) A crucial role for the courts in bridging the gap between technological innovation and legal accountability.

The contribution of courts demonstrates a cautious but evolving approach toward AI governance. In due course of time, courts may directly address all dimensions of AI to provide a robust doctrinal foundation. The integration of constitutional principles with emerging technological realities has created some sense of security among people and may help shape the future of AI regulation in India.

INDIAN HEALTH CARE LAW: A DOCTRINAL AND CONTEMPORARY OUTLINE

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Abstract

The evolution of health care law in India reflects the dynamic interplay between constitutional mandates, statutory frameworks, judicial interventions, and policy innovations. With health increasingly recognised as a fundamental human right, the Indian legal system has progressively expanded its scope to ensure accessibility, affordability, and quality of health care services. This article provides a comprehensive outline of Indian health care law, including constitutional provisions, legislative enactments, regulatory authorities, and landmark judicial decisions. It can enable evaluation of emerging challenges such as digital health governance, medical negligence, public health emergencies, and privatisation of health services. The article indicates that while India has developed a robust normative framework, gaps in implementation, regulatory fragmentation, and inequitable access continue to undermine the realisation of the right to health. The article strongly suggests for strengthening legal and institutional mechanisms to achieve universal health coverage and equitable health justice.

Keywords: Right to health; medical negligence; public health law; constitutional law; healthcare regulation; India.

I. Introduction

Health care law in India has undergone significant transformation over the past decades, moving from a fragmented regulatory approach to a more rights-oriented framework. Traditionally treated as a matter of policy rather than enforceable entitlement, health has now emerged as a core component of constitutional governance. The increasing burden of diseases, inequitable access to medical services, and the commercialisation of health care have compelled legal

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scholars and policymakers to revisit the normative foundations of health law.

India's health care system is characterised by a dual structure comprising public and private sectors, with the latter playing a dominant role in service delivery. This raises complex legal issues concerning regulation, accountability, and patient rights. The emergence of new technologies, telemedicine, and data-driven health systems further complicates the legal landscape.

This article seeks to analyse Indian health care law through a doctrinal lens, situating it within constitutional principles and examining its evolution through statutes and judicial pronouncements.

II. Constitutional Framework of Health Care Law

A. Right to Health under Article 21

The Constitution of India does not explicitly guarantee the right to health. However, the judiciary has expansively interpreted Article 21 (Right to Life and Personal Liberty) to include the right to health and medical care. The Supreme Court has consistently held that the right to life encompasses the right to live with human dignity, which necessarily includes access to health care.

In *Consumer Education and Research Centre v. Union of India*, the Court recognised the right to health as a fundamental right. Similarly, in *Paschim Banga Khet Mazdoor Samity v. State of West Bengal*, it was held that failure of a government hospital to provide timely medical treatment violates Article 21.

B. Directive Principles of State Policy

The Directive Principles, though non-justiciable, play a crucial role in shaping health policy:

Article 38: Promotion of welfare of the people.

Article 39(e): Protection of workers' health.

Article 41: Right to public assistance.

Article 42: Provision for humane working conditions and maternity relief.

Article 47: Duty of the State to improve public health.

These provisions collectively impose an obligation on the State to ensure health care services.

C. Federal Distribution of Powers

Health is primarily a State subject under Entry 6 of the State List (Seventh Schedule). However, the Union exercises control through:

Concurrent List (Entry 29: Prevention of infectious diseases)

Central legislation and national health programmes

This division often leads to coordination challenges.

III. Statutory Framework of Indian Health Care Law

A. Key Legislations

The Clinical Establishments (Registration and Regulation) Act, 2010

Provides for registration and regulation of clinical establishments to ensure standardisation of services.

The Indian Medical Council Act, 1956 (now replaced by the National Medical Commission Act, 2019)

Regulates medical education and professional conduct.

The National Medical Commission Act, 2019.

Introduces reforms in medical education and licensing, aiming for transparency and accountability.

The Consumer Protection Act, 2019

Recognises medical services under "services", enabling patients to seek redress for negligence.

The Mental Healthcare Act, 2017

A rights-based legislation ensuring dignity and autonomy of persons with mental illness.

The Transplantation of Human Organs and Tissues Act, 1994

Regulates organ transplantation and prevents commercial exploitation.

The Drugs and Cosmetics Act, 1940

Governs manufacture, sale, and distribution of drugs and cosmetics.

The Epidemic Diseases Act, 1897

Provides emergency powers to control epidemics.

The Disaster Management Act, 2005

Played a key role during COVID-19 in regulating public health responses.

IV. Regulations of Medical Profession and Institutions

A. Professional Regulation

The National Medical Commission (NMC) oversees medical education and ethics. It replaced the Medical Council of India to address issues of corruption and inefficiency.

B. Hospital Regulation

Hospitals are regulated through a combination of central and state laws, accreditation systems, and licensing requirements. However, lack of uniform standards across states remains a concern.

C. Accreditation Mechanisms

Bodies such as NABH (National Accreditation Board for Hospitals) set quality benchmarks, though accreditation remains largely voluntary.

V. Medical Negligence and Liability

A. Concept of Medical Negligence

Medical negligence arises when a health care provider fails to exercise reasonable care, resulting in harm to the patient. Indian courts apply the "Bolam Test," assessing whether the conduct aligns with accepted medical practice.

B. Judicial Approach

In *Jacob Mathew v. State of Punjab*, the Supreme Court clarified standards for criminal negligence, emphasising the need for gross negligence.

In *Indian Medical Association v. V.P. Shantha*, medical services were brought under consumer protection law, significantly expanding patient rights.

C. Civil and Criminal Liability

Civil liability: Compensation under tort law or consumer forums.

Criminal liability: Under the Indian Penal Code (Sections 304A, 337, 338).

VI. Public Health Law and Governance

A. Disease Control and Surveillance

Public health laws empower authorities to control infectious diseases. However, outdated laws like the Epidemic Diseases Act highlight the need for modernisation.

B. COVID-19 and Legal Response

The pandemic exposed gaps in India's public health infrastructure and legal preparedness. Emergency powers were widely used, raising concerns about civil liberties.

C. Vaccination and State Authority

The State has authority to implement vaccination programmes, but issues of consent and autonomy remain debated.

VII. Patient Rights and Ethical Dimensions

A. Right to Informed Consent

Patients must be informed about risks, benefits, and alternatives before treatment. Lack of informed consent constitutes negligence.

B. Right to Privacy

Recognised as a fundamental right, medical confidentiality is essential, especially in the era of digital health.

C. Right to Emergency Care

Hospitals are obligated to provide emergency treatment regardless of the patient's financial capacity.

D. End-of-Life Decisions

In *Common Cause v. Union of India*, the Supreme Court recognised passive euthanasia and living wills, marking a significant development in health law.

VIII. Digital Health and Emerging Legal Issues

A. Telemedicine

Telemedicine guidelines introduced in 2020 provide legal recognition to remote consultations.

B. Health Data Protection

With increasing digitisation, protection of sensitive health data has become critical. The Digital Personal Data Protection framework seeks to address these concerns.

C. Artificial Intelligence in Health Care

AI raises questions about liability, accountability, and ethical governance. There is currently no comprehensive legal framework addressing AI-specific risks in health care.

IX. Privatisation and Health Care Access

A. Growth of Private Sector

The private sector accounts for a major share of health care services, often leading to high costs and inequity.

B. Insurance and Universal Health Coverage

Schemes like Ayushman Bharat aim to provide financial protection, but challenges remain in implementation.

C. Regulation of Pricing

Government intervention in drug pricing and hospital charges is essential to ensure affordability.

X. Challenges in Indian Health Care Law

1) Fragmented regulatory framework
2) Lack of uniform standards across states
3) Inadequate enforcement mechanisms
4) Inequitable access to health services
5) Rising medical costs
6) Ethical dilemmas in emerging technologies

XI. Recommendations

1) Enact comprehensive national health law
2) Strengthen regulatory institutions
3) Ensure universal health coverage
4) Improve public health infrastructure
5) Enhance accountability mechanisms
6) Develop legal framework for digital health and AI

XII. Conclusion

Indian health care law has evolved significantly, driven by constitutional mandates and judicial activism. While the recognition of the right to health marks a progressive shift, effective realisation requires robust legal frameworks, institutional capacity, and political commitment. Bridging the gap between law and practice is essential to achieve equitable and accessible health care for all.

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LEGISLATIVE DEVELOPMENTS IN INDIA IN 2025: AN APPRAISAL OF PARLIAMENTARY LAW-MAKING

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Abstract

The year 2025 marked a significant phase in India's legislative trajectory, reflecting the evolving priorities of governance, economic reform, regulatory modernisation, and institutional restructuring. The Indian Parliament enacted 39 Bills during the year, covering diverse sectors such as taxation, infrastructure, sports governance, digital regulation, rural development, and environmental management. This article provides a comprehensive skeletal view of the major legislations passed in 2025, examining their objectives, constitutional implications, policy impacts, and broader socio-economic significance. It positions these legislative developments within the framework of Indian constitutionalism and democratic governance, highlighting trends such as centralisation, regulatory rationalisation, and the expansion of the welfare state.

1. Introduction

Legislation remains the most authoritative expression of public policy in a constitutional democracy. In India, Parliament functions as the supreme law-making body under Articles 79–122 of the Constitution. The legislative output of a given year often reflects the priorities of the executive, the demands of society, and the evolving challenges of governance.

The year 2025 stands out due to:

1) A relatively high volume of legislation.
2) Significant structural reforms in taxation and governance.
3) Emphasis on regulatory simplification.

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4) Expansion of state intervention in emerging sectors.

A total of 39 Bills were passed by both Houses of Parliament, marking a productive legislative cycle. This article critically evaluates these enactments across thematic domains.

2. Legislative Process and Parliamentary Sessions in 2025

2.1 Parliamentary Sessions

The legislative work of 2025 was conducted through:

1) Budget Session
2) Monsoon Session
3) Winter Session

These sessions witnessed:

1) Introduction of major reform bills
2) Passage of financial legislation
3) Discussions on national issues such as election reforms and governance

2.2 Nature of Legislative Output

The legislative output included:

1) Ordinary Bills
2) Money Bills and Appropriation Bills
3) Constitutional Amendment Bills
4) Amendment and Repealing Laws

The prominence of Appropriation Bills and fiscal legislation reflects the centrality of economic governance.

3. Classification of Major Legislations of 2025

The legislations can broadly be categorised into:

1) Economic and Taxation Laws
2) Governance and Institutional Reforms
3) Social and Welfare Legislation
4) Infrastructure and Sectoral Reforms
5) Regulatory Simplification and Legal Clean-up

4. Economic and Taxation Reforms

4.1 Income-tax Act, 2025

One of the most significant enactments was the Income-tax Act, 2025, which consolidated and modernised India's tax framework.

Key Features:

1) Simplification of tax provisions
2) Rationalisation of exemptions
3) Digitalisation of tax administration

Significance:

This Act reflects a shift towards a simplified and transparent tax regime, aligned with ease-of-doing-business goals.

4.2 Central Excise (Amendment) Bill, 2025

This legislation introduced revised excise duties on tobacco and related products.

Key Features:

1) Increased excise rates (60–70%)

2) Product-specific taxation structure

Policy Objectives:

1) Maintain revenue post-GST compensation cess
2) Discouraging consumption of harmful goods

4.3 Health Security and National Security Cess Bill, 2025

Key Features:

1) Levy on pan masala and similar goods
2) Revenue earmarked for health and security

This reflects the growing trend of earmarked taxation for public welfare.

5. Governance and Institutional Reforms

5.1 Jan Vishwas (Amendment of Provisions) Bill, 2025

This legislation aimed at decriminalising minor offences across 17 laws.

Key Features:

1) Conversion of criminal penalties into civil penalties
2) Appointment of adjudicating officers

Significance:

1) Reduces regulatory burden
2) Encourages compliance

While progressive, the measure raises concerns regarding administrative discretion and enforcement fairness.

Constitutional Concerns:

1) Presumption of innocence
2) Potential misuse by investigative agencies

5.2 Constitution (130th Amendment) Bill, 2025

This proposed amendment aimed at removal of ministers upon prolonged detention.

Key Features:

1) Automatic removal after 30 days of detention
2) Applies to Union and State ministers

Constitutional Concerns:

1) Presumption of innocence
2) Potential mususe by investigative agencies

5.3 Government of Union Territories (Amendment) Bill, 2025

1) Seeks to align governance structures of UTs
2) Enhances accountability

6. Social and Welfare Legislation

6.1 Viksit Bharat – Rozgar and Ajeevika Mission (Gramin) Act, 2025

This legislation focuses on rural employment generation.

Objectives:

1) Enhance livelihood opportunities
2) Promote rural development

It strengthens welfare state framework and aligns with inclusive growth policies.

6.2 Waqf (Amendment) Bill, 2025

Key Features:

1) Improved management of waqf properties
2) Enhanced transparency

There are federal concerns and minority rights anxieties and apprehensions.

7. Infrastructure and Sectoral Reforms

7.1 Indian Ports Act, 2025

This Act replaced the colonial-era Ports Act of 1908.

Key Features:

1) Modern regulatory framework
2) Emphasis on global competitiveness

Supports maritime economy and encourages private investment.

7.2 Merchant Shipping Act, 2025

1) Modernises maritime regulation
2) Aligns with international standards

7.3 Oilfields (Regulation and Development) Amendment Bill, 2025

1) Enhances resource management
2) Encourages exploration

8. Digital and Emerging Sector Regulation

8.1 Promotion and Regulation of Online Gaming Bill, 2025

Objectives:

1) Regulate online gaming industry
2) Prevent fraud and addiction

Addresses emerging digital economy challenges.

8.2 National Sports Governance Act, 2025

Key Features:

1) Standardised governance of sports bodies
2) Increased transparency
3) Strengthens institutional accountability

9. Environmental and Disaster Management Laws

9.1 Disaster Management (Amendment) Bill, 2025

Key Features:

1) Strengthens disaster response mechanisms
2) Enhances coordination
3) Climate change adaptation

10. Financial and Budgetary Legislation

10.1 Appropriation Acts

Appropriation laws were enacted:

1) Appropriation Act, 2025
2) Supplementary Appropriation Bills

These ensure constitutional compliance under Article 266.

10.2 Manipur-Specific Legislation

Due to President's Rule:

1) Manipur Appropriation Bills
2) GST Amendment Bill

These reflect Parliament's expanded role in state governance under Article 356.

11. Legal Rationalisation and Repealing Laws

11.1 Repealing and Amending Act, 2025

Repealed obsolete laws to improve legal clarity and reduces redundancy.

12. Trends in Legislative Policy (2025)

12.1 Decriminalisation and Ease of Doing Business

1) Jan Vishwas Bill
2) Reduction in criminal liability

12.2 Centralisation of Governance

1) Increased Union control in certain domains
2) Expanded role in UT governance

12.3 Welfare Expansion

1) Rural employment programmes
2) Targeted taxation

12.4 Modernisation of Legal Framework

1) Replacement of colonial laws
2) Digital governance

13. Constitutional and Democratic Implications

13.1 Balance of Power

Some legislations raise questions regarding:

1) Federalism
2) Executive dominance

13.2 Judicial Review

Courts may scrutinise:

1) Constitutional amendments
2) Regulatory laws

13.3 Parliamentary Debate and Scrutiny

Concerns include:

1) Speed of passage of bills
2) Limited committee review

14. Criticism and Challenges

14.1 Procedural Concerns

1) Fast-tracked legislation
2) Reduced deliberation

14.2 Policy Concerns

1) Centralisation
2) Regulatory overreach

14.3 Implementation Challenges

1) Administrative capacity
2) Compliance issues

15. Comparative Perspective

Compared to previous years:

1) Higher emphasis on economic reform
2) Greater regulatory rationalisation
3) Increased focus on emerging sectors

16. Select List of Important Legislations (2025)

1) Income-tax Act, 2025
2) Indian Ports Act, 2025
3) Merchant Shipping Act, 2025
4) National Sports Governance Act, 2025
5) Waqf (Amendment) Act, 2025

6) Disaster Management (Amendment) Act, 2025
7) Repealing and Amending Act, 2025
8) Central Excise (Amendment) Act, 2025
9) Online Gaming Regulation Act, 2025

17. Conclusion

The legislative landscape of 2025 reflects a transformative phase in Indian governance. The enactment of 39 laws demonstrates the Parliament's active role in addressing contemporary challenges.

Key takeaways include:

1) Movement towards simplified regulatory frameworks
2) Expansion of welfare and development initiatives
3) Continued tension between efficiency and democratic deliberation

Ultimately, the success of these legislations will depend on:

1) Effective implementation
2) Judicial oversight
3) Democratic accountability

The year 2025 may be remembered as a year of legislative consolidation and transformation, where India attempted to balance growth, governance, and regulation in a rapidly changing socio-economic landscape.

REPORTS ON CONFERENCES/ SEMINARS ETC.

IOS organises Discussion on "UN, Middle East and Sovereignty: Issues and Challenges" (July 4, 2025)

A discussion on "UN, Middle East and Sovereignty: Issues and Challenges" was organised by the Institute of Objective Studies (IOS) on July 4, 2025 in online mode.

Initiating the discussion, Prof. Arshi Khan, Professor of Political Science, Aligarh Muslim University, Aligarh, introduced the Institute by highlighting its activities. He said that the Institute, since its inception in 1986, widened the scope of its endeavours as a non-political and non-profitable organisation. It had been recognised in all relevant quarters at national and international plane for promoting research, conducting surveys on relevant themes, publishing books and journals in the areas of national concern. The focal areas might also be identified for developing development models suited to Indian masses, particularly the poor, marginalized and deprived sections. It had tried its best to uphold the ideals of secularism, democracy, rule of law and constitutionalism. It was focusing on constitutional guidance like fundamental duties and fundamental rights. He noted that the Institute had specifically tried to create linkages with the other NGOs on practical levels by creating synergy for collaborative efforts and programmes. So far, 15 Memorandum of Understandings (MoUs) have been signed with the universities and institutions from within India and abroad.

Prof. Khan held that the IOS was an NGO in consultative status (Roster) with the Economic and Social Council (ECOSOC) of the United Nations. He said that research and academic activities were conducted through 23 academic committees in their specialised areas. Besides, the IOS had set up a data bank which catered to researchers and common users. The prime purpose of the data bank is to keep abreast of the latest diversified information on the Indian population in general and Muslim in particular. So far, 475 projects, reports and

translation of important books have been completed. Under the publications programme, about 470 titles have been brought out. The Institute had been running a scholarship scheme under which financial assistance was provided to meritorious and deserving candidates pursuing Ph.D., M.Phil., Post-graduation and graduation in social sciences, humanities, law, management, journalism and other professional courses. In the field of publication, the Institute is publishing two bi-annual academic journals (The Journal of Objective Studies and the Religion and Law Review) on regular basis. It is also bringing out a quarterly academic journal in Urdu since 2006. In addition, one monthly Newsletter is published in English and a quarterly Newsletter in Urdu. The IOS also launched IOS Current Affairs and Nuqta-e-Nazar in Urdu. He said the Institute is regularly organising national and international conferences, seminars on prominent scholars and topical social issues. So far, about 1050 conferences, seminars, discussions and symposia have been organised, he added.

Prof. Aftab Kamal Pasha, Ex-Associate Dean, Director and Chairman, Gulf Studies, School of International Sciences, Jawaharlal Nehru University, New Delhi, who presided over the programme, observed that there were 193 countries as members of the United Nations. The UN is responsible for maintaining international peace, security and state's-sovereignty. This is the world's largest body that addresses global challenges. It serves as a platform for nations to coordinate their efforts and policies towards achieving common goal. But of late, the UN is under pressure from big powers impinging on the sovereignty of nations. It is due to pressure from the United States' and other European powers that Israel has been defying UN resolutions on Palestine. Israel is engaged in committing genocide in Gaza with thousands of unarmed and innocent Palestinians being indiscriminately killed by Israeli defence forces. But the UN has become a mute spectator to intransigent Israeli action. Israel is flagrantly violating international law and the provisions of the Geneva Conventions. He said even the Secretary General of the United Nations, Antonio Guterres is helpless to restrain Israel from carrying out killings of innocent civilians. The US and her European supporters, particularly the NATO (North Atlantic Treaty

Organisation) are giving full support to Israel undermining the international law. International law is being willfully flouted by Israel.

Prof. Pasha held that UN resolutions against Israel could not been enforced due to opposition from these powers. Two-thirds majority of UN votes in favour of humanitarian aid to the Gaza population became ineffective due to the blockade of Gaza by Israel. He said that the US was the stumbling block to the action against Israel. Israel had been emboldened by the support extended by the US and its Western allies not to have any respect for human rights, he remarked.

Mr. Salman Khurshid, Former Union Minister and senior advocate, Supreme Court of India, noted that Gaza crisis was the biggest challenge before the United Nations since the Second World War and the Cold War period which began after the war (between 1947 and 1991). Ever since the establishment of the United Nations, there were some glitches about its efficacy. Unlike the League of Nations, certain safeguards were provided to save it from dissolution. There is cynical failure of the international organization to prevent atrocities on the residents of Gaza. Israel's belligerence in Gaza where it committed genocide and caused extensive damage to buildings and property could not be prevented by the big powers due to their unconditional support to it. There is denial of fundamental rights to Gaza residents. One can see the situation in Iran and what is happening there. This is also a big challenge. He said that due to the power of veto exercised by the United States, U.N. resolution was not enforced. It is a failure on the part of the world body and we need to think over it. Some initiatives have to be taken to restore peace in the area. He stressed that the new administration in the US had to take certain steps that could prevent the hostilities in Gaza.

Mr. Khurshid called for sharing a common idea and aspirations. A new avatar of the movement should emerge. He emphasised the need for a lead and India could take this initiative. He said, we have to work within the U.N. and outside of it, and bilaterally decide the matter. Global South and civil society should work for the protection of human rights." He suggested that the global south countries

should take a leading role in resolving issues. BRICS countries were looking to India to use its influence to impress on the combatants to stop fighting. He held that global south could use itself to focus on global issues, like climate change, protection of human rights and state sovereignty and cooperation among nations. Thus there was the need for working on a new global politics. It should be directed to a positive way. International global figures' opposition to the current situation was much vague 'opposition' which was more dangerous. He said, U.N. is a failing system as far as its responsibilities are concerned. Under the circumstances, a new order has to be developed multilaterally. Global citizens should come together to make world public opinion on Gaza and Ukraine and focus on the violation of international law. Awareness has to be made to rebuild their lives, he concluded.

Mr. Amaresh Misra, historian, author, journalist and political analyst, Lucknow, pointed out that the seven-day war showed that Iran was a power in the Middle East to reckon with. It also showed that Iran had power in Lebanon. There was resistance to the Israeli forces in Syria. Resistance to Israel was growing and becoming successful as 30 Israelis were killed in June alone. This was announced by IDF (Israeli Defence Forces) itself. Hamas refusal to capitulate before Israel was the power that emerged. He said that Russia and China were representing the Global South. This grand axis was coming up along with the Muslim Brotherhood. Russia is creating a New World Order. Global resistance to the violation of international law is becoming more pronounced. He observed that Iran's resistance was determined and after Iran it could be Ankara (Turkiye) and the USSR. People are losing confidence in their leaders because of genocide. There is panic in Qatar over the possible attack over it by Iran. There was naked revival of the idea to rule over people. This was being sponsored by the US. He said geography is inimical to geo-politics. There was a Jew-Nazi project which corresponded to the Italian world 'Travesty' and the 'Swastika' adopted by Nazi Germany. But there was opposite to it also in Netherlands, where cards were displayed reading 'Jews are not welcome.' He noted that rule-based order was 'might is right'. That meant Greater Israel and the expansion of Zionism and Nazism, he remarked.

Prof. Arshi Khan held that the UN was an important player of the US. Both the Americans and Europeans were responsible for the attack on Western part of Palestine and the Iranian Nuke sites. Attack on nuclear sites had not been condemned by European countries. UN resolution on Israel had always been vetoed by the US. This prompted Israel to violate all norms of human rights. This also explains the audacity of Israel to kill 5000 Palestinians who were collecting food and essential goods in Gaza. He said that this was a massive violation of Geneva Convention and the UN charter on human rights. He said Palestinian Authority is facing financial problems. He asked the Indian government to provide humanitarian aid to Palestinians.

H.E. Mr. Abdullah Mohammad A. Abushawesh, Ambassador of Palestine to India, said that UN resolution against Israeli intervention had not been enforced. On several occasions, the United States vetoed the resolution on Israel. This was open violation of international law. It was not justified in Gaza where thousands of Palestinians were being killed by Israel grossly violating human rights. He said that after the Second World War, international community including the US, created a nation out of Palestine. This was a part of an economic agenda of American and European powers. An economic and political order was being sought to be created by the US and the European powers. He urged the international community to oppose Israel. Israeli attack was part of the plan for the establishment of a new economic and political order. That was related to the question of Palestinian existence. He believed that the relevance of the UN was still important to hold genocide as a violation of human rights and the international law. It was also against the commitment to prevent violation of UN charter. It was not only the genocide in Gaza but the use of Israel to continue its dominance to re-orient economic and political order, he added.

Chairman of the IOS, Prof. M. Afzal Wani noted that he was hearing Palestinian issue since the last 40 years. All the documents of the UN, including the Charter of Human Rights had been adopted by the UN General Assembly that enshrined the rights and freedoms of all human beings. We should do something for giving respect to human

rights. The spirit of human rights and the protection of sovereignty was lacking. He said that precedence of politics motivated certain people to create conditions of war. All the people should understand the sensitivity of the problem. Economic development, strategy, promotion of culture should receive proper attention. Cruelty and devastation should end. There should be peace, sovereignty of the state and respect for human rights. We had to understand the sensitivity of the situation and work in the direction of sovereignty and the protection of human rights. Peace and values are the main objectives and these should be achieved. Common man along with the academics should remain with human rights. He maintained that about 60,000 people have been died and hundreds are being killed every day. Defective theory and ideology are responsible for this. He held that a terminology developed by scholars should be adhered to. Awareness of the people was very necessary. Despite despotic rule, people should resist bad politics. Violation of human rights should be opposed, he concluded.

Prof. (Ms.) Haseena Hashia, Vice-chairperson, IOS proposed a formal vote of thanks to the speakers and attendees.

IOS-AIMC jointly organise a Panel Discussion on "Freedom Fundamental to Building a Just Social Order" (August 11, 2025)

A Panel Discussion on "Freedom Fundamental to Building a Just Social Order" was jointly organised by the Institute of Objective Studies (IOS) and All India Milli Council (AIMC) in hybrid mode on August 11, 2025, to mark the 79th Independence Day.

The discussion began with the recitation of a verse from Holy Qur'an by Mufti Mohammad Jamaluddin Qasmi from the Bihar unit of AIMC.

Maulana Shah Ajmal Farooq Nadwi, In-charge of Urdu section, IOS briefly spoke about the activities of both the organisations. He said that both IOS and AIMC were engaged in the activities for well-being of the country including the Muslims. Both of them celebrated national festivals in a spirit of patriotism and as a sense of national duty, he said.

Participating in the discussion, the great-grandson of Mahatma Gandhi, Mr. Tushar Gandhi, observed that this day assumed special importance for the countrymen. It was unfortunate that Bapu's dream of complete freedom could not be realised. Complete independence corresponded to '*Purna Swaraj*', and that was yet to be achieved. Gandhiji had asked the ministers of the interim government to work for achieving the goal of *Purna Swaraj* (complete self-governance). He had also asked them to uplift the socially weaker people and bring about a change in their life.

Mr. Tushar Gandhi questioned if those living in abject poverty and were unlettered, and subjected to injustice, had been lifted up. If such people admitted this fact, it meant that independence was incomplete. He called for understanding the true meaning of independence. He felt that the existing system of governance could not empower the people. "When the British Raj ruled us, we were their subjects. But, after attaining independence, we are free. However, we can do nothing with our free will because restrictions

are being imposed on us. Our fundamental rights are being violated. We must think about the steps to be taken when we feel our independence is in danger."

Mr. Tushar Gandhi held, "Some years ago, our freedom was endangered, but that phase also passed". Again, he said, "Attempts are being made to bypass the Constitution and take decisions that do not conform to constitutional provisions". In this connection, he cited the instances of Muslim baiting and anti-farmer policies. Constitution was being flagrantly violated by resorting to back door tactics. He minced no words in saying that injustice was being done to Muslims. He called for adopting a hard posture against the government if it posed a threat to the civil rights. But this needed unity as was demonstrated during the freedom movement. He recalled that Gandhiji had asked Lokmanya Tilak to strengthen Hindu-Muslim unity. This unity led to the ouster of Britishers from India. Keeping Hindu-Muslim unity in view, Gandhiji supported the Khilafat Movement. He called for unitedly working against injustice. A party which opposed the freedom movement was creating fear among Muslims. "Independence meant working for all and ensuring the well-being of weaker sections". He held that criticism of government and its policies did not amount to sedition. Today, question mark was being raised against our Independence. Thus, it was a high time to unitedly fight against this tendency and save our democracy. He asked the countrymen to raise their voice against injustice on themselves and on others.

Maternal nephew of Shaheed Bhagat Singh and the Director of Shaheed Bhagat Singh Centre for Freedom Studies, Prof. Jagmohan Singh, said that the countrymen should work like their predecessors who formed interim governments in Bengal, Maharashtra and several other parts of the country during the British Raj, and gave a glimpse of how the independent India would be like. He held that they would have to work on the idea of *Gram Swaraj* which our national leaders adopted. Bhagat Singh penned his autobiography in his death cell. He wrote, "The firmness and steadfastness with which our brother, Ashfaq Ullah Khan stood with us, shows India is united for the freedom struggle." In that book, he also wrote that the freedom

fighters should be remembered simultaneously. He further noted that the same unity was displayed in Jallianwala Bagh. This unity led to General Dyer being declared insane. He warned that forces of doom were raising their ugly head once again and treading the same path of colonialism as the Britishers did. He called for confronting challenges with the power of education. The scourge of illiteracy and injustice could be removed by broadening the scope of social justice, he added.

Grandson of the equally great martyr, Amar Shaheed Ashfaq Ullah Khan, Ashfaq Ullah Khan, observed that his grandfather and other revolutionaries like him dreamed of an India where there would be social justice, brotherhood, peace, equality and happiness. He said that four convicts were hanged in 1925 in Kakori Case. They laid their lives at the altar of freedom. Ram Prasad 'Bismil' and Ashfaq Ullah Khan represented the legacy of composite culture, and strove for religious tolerance. They wanted that everyone should enjoy social justice and equal rights. He recalled that six months before his execution, Ashfaq Ullah Khan wrote a letter to his mother, and in reply to the letter, she said that her son belonged to Allah. He used to ask for working for brotherhood and communal amity. He was a symbol of patriotism. "The freedom which we got should be endured by way of strengthening religious bonds. We can keep alive this supreme sacrifice by ensuring social freedom", he emphasised.

Professor of Medieval History, Aligarh Muslim University, Prof. M. Waseem Raja, held that currently, the country was passing through a critical phase of history in which individual freedom faced many challenges. Shaheed Bhagat Singh was worthy of emulation by the younger generation. Independence was not only a political inspiration, but it also focused on justice, peace and stability. He further said that from 70 to 80 per cent population of the country was deprived of independence because their aspirations had not been fulfilled. There was a time when the country used to produce world-class leaders but, today, they had been reduced to being leaders merely of their communities and groups. Today, no leader worth the name was in sight who could lead the nation and all the communities irrespective of their caste, creed and religion, he added.

Chief of the Delhi unit of the All India Milli Council, Haji Pervez Miyan, said, "Today, we are taking a fresh breath in Independent India due to the sacrifices made by our freedom fighters. We are remembering them for their dedication and commitment to free India from the foreign yoke. He recalled the statement of Shaheed Ashfaq Ullah Khan's father who said that if he had six children, he would have sent all of them to die fighting against Britishers. He also remembered the *Ulema* who were hanged by the British Government for taking part in the freedom struggle. He said, "We cannot keep silent over the excesses being committed on the weaker sections."

Acting President of the All India Milli Council, Maulana Anisur Rahman Qasmi, held that the injustice, tyranny and oppression done by the British government was being replicated even today. The equality given to all citizens was denied by the powers-that-be. Places of worship belonging to one particular community, were being vandalised or rased to ground. People who raised their voice against injustice were being incarcerated as was done during the British period. He laid the stress on keeping the spirit of Independence alive by sending out its message to the young generation. We need to think if those who are holding high offices after taking the oath of the Constitution are acting in accordance with the oath they had taken. He urged to work for preserving the Constitution.

In his presidential remarks, the Chairman of the IOS, Prof. M. Afzal Wani, pointed out that the first priority after the attainment of Independence was to create a just society. He opined that these values changed with the globalisation. Values changed but they required intellectual indulgence. The first war of independence in 1857 shook the colonial powers. Perpetual engagement of other people was necessary. India's political freedom was a watershed in her history. After Independence, a judicious system of governance had to be put in place. About 200 people gathered and debated close to three years to prepare a document for independent India. A document came out with the mention of the term "We". We, the people, had a social relationship. He called those traitors who refused to accept this. Everything was futile if challenges were not identified. Mohammad Baqir was shot by cannon for taking part in the freedom

struggle. He said that the world was not so naïve as to accept everything one stated. The world was much diversified with different trades in existence. The programmes being organised by the IOS reflected the thinking that no judicious society could be made without a thought process.

Prof. Wani observed that in order to make a just society, an intellectual mindset had to be developed so as to understand why the gloom prevailed after independence. UNO was established, but Muslims never thought of their place in the scheme of things. He said that a just society should be based on justice, equality and liberty. He called upon the religious leaders to extract noble things from the scriptures and come out with the ideas that could help create a society based on justice. No idea against the spirit of the Constitution was acceptable. He said that 17 goals of sustainable development had to be met by 2030. But the question was if they would be achieved by the set time-frame. "We must introspect how far the Constitution was put into practice. Thought should also be given to the rate of success of the efforts to make a just society. These issues, he said, would be discussed in next programmes of the Institute. A big responsibility devolved on the Muslim community because the Prophet (PBUH) did it 1400 years ago, he concluded.

At the end, Sheikh Nizamuddin, Assistant Secretary General of the AIMC extended a vote of thanks to the speakers and the audience.

IOS Two-Day Online National Conference on "Maulana Abul Kalam Azad: Personality, Contribution and Relevance" (August 19-20, 2025)

A two-day online national conference on *'Maulana Abul Kalam Azad: Personality, Contribution and Relevance (Imam-al-Hind Maulana Abul Kalam Azad: Sakhsi Azmat aur Asri Ma'anwiyat)'* was organised by the Institute of Objective Studies, New Delhi in collaboration with the Department of Islamic Studies, Maulana Azad National Urdu University (MANUU), Hyderabad on August 19 and 20, 2025 via ZOOM.

Inaugural Session

Conducted by Maulana Shah Ajmal Farooq Nadwi, Incharge, Urdu section, IOS, the inaugural session began with the recitation of some Qur'anic verses by Hafiz Adnan Ahmad Nadwi of the Institute.

In his introductory remarks, Shah Ajmal Farooq Nadwi said that the Institute had been organising national and international conferences every year on notable personalities since the last 40 years. A number of books, focusing on the personality of Maulana Azad and his contribution as a writer and educationist, had been written. Keeping his invaluable endeavours to put India on the map of higher education and research, the IOS deemed it fit to remember his services to the nation in the field of science, technology and culture, he observed.

In his welcome speech, Head of the Department of Islamic Studies, MANUU, Prof. Mohammad Habib, made the mention of IOS as a co-organiser of the conference. He said that the Institute had carved out a name for itself as an institution, engaged in research on socio-economic issues of the country for the last 40 years. The Institute has published more than 400 titles on history, politics, economy, etc. The second organiser was the Department of Islamic Studies of the Maulana Azad National Urdu University (MANUU), Hyderabad, which was not only a department engaged in the teaching of the Qur'an, Hadith and Sufism, but it also promoted research in these

fields and kept the younger generation abreast of them. Referring to Maulana Azad, he held that the Maulana's personality was multi-dimensional. He was an interpreter of the Qur'an and a great Islamic scholar. He played a leading role in the freedom movement. Besides, he considered Hindu-Muslim unity not only as a moral responsibility, but also as a religious duty. His message is more relevant today. He was of the opinion that the success of a nation lay in knowledge and tolerance. Then he introduced the main speakers of the conference.

In his inaugural speech, the Vice-Chancellor of MANUU, Prof. Syed Ainul Hasan, observed that about 40 programmes were organised on Maulana Azad in the last 4 years. He said that he wrote on the Maulana in Persian. Some fifteen years back, he organised an international conference on him, the proceedings of which were published later. He was desirous of knowing more about him. Despite knowing enough about the Maulana, a lot still remained to be known about him. At a time when Mohammad Husain Azad, Sir Syed Ahmad Khan, Altaf Hussian Hali, etc., were at their peak, the Maulana as a young man carved a niche for himself. His *Al-Hilal* was a testimony to this. He met Gandhiji in 1920 and Jallianwala Bagh massacre united the people against Britishers. Ulema came out in big numbers along with Maulana Azad. In 1923 he was made the President of the Indian National Congress. It was a rare feat which he achieved at the young age. He held that a person could be specialised in one field, but the Maulana was in different roles at the same time. He remarked that he worked on his poetry too. He penned many *Ghazal*s. *Khutbat-e-Azad, Nigarishat-e-Azad*, *Azad* and *Malfuzat-e-Azad (Memoirs)* were the best examples of his works. He maintained that the Maulana was endowed with unparalleled qualities. The Maulana made sacrifices for a cause. He was the votary of 'unity in diversity', Prof. Hasan added.

In his key-note address, Former Director, Gulf Studies Programme, Jawaharlal Nehru University, Prof Aftab Kamal Pasha, said that Maulana Azad was a multi-dimensional personality, author, writer, educationist, political leader, scholar, etc. He was known as a freedom fighter. He was also remembered for Hindu-Muslim unity. He was a great philosopher and an outstanding scholar of Islam. He

noted that Maulana Azad was a man of mission. For him, partition was a tragedy for India. He played a vital role in Khilafat Movement. As education minister in Independent India, he founded Indian Institute of Technology, Indian Institute of Science, University Grants Commission and many other institutions. He was a successful journalist and a brilliant debater. In 1924 and 1940, he became the President of the Indian National Congress. He was the first education minister after Independence who contributed to primary education and women's education. He established several universities in India.

Prof. Pasha held that a good school was a gracious asset for any country. Gandhiji used to consider Maulana Azad as an emperor of understanding and learning. He was also one of the founding members of Jamia Millia Islamia. Just after Independence in 1947, he worked hard for the rehabilitation of the homeless people. He tirelessly worked for the security and protection of Muslims. He was elected to the Lok Sabha in 1952. His speeches in the House reflected his vision for building India a strong nation. He was elected President of the UNESCO. His contribution to adult education was much acclaimed. For the exceptional services rendered by him to the nation, he was given the country's highest civilian Award, the Bharat Ratna. Maulana Azad used to say, "I am a Muslim, but proud of the heritage of my country." He was the champion of Hindu-Muslim unity. The leading newspaper of Egypt, *'Al-Ahram'* published several articles on the Maulana covering his notable achievements related to Islam and the country. Prof. Pasha dwelt on the long struggle of Maulana Azad during the freedom movement and also in the post-Independence era.

As a guest of honour, the Vice-Chancellor of Jamia Hamdard, New Delhi, Prof. Dr. Mohammad Afshar Alam, described Maulana as a scholar par excellence. He was well-versed in Urdu, Arabic and English languages. He had an independent mind and committed himself to communal harmony. He was the youngest among the other leaders of freedom struggle. He established IIT, IISc., Akademies and championed the cause of school education. He worked for Hindu-Muslim unity and opposed partition of the country. He was an author, writer and intellectual. He was also the

youngest President of the Indian National Congress when he assumed the office in 1923. His contribution to the independent India would be ever remembered. He introduced science and technological education in the country. He brought out Urdu newspaper *'Al-Falah'* and wrote commentary on the Holy Qur'an known as *'Tarjuman Al-Qur'an'*. He also promoted cultural relations by setting up Sahitya Akademi and Sangeet Natak Akademi. His teachings are relevant even today. He explained Islam in the modern context. Prof. Afshar Alam informed that Jamia Hamdard named one of its hostels after his name.

Another guest of honour, Maulana Asghar Ali Imam Mahadi Salafi, Ameer, Jamiat Ahle Hadees, said that the conference was being organised on a great personality like Maulana Abul Kalam Azad whose works and scholarly views still resonate in the minds of scholars. Such people are not always born. He noted that the times today were no different from the times in which he worked. His personality and work made him a great leader, nationalist, freedom fighter, scholar and an able administrator. He worked in almost every field with grit and exceptional adeptness. India is benefiting from the works he did in several fields. Whether it is the field of religious education, modern education or the high levels of ethics and character, the Maulana, was respected by the top personalities of the world. He was also a staunch supporter and champion of national integration and Hindu-Muslim unity. His views were very explicit from the stand point of the Qur'an and *Sunnah*. In this respect, his vision was broad as he was in favour of adopting good things of other religions. He described the Maulana as the *Mujaddid* of his times. He recited a few verses of Qur'an to explain different aspects of his life. His ideas were of high order. He was responsible for promoting modern education in India. Due to his endeavours, science and technology got boost in the country. The level of his scholarship could be gauged from the fact that his writings were read out all over the world. His thoughts and utterances were of high standard. He worked for both the country and the *Millat*.

Maulana Asghar Imam held that India got recognition in the world of Islam in religious matters due to his scholarship and approach to

religion. He called for giving a thought to the reason why the world was adrift despite scientific progress. His knowledge was based on the Qur'an and his actions corresponded to the teachings of Qur'an. He was born in Makkah in a family highly imbued with Islamic teachings. He was a king in the field of journalism.

Maulana Asghar Imam suggested that his views on the country, *Millat*, Islamic values and communal harmony should be given a practical shape. He also emphasised that his ideas should be examined in the current perspective. His values for which he lived should be taken forward, he stressed.

In his presidential remarks, the Chairman of the IOS, Prof. M. Afzal Wani, stressed the need for making an assessment of the role of Maulana Azad in giving the shape to the Indian Constitution. This needed to be explained. It was also important to know the role of the Maulana in developing the scientific temper among Indians. He said, how today's challenges could be made relevant to the contemporary world. He also said that the Maulana's personality and his professional endeavours since 1958 be understood in a proper perspective. It should also be explored what were the ideals and values for which he stood and took them forward as a journalist. This should also be studied what impact his efforts made for the betterment of society. He also called for working on the Maulana's endeavours for including fundamental rights and minority rights in the Constitution. Referring to the Maulana's biggest contribution, he said that he guided all groups in the right direction. It is important for the scholars to present Maulana Azad and his work to the world. Today, Muslims needed a mentor who could guide them. He said that the status of a mentor was larger than a king. Thus, the Maulana was needed to be presented before the world as a mentor.

Prof. Wani held that the word 'justice' in globalisation, was today's moot question. He said that ideals could not emerge if the diversity was reduced. He wanted to know if the ideals of Maulana Azad could play some role in that context. He regretted that journalists did not do any work on the multi-dimensional personality of Maulana Azad. English poets like Wordsworth and Charles Dickens were taught to

children in schools. Then why it was not possible to teach about the scholars and literary figures of our community in schools, he quipped. Maulana Azad could also be presented as a global mentor. He brought forth his thoughts but why his vision of India could not be taken forward. He suggested that the seminars and conferences like this should be held in future as well. He observed that Maulana Azad, along with Gandhiji and Jawaharlal Nehru, played a leading role in drafting the Preamble of the Constitution and the fundamental rights. It was the Maulana who advocated for the inclusion of the term 'National Integration' during the Constituent Assembly debates. He regretted that today the idea of justice was being rejected in the world. Calling for the cultural identity of every Indian, he said that the committee on culture had the Maulana as one of its members. This was the reflection of his rich cultural legacy. He further mentioned, "We produced jurists and divided people into several schools of thought. Situation came to such a pass that every jurist made his own *Firqa*". The language the Maulana wrote, should be evaluated in proper perspective. Instead of sitting informally, scholars should sit together to discuss serious issues and arrive at a decision. He asked the university named after him to disseminate the Maulana's ideals of the unity of India. The Maulana was the architect of modern India, he concluded.

The inaugural session came to an end with the presentation of the vote of thanks by the Vice-Chairperson of the Institute, Prof. Haseena Hashia.

Technical Session-I

The first technical session was chaired by Prof. Syed Jamaluddin, Director, IOS Centre for Historical and Civilisational Studies, Aligarh. The theme of the session was focused on *'Maulana Azad's profile and his personality'*. Dr. Md. Khalid Khan, Assistant Professor, Department of Islamic Studies, Jamia Millia Islamia, New Delhi was the first speaker of the session. He said that Maulana Azad was a journalist, analyst, scholar, writer and freedom fighter. His family's connection is traced to Jalaluddin Dehlvi. He was self-effacing. He was born in Makkah in 1888, and his mother died in 1898. He

studied Qur'an and Hadith, and was influenced by Sir Syed Ahmad Khan. He learnt English under his influence. He studied Al-Ghazali. He studied not only the Islamic philosophy, but also the philosophy of the East and the West. Later on, he turned to Islam. He entered politics through journalism. His vision was very secular and focused on Hindu-Muslims unity.

Dr. Shahid Husain Nadwi from the Department of Islamic Studies, MANUU, was the second paper presenter who spoke on *'Maulana Abul Kalam Azad: Profile and important imprints of his personality'*. He said that the Maulana was a votary of Hindu-Muslim unity. After the attainment of freedom, he gave a message to the *Millat* that the reconstruction of the nation was the first priority. In order to give thrust to education, Education Commission and Secondary Commission were set up at his instance. He wrote a commentary on Qur'an which was known as *'Tarjuman Al-Qur'an'*. He was so eloquent that he used to speak extempore whether it was literature or music. He was a nationalist to the core.

Assistant Professor of Theology, Aligarh Muslim University, Aligarh, Dr. Mohamamd Nasir was the third speaker who focused on *'Maulana Azad and his writings in the modern context'*. He wore several mantles at a time. He received early education from his father. He learnt the Qur'anic outlook of Islam and came to the conclusion that this Book is a guide to life. The Qur'an is meant for every sphere of life. He was a prolific writer, commentator of Qur'an and an expert of Qur'anic knowledge. The next speaker was research scholar, Islamic Studies, MANUU, Md. Salman Danish. He touched upon the topic *'Maulana Azad's intellectual journey on the canvas of Islamic Studies'*. He said that the Maulana was an accomplished Urdu prose writer. Sometimes it was difficult to understand him. One had to have expertise in Islamiyat to understand his writings on Islamic knowledge. He had a religious proclivity. Syed Samiullah Husaini, research scholar in the same university, was the next speaker who spoke on *'Maulana Abul Kalam Azad: An architect of modern Indian education'*. He said that Pandit Jawaharlal Nehru eyed on Azad while searching for an education minister. He was the initiator of modern education in India. He set up the UGC and established Akademies

for the promotion of art and culture. He also underlined the importance of Hindi. He was the deputy leader of the Congress legislature party.

The sixth speaker was Mr. Basit Ahmad Sheikh, research scholar from Islamic University of Science and Technology, Kashmir. He dwelt on *'The spiritual foundations of Maulana Azad's thoughts: Tolerance and Unity of religions.'* He observed that the Maulana was a freedom fighter, journalist and educationist. His intellectual foundations were Qur'an, Hadith and *Fiqh* (Islamic jurisprudence). He gave intellectual direction to India. He believed in the unity of religions. The next speaker was Ms. Hajirah Sultana, research scholar, Department of Education and Training, MANUU. She touched upon the topic *'Critical reflections and higher order of thinking in the writings of Maulana Abul Kalam Azad'*. She held that the Maulana's personality was multi-faceted. He started his journalistic journey with *'Al-Hilal'* on July 13, 1912 in Calcutta. It was followed by *'Al-Balagh'*. This newspaper was devoted to the religious issues of Muslims. He dictated his biography 'India Wins Freedom' to Prof. Humayun Kabir. The last speaker was Dr. Jamshed Ahmad Nadwi, Assistant Professor of Arabic, Mumbai University, who focused on Maulana Azad's Arabic writings. He said that the Maulana wrote a number of articles in Arabic. The number of such articles is around 50. His political vision was very broad. So was his intellectual vision. He also did journalism in Arabic. Some of Maulana's writings in Arabic were translated and published, he added.

Technical Session-II

The second technical session was chaired by Prof. Mohsin Usmani Nadwi, Ex-Professor of Arabic, English and Foreign Languages University of Hyderabad and currently, Editor of the quarterly journal *'Mutaaleaat'* of the IOS. This session centered on *'Maulana Abul Kalam Azad and Islamic Studies'*. The first speaker of the session was Dr. Md. Kamal Ashraf, Assistant Professor, Department of Religious Studies, Aliah University, Kolkata. His topic was *'Maulana Azad's study of religions with special reference to Tarjuman Al-Qur'an'*. He said that the Maulana wrote about several religions, including Judaism and Zoroastrianism in Iran. He also wrote about Christianity. He

wrote about Buddhism and Hinduism and presented a detailed survey of them. He was of the opinion that the concept of God was also present in Hinduism. His existence was explained in Rigveda and other Vedas. All the Prophets who were born in different countries had the same mission.

The second speaker was Prof. Mohd. Fahim Akhtar from the Department of Islamic Studies, MANUU. He spoke on *'Maulana Azad's research on Zulqar Nain and Yajooj-Majooj'*. He observed that the Maulana presented a new theory on Zulqar Nain in *Tarjuman Al-Qur'an*. Zulqar Nain, an ardently believer of God, ruled over the world. According to his opinion Cyrus could be Zulqar Nain.

The third speaker was Dr. Bilal Ahmad Yatoo, guest faculty, Government Degree College, Jammu and Kashmir. He focused on *'Maulana Azad's profiling of Sirah: A philosophical and literary study'*. He said that the Maulana's name figured among those who rendered their services to the '*Deen'*. Besides, he worked on '*Sirah*'. He used to invite scholars to discuss *Sirah* of the Prophet (PBUH). His love for the Prophet (PBUH) was very deep and he shed light on several aspects of *Sirah*.

The fourth speaker was Mr. Ahmad Javed, senior Urdu journalist and writer, who spoke on *'Maulana Azad's view of education and the curriculum of madrasas'*. He said, the standard of education in India needs much to be desired. Instead of sending their wards to madrasas, parents sent them to English medium schools.

During the freedom movement, Maulana Azad opposed the government run madrasas. He was made the Chairman of the Committee set up in 1931 to review *Deeni* (Religious) education. He took keen interest in education and himself taught *Dars-e-Nizami*. He remained Union Education Minister for 11-long years. He held a conference in Lucknow in 1948 in which the members of the management of madrasas participated. Mr. Javed said that the Uttar Pradesh government took no action on the recommendations of the Azad committee. The then chief minister of the State, Govind Ballabh Pant refused to implement recommendations saying that he

would not allow the madrasas to become universities because they were entering by the backdoor. Maulana Azad believed that the contemporary system of education was influenced from colonialism and separatism. He also wanted the text books on science and social sciences should be written from the Islamic perspective.

The fifth speaker was Mr. Md. Saquib, research scholar, Islamic Studies, Jamia Millia Islamia, who said that Maulana Azad was not only an educationist, journalist, editor but also an Islamic scholar. He was of the firm opinion that the solution to the problems of the Muslims lay in the Qur'an. The Qur'an could be understood from the life of *Sahaba* [Companions of the Prophet (PBUH)]. He presented a critical analysis of Christianity and Judaism.

The sixth speaker was Mr. Md. Atif Ali, research scholar in Alia University, Kolkata. He focused on *'Maulana Azad's understanding of Qur'an and its significance in modern times'*. He said, the Qur'an is not only the Book of spiritualism, but it is also a guide for leading a perfect life. He was followed by Ms. Naziya Begum from the sub-divisional centre, MANUU, Hyderabad. She centred her presentation on *'Maulana Abul Kalam Azad and Islamic Studies'*. The next speaker was Mr. Md. Salahuddin, research scholar, Islamic Studies, MANUU. His topic was *'Need for religion and the rejection of atheism: Maulana Azad's viewpoint'*.

The last speaker was Absar Alam, research scholar, Islamic Studies, MANUU. He touched on the topic, *'Maulana Azad's interpretation of Surah Fatiha and its analytical study'*.

Technical Session-III

The third technical session was chaired by Prof. Mohammad Habib. The session focused on *'Journalistic magnificence of Maulana Abul Kalam Azad'*. The first speaker of the session was Dr. Mohammad Ajmal, Assistant Professor, Centre of Arabic and African Studies, JNU, Delhi. He spoke on *'Maulana Azad's journalistic manifestation for unity in diversity in India'*. He was followed by Dr. Arshi Shoeb, Assistant Professor, Islamic Studies, Women's College, AMU. She devoted her

paper to *'Maulana Abul Kalam Azad's journalistic response to British colonialism: A historical analysis'*.

Ms. Fariyal, research scholar, Sunni Theology, AMU, Aligarh, touched upon *'Maulana Azad's journalistic vision'*. She said that Maulana Azad started the first newspaper at the age of 12 years. Both *'Al-Hilal'* and *'Al-Balagh'* were brought out with a purpose. *'Al-Hilal'* was issued in 1912 and ceased publication in 1914. Later on, he brought out *'Al-Balagh'*, but the British government went against it and ordered him to leave Bengal, she held.

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Technical Session-IV

Prof. Syed Jamaluddin chaired the fourth session. The session was devoted to *'Maulana Abul Kalam Azad and Education: His vision and contribution'*.

The first speaker of the session was Prof. Md. Mushahid, Department of Education, MANUU. He said that the Maulana had an independent opinion about women. He was very concerned about their education. He constantly made efforts for women's education. He always pleaded for women's rights and their independence. Ms. Naziya Begum, research scholar, Department of Education and Training, MANUU, was the second speaker who presented her paper on *'Maulana Abul Kalam Azad and Education: Vision and contribution'*. She was followed by Prof. Nasreen, Department of Education, AMU, who said that Maulana Azad had a versatile personality. He did his level best to restructure the colonial system of education. He was a man of planning which he introduced in the ministry of education. The fourth speaker was Mr. Md. Allam, research scholar, Department of Education, AMU. He spoke on *'Analysis of Maulana Abul Kalam Azad's educational vision of higher education in the context of the vision of National Education Policy (NEP) 2020'*. He was followed by Dr. Syed Hayat Basha, Assistant Professor, AMU, Mallapuram Centre, Kerala.

He focused on *'Maulana Azad's educational philosophy: Islamic legacy and modern exigencies'*.

The fifth speaker was Dr. Nihal Ahmad Ansari, Assistant Professor, MANUU College of Teacher Education, Asansol, West Bengal. He spoke on *'The educational vision of Maulana Azad and his ideas, and the NEP-2020'*. The sixth speaker was Mr. Md. Anzar Alam, academic counsellor, Indira Gandhi National Open University, New Delhi. He centred his paper on *'Educational leadership of Maulana Abul Kalam Azad'*.

The seventh speaker was Mr. Mushfiquzzaman, research scholar, Department of Islamic Studies, Aliah University, Kolkata. He spoke on *'Maulana Abul Kalam Azad's Contribution to Madrasah Education'*. Ms. Fatima Zahra, research scholar, AMU, was the next speaker who expressed her views on *'Maulana Azad and Education: Perspectives and contribution'*. The ninth speaker was Dr. Shaikh Imran who held that the Maulana considered journalism as a religious duty. He also believed that journalism could prove to be an effective tool in revolution.

The tenth speaker was Mr. Md. Nazim, research scholar, Department of Islamic Studies, MANUU, who focused on *'Maulana Abul Kalam Azad and Education: Perspective and contribution'*. He was followed by Mr. Md. Aamir, research scholar, Department of Arabic, AMU, who spoke on *'Maulana Abul Kalam Azad: Educational philosophy and the shaping up of the new generation'*. The last speaker was Ms. Khurshid M.G. Makani, research scholar, Islamic Studies, Jamia Millia Islamia. She based her presentation on Maulana Azad's vision for modern education in India and the gap left within it that impedes civic consciousness in Indians to date.

Technical Session-V

The fifth technical session was devoted to *'Maulana Abul Kalam Azad's place in the contemporary world'*. Former Dean of Social Sciences and Head of the Department of Islamic Studies, Jamia Millia Islamia, Prof. Mohammad Ishaque chaired the session.

Assistant Professor of Islamic Studies, Aliah University, Dr. Md. Shamim Akhtar Qasmi was the first speaker, who presented his paper on *'Women in the eyes of Maulana Abul Kalam Azad'*. He said that the Maulana confronted the British government. His concept of duties of men towards women was taken from the Qur'an. He was followed by Dr. Md. Shekaib Alam, Assistant Professor, Faculty of Shariah and Law, Villa College, Maldives. His topic was *'Revisiting Maulana Abul Kalam Azad's Vision for Hindu-Muslim unity in post-colonial India'*. The next speaker was Dr. Md. Ilham Sheikh, Assistant Professor, Islamic Studies, Kashmir University, Srinagar. He spoke on *'Spiritual foundations of national unity from the teachings of Maulana Abul Kalam Azad'*.

The fourth speaker was Dr. Shaista Parveen, Associate Professor, Department of Theology, AMU, who focused on *'The status of women in the eyes of Maulana Abul Kalam Azad'*. The fifth speaker was Dr. Md. Akram, Assistant Professor, Department of Arabic, Delhi University. He presented his paper on *'The work of Maulana Azad's translation, with special reference to Muslim Women'*. He was followed by Dr. Ambreen, Assistant Professor, Department of Islamic Studies, AMU, who spoke on *'Abul Kalam Azad as a revivalist'*. She said that the Maulana wanted that education should be given to everyone without discrimination. The seventh speaker was Dr. Rehan Akhtar Qasmi, Assistant Professor, Department of Theology, AMU, Aligarh. He spoke on *'Maulana Abul Kalam Azad's concept of national integration and its significance in India of today'*. The next speaker was Dr. Md. Tahseen Zaman, Assistant Professor, Department of Islamic Studies, Maulana Mazharul Haq Arabic & Persian University, Patna. He focused on *'Maulana Azad's concept of freedom in Islamic perspective'*. The ninth speaker was Dr. Md. Abrarul Haque, Assistant Professor, Department of Islamic Studies, Maulana Mazharul Haq Arabic & Persian University. He centered his presentation on *'Maulana Azad's concept of nationalism in the perspective of communal harmony'*. The tenth speaker was Dr. Md. Muslim, Ex-Assistant Professor, AMU, who spoke on *'Hindu-Muslim unity: A study of Maulana Abul Kalam Azad'*. Eleventh and the last speaker was Mr. Omair Azmi from IGNOU, New Delhi. He elaborated on the *'Constituent Assembly and Maulana Azad'*.

Technical Session-VI

Chaired by Prof. Mohd. Fahim Akhtar, the session was devoted to the theme *'The intellectualism of the ideas of Maulana Azad in modern times'*.

The first speaker of the session was Prof. M. Waseem Raja from Department of History, AMU, Aligarh. He held that Maulana Azad was the last communicator of Qur'an who gave new perspective to the interpretations of the Qur'an. This also gave a new direction to religion. He said that Maulana Azad pleaded for a plural society. This is a vision which left much space for other religions. He was different from Mohammad Ali Jinnah in his thought.

The Maulana said that he would not leave his country. He stayed in India after partition and served the country in top positions. According to him Islam is a universal religion.

Prof. Syed Jamaluddin was the second speaker who remarked that he had been studying the Maulana for the last 31 years. He had close association with the revolutionaries of Bengal.

The British government came out with the blue print of partition first time in 1905. It was Maulana Azad who opposed this. In 1940, his speech was read out at Ramgarh session of the Indian National Congress. He became Congress President first time in 1923. He said that he would not tolerate colonial subjugation.

The third speaker of the session was Dr. Md. Azam Qasmi, research scholar, Department of Theology, AMU, Aligarh, who centered on *'The intellectualism of the ideas of Maulana Azad in modern times'*. He was followed by Ms. Nilofar, research scholar, Department of Education, MANUU. She focused on the intellectualism of Maulana in modern India. Dr. Ahmad Abdul Haleem Khan, Assistant Professor, Department of Botany, Telangana University, Nizamabad dwelt on *'Maulana Abul Kalam Azad: Contributions for education in science and technology'*.

Valedictory Session

In his valedictory speech, Professor Emeritus, Department of Islamic Studies, JMI, Prof. Akhtarul Wasey, observed that for Indian Muslims, Maulana Azad was not only a leader, but also a planner. He was a planner who could pinpoint the area of the rainfall after observing the direction of winds. Whatever happened in the Sub-continent (India and Pakistan) in the last 75 years was predicted by him. He said that Allama Shibli Noumani recognised his capabilities much before and made him the editor of *'Al-Nadwa'*. He was not only the youngest President of the Congress party, but also the longest serving chief of the party. As a result of Muslim League leaders' allegations against him with regard to the concept of oneness of God among other religions, he emphatically stated, like other Muslims that he believed in *'Wahdat-e-Deen'* (Religion of one-ness of God). He said that the Maulana played a crucial role in the reconstruction of India. He quoted Mahmud Al Hasan as saying that Maulana Azad wakened the sleeping community through *'Al-Hilal'*. In his *'Ghubar-e-Khatir'* he had a different style in every letter. He appears to be in new form in journalism from *'Al-Nadwa'* to *'Al-Hilal'*. He observed that Jesus Christ had 12 companions, but one of them disappeared. Thus Maulana Azad's importance did not diminish even after the formation of Pakistan. The initiatives he took in the departments he looked after could not be lost sight of. IIT Kharagpur, Sahitya Akademi, Sangeet Natak Akademi and other leading institutions are testimony to his importance in nation-building. Once he said, 'If an Angel climbs the top of Qutub Minar and declares, I will give you Swaraj without Hindu-Muslim unity, I will outright reject it'. His language was not only Arabic and Persian, but also Urdu. He was bitterly against partition of the country. He restructured the education system. His personality was as great as that of Gandhiji and Nehru, he concluded.

Speaking as a guest of honour, Vice-Chancellor of the Aliah University, Prof. Rafiqul Islam, said that Maulana Azad was one of the tallest figures of India. He was not only a political leader, but also an astute journalist, editor and poet. He united people across religious spectrum. He went to jail several times for freedom. His contribution

in several fields was foremost. He laid foundation for several institutions of fame, like, UGC, IISc, School of Planning and Architecture and Akademies. He promoted both culture and languages. He did a lot for Urdu and Hindi. He said that he would refuse Heaven at the cost of Hindu-Muslim unity. His message of cultural unity was a priceless gift to India. He tried to combine East and West. He was for a harmonious India.

In his speech, another guest of honour, Vice-Chancellor of Maulana Mazharul Haq Arabic & Persian University, Patna, Dr. Md. Alamgir, held that the Maulana accepted the partition of India as a last resort. According to Azad, education should conform to the times. He strengthened IITs, Jamia Millia Islamia and Aligarh Muslim University. He was of the opinion that education should be for all. It should not be confined to a particular class because it was not the prerogative of any particular family. He stressed the need for giving practical shape to the vision of Maulana Azad. He disengaged Muslims from communal mindset and brought them into the national mainstream. He set the madrasa curriculum not only in Ranchi and Patna, but also in the entire country. He laid stress on women's education. His vision was reflective of the teachings of Qur'an and Hadith.

In his presidential remarks, the patron of the IOS, Prof. Z.M. Khan said that Maulana Azad was a multi-faceted personality. In whatever field he entered, he executed it in a passion that was near to perfection. He entered the Congress party where he commanded much respect. His advocacy covered all aspects of his thoughts. He recalled that at the funeral of Maulana Azad, when he went to his residence to pay homage, he saw Pandit Jawaharlal Nehru himself controlling the crowd that had gathered around his residence. *'Tarjuman Al-Qur'an'* was his most important book. He held that he was very much impressed with the Maulana and his personality. He possessed both *'Imaan-e-Mufassal'* (Good and pious deeds) and *'Imaan-e-Mujmal'* (Propagation of truth). Maulana Azad's ceaseless efforts did bear fruits, he added.

At the end of the valedictory session, a six-point resolution was unanimously adopted by the participants. The resolution read out by Maulana Shah Ajmal Farooq Nadwi, is as follows:

1. It is a happy augury that the attraction of the personality and the services of Maulana Abul Kalam Azad has not diminished even today. Despite the presence of a plethora of intellectual work, Maulana Azad continues to be a loved figure of the intellectual world till date. Thus, it is strongly felt that his personality should be subjected to intellectual pursuits.

2. This conference feels that Maulana Azad's modern propositions should be made topics of meaningful discussion and research, especially in India.

3. During the conference, it was felt that several aspects of Maulana Abul Kalam Azad's personality still remain untouched. There is thus a need to work on these topics. These include the comparative study of Tarjuman Al-Qur'an and other Urdu interpretations of the Qur'an. They also include the comparative study of Maulana Azad and spiritualism; Maulana Azad and his contemporary ulema and intellectuals; Fundamental elements of Maulana Azad's political and social thoughts; Research on the critics of Maulana Azad; Association of Maulana Azad with the revolutionaries of Bengal; and the Lingua Franca and Maulana Azad.

4. The idea also emerged in the conference that a comprehensive history of India, independent of the view-point of non-Indian (Western) historians, be re-written and compiled. This was the dream of Maulana Azad. The need for realising this dream is felt today more than ever before. Academic institutions, particularly those named after Maulana Azad, should pay attention to this.

5. It was strongly felt in the conference that efforts should be made to understand and adopt the message of Maulana Abul

Kalam Azad from different standpoints. This can be done by organising conferences, seminars and lectures. The Institute of Objective Studies has started this intellectual initiative by way of organising this conference. It is the duty of academic and research institutions to take this message forward. The IOS can coordinate with other institutions in such intellectual programmes.

6. This conference deems it necessary to thank all the stakeholders who extended their cooperation and support in making this conference a success.

The Vice-Chairperson of the IOS, Prof. Haseena Hashia, extended a vote of thanks to all the participants at the conclusion of the conference.

IOS Lecture on "US Punitive Tariffs on India: Challenges and Prospects" (September 7, 2025)

A lecture on '*US Punitive Tariffs on India: Challenges and Prospects*' was organised by the Institute of Objective Studies on September 7, 2025 to coincide with the 39th Annual Meeting of the General Assembly of the Institute.

Eminent economist and ex-Professor of Economics, Jawaharlal Nehru University, New Delhi, Prof. Arun Kumar delivered the lecture. Currently, he is the Malcolm Adiseshiah Chair Professor in the Institute of Social Sciences, JNU. He specialises in development, economics, public finance, public policy and macro-economics. He was also a part of the team to study the black economy for CBDT (1982-85).

Delivering the lecture, Prof. Arun Kumar said that the richest and technologically most advanced nation in the world was seeking to protect itself from much poorer countries like, India and the African nations. US President, Donald Trump's bullying had succeeded because US' big trading partners could not take a common stand. Trump laid bare the hard face of capitalism, 'might is right'. Since each nation would have a surplus of what they used to sell to the US, they would try to find markets for them and there could be dumping. "India is in a bind due to its past strategic mistakes. Its economy consists of vast unorganised sector where wages are low, resulting in inadequate internal demand. So, to meet the challenge, the need is to focus on employment generation, education, research, development and health". He observed that the contrast was stark in the US trade negotiations with China and India. A penal duty of 25 percent had been imposed on India for trade with Russia while China had got 90 days extension. India was being punished for showing relative independence. But, India could not concede to Trump's two key demands – opening up of agriculture and cultural ties with Russia. He said that US Treasury Secretary and President, Donald Trump's advisors were saying so many things. Some of the top US functionary has been berating India quite frequently.

Prof. Kumar held that India was being targeted for showing relative independence in spite of being a US strategic partner. "Trump is behaving like a King, squeezing whoever he could. He did not spare US' closest allies, like Canada and the European Union. The US was not behaving as a strategic partner and asking its ally, the EU, to also punish India with high tariffs for Russian crude oil. Referring to one-sided deals, he noted that USA signed trade deals with Japan, EU, South Korea, etc. Surprisingly enough, richest and technologically most advanced nation was seeking to protect itself against much poorer countries. He said that Trump managed to divide the world. There was global disquiet but helplessness. Donald Trump characterised April 2, 2025 as the 'Liberation day'. There was a ring of justification in the argument for reciprocity even though incorrect. But high tariffs were protectionist and not reciprocal. He declared praise in implementation to buy time.

Referring to the rationale for proposed tariff, Prof. Kumar said that an across the board 12 per cent tariff on imports into USA and a much higher tariffs on its largest trading partners was not understandable. Rivalry between the two big powers stemmed from the fact that China was a manufacturing hub of the world. Trump realised that alternative supply sources were not easy to climb down on tariffs and give time to negotiate. He noted that changes might come from courts and the Congress. He said that capitalism was replacing soft face by a hard one. With the decline of Soviet Union in 1980s, alternative to capitalism weakened and disappeared in 1991. It was replaced by capital flows. Trump was a free marketer who granted more freedom to big business. Trump's high tariffs were due to the challenges facing capitalism. The US was not able to generate enough good jobs for its workers. Replying to the question why MNCs investing abroad, he noted that with the advent of WTO, world globalised rapidly, export and import ratio of GDP rose sharply for all nations. Production was globally integrated. Advanced countries miscalculated WTO impact. There was division between high, intermediate and low technologies. Low wages in the developing world were a source of low-cost supplies.

Prof. Arun Kumar explained that the terms of trade were in favour of advanced countries due to competition and monopoly of high technology. He said that the United States could not provide intermediate technology goods at low cost with its high minimum wages. Both China and US would have surplus which they would have to sell elsewhere. China had higher exports to the US than imports from the US. But the total US exports would be impacted. President Trump had caused huge uncertainty globally since October 2024. He also pointed out that the process of de-globalisation started since the Ukrainian war. This process would further accelerate. He also opined that multilateralism would be replaced by bilateralism. The impact was most acute on unorganised sector and the marginalised. The US was trying to thwart China's rise. China had the chance to become a dominant power if it did not dump and others transited it. It was better if there was coordination across countries. The US was continuing individually hard capitalism. He concluded saying that '*Atma Nirbharta'* (Self-Reliance) would not work.

Presiding over the lecture, the Chairman of the IOS, Prof. M. Afzal Wani, held that there was a need for trust between nations. India is giving concessions to Trump in its budget. Trade worth 15 billion dollars was agreed upon in February 2025", he said. He also noted that 46 per cent workforce was engaged in the agriculture sector. It was very difficult for the people engaged in agriculture to shift to non-agriculture sector. He advocated for protecting agriculture sector. The US gave a subsidy of one per cent to its farmers. Trade was the second largest sector after agriculture. India had no option but to protect its agriculture sector. Agriculture sector declined due to demonetisation. Vegetables and fruits were rotting. In Punjab, farmers threw vegetables like tomato and potato on roads because there were no buyers for them. Due to poverty in the unorganised sector, 80 per cent of the population was getting ration free of cost. He said, "We are becoming de-globalised." Trust of Russia in India also declined. China is a big power. Trust in China is growing whereas trust in the US declined, he concluded.

Prof. (Ms.) Haseena Hashia, Vice-Chairperson, IOS thanked the speaker and all the members of General Assembly (G.A.) of the IOS and other participants.

IOS and Genuine Publications jointly organise a function to mark release of the biography "Dr Mohammad Manzoor Alam: Empowering the Marginalised" (October 8, 2025)

A biography of the Founder-Chairman and currently Chief Patron of the Institute of Objective Studies (IOS), Dr. Mohammad Manzoor Alam, was released at an impressive function jointly organised by the IOS and Genuine Publications & Media Pvt. Ltd., at the Deputy Speakers Hall, Constitution Club of India on October 8, 2025. The biography Dr Mohammad Manzoor Alam: Empowering the Marginalised, compiled by the Delhi-based senior journalist, Mr. A. U. Asif, profiles Dr. Alam's life and his contribution to social uplift of weaker sections by way of research and action.

The function began with the recitation of some Qur'anic verses by Dr. Nakhat Husain Nadwi, In-charge of the Arabic Section of the Institute. The recitation was accompanied by the translation in English.

In his welcome address, Patron of the IOS, Prof. Z.M. Khan, appreciated Mr. A.U. Asif for his efforts to compile the biography. He expressed the confidence that the biography would inspire the coming generations. He suggested that Dr. Alam's ideas and the efforts should be looked into the Islamic perspective. He said, "He is not feeling well, yet he came to attend the function. He is not fit to speak". He wished Dr. Alam's good health and longevity. The occasion was marked by the screening of a 15-minute documentary on the life of Dr. Alam, titled 'Dr. Mohammad Manzoor Alam: A Living Legend'.

Introducing the biography, Mr. A.U. Asif said that Prof. Amitabh Kundu was the most important man who did the work on empowerment of the marginalised communities in India. Prof. Kundu made a big contribution to the subject as Chairman of the Kundu Committee of which Dr. Alam was also one of the members. He narrated an anecdote of Dr. Alam's young age which involved a Paswan boy of his native village. He argued with his father for the

equal rights to the village lad. While wishing Dr. Alam to complete the century of his life span, he held that at Aligarh Muslim University, he received the affection and guidance of Dr. F.R. Faridi and the well-known scholar of Islamic economics, Dr. Mohammad Nejatullah Siddiqui. Inspired by both of them, he founded the Institute of Objective Studies. Academically, socially and ideologically, he made his country a pride. Mr. Asif maintained that after doing his Ph.D. in economics, Dr. Alam went to the Kingdom of Saudi Arabia in 1980s where he took up a lucrative job, but returned to India after some time and established the Institute of Objective Studies in 1986. After reading Jasoosi novels, he turned to the study of the Qur'an which gave him a new vision to focus on objective study of subjects and issues confronting socially and economically deprived societies, he added.

Prime Minister of Malaysia, Datuk Seri Dr. Anwar Ibrahim, in a message, read out by the Associate Professor of Political Science, Zakir Hussain College, Delhi University, Dr. Aftab Alam, described Dr. Mohammad Manzoor Alam "as a movement that will live forever". Recalling his friendship with Dr. Alam spanning over four decades, Datuk Ibrahim called Dr. Alam a "visionary leader who dedicated his life to empowering the marginalised and upholding the values of knowledge and justice". He said that he found in Dr. Alam—a sincere friend and farsighted guide. He hoped the biography would continue to inspire coming generations.

Prof. Amitabh Kundu, Professor Emeritus, L.J. University, Ahmedabad, observed that Dr. Mohammad Manzoor Alam has been the source of inspiration to him. He used to discuss socio-economic issues and educational status of Muslims with him. He maintained regular contact with him during his Chairmanship of the Post-Sachar Evaluation Committee, popularly known as the "Kundu Committee". Sharing his experience during the Sachar Committee years, he noted that Dr. Alam had an inclusive vision. He had a different perspective about the nation. He was an ardent believer in India's composite culture. Lauding Mr. Asif's efforts, he said that he did a tremendous job by touching on every aspect of life and contribution of Dr. Alam. He wished Dr. Alam many more years of life.

Dr. Abdullah Matouq Al-Matouq, Chairman, International Islamic Charity Organisation (IICO), Kuwait and special advisor for Humanitarian Affairs to UN Secretary General, in his video message, translated into English by Dr. Nakhat Husain Nadwi, held that Dr. Alam's perception and wisdom made him a man of perfection and commitment to a noble cause. He laid the foundation for a path leading to the enrichment of knowledge for the benefit of society at large.

Former Chief Election Commissioner of India, Dr. S.Y. Quraishi, observed that his personal contact with Dr. Alam is since last 2-3 years, but he had been reading him for fairly good time. Though research in India left much to be desired, yet the IOS did its bit to supplement to it and raise the standard. No other institution or organisation did as much work on societal marginalisation as the IOS. He was all praise for Dr. Alam for founding a research-based Institute.

Professor and senior consultant to internationally reputed agencies, Bahrain, Dr. Samir Q. Fakhro said, "May Allah give us strength to do something on knowledge-based power of peace and respect to others. Dr. Alam's achievements were extra-ordinary and the efforts he made were useful for the younger generation. He also said that his legacy was rich as he had been cherishing the high values of Indian culture and the Constitution". He opined that lack of inclusivity led to marginalisation of communities.

Releasing the biography as Chief Guest, former Union Minister for External Affairs and Minority Affairs, and currently, President of India Islamic Cultural Centre, New Delhi, Mr. Salman Khurshid, observed that Dr. Mohammad Manzoor Alam worked tirelessly for the cause of the community and society. He described Dr. Alam as 'a beacon of light' for the new generation. He founded the IOS which set a high standard for intellectual and social excellence in India. He said that IOS was the brainchild of Dr. Alam which grew into an institution that had no parallels. He concluded saying that Dr. Alam rendered a great service to society.

Spiritual leader and the founder of The Art of Living, Bengaluru, Gurudev Sri Sri Ravi Shankar, in a video message, said, "I have known Dr. Alam for some time. He contributed to national integration. He did a lot for inter-religious dialogues. This has been his lifetime mission. He is a role-model for those who are victims". While lauding his efforts to bridge religious and social divides, he called him "a guiding light for harmony".

Former President, Maulana Azad University, Jodhpur and Professor Emeritus, Islamic Studies, Jamia Millia Islamia, New Delhi, Prof. Akhtarul Wasey, held that Dr. Alam gave the concept of think tank a practical shape. He quietly did his work and set up several other institutions, besides the IOS. The coming generations would take pride in it that they saw Dr. Alam. He bravely and patiently faced adverse circumstances and finally overcame them. Praising Dr. Alam, he maintained that his stewardship is marked by the hosting of important seminars. The IOS also has a rich data collection. The Sachar Committee made use of the data provided by the Institute. He suggested that the biography on Dr. Alam should also be brought out in Hindi. Dr. Alam's concern was not confined to one community, but extended to other communities also. He called upon the scholars to connect with objectivity, instead of subjectivity.

Eminent journalist and human rights activist, Mr. John Dayal, pointed out that the Chairman of the Sachar Committee, Justice Rajinder Sachar, could not incorporate as much data as was provided to him by Dr. M. Manzoor Alam's Institute. He said that when he met Dr. Alam after the constitution of the Committee, he averred that the issue was not only statistical but also political. While providing the data to the Committee, arguments based on research were made. He opined that the Supreme Court should also have its own data. Caste in India was deep-rooted, but both Muslims and Christians are almost immune to it.

Vice-Chancellor of Chanakya National Law University, Patna, Prof. Faizan Mustafa, described the IOS as a model of knowledge creation which deserves to evolve into a university. He recounted his first encounter with Dr. Mohammad Manzoor Alam when he was a young

lecturer in Aligarh Muslim University. He received an invitation from Dr. Alam to speak at a seminar organised by the IOS. He refused to participate, but agreed later. This way he came into contact with him and the association with the IOS became stronger. Dr. Alam hosted many seminars, symposia, conferences, etc., and got written and published a number of books, yet the IOS did not vigorously pursue to set up a university. He suggested that a research university should be established to promote research in various subjects of study. He regretted that joint researches could not be undertaken with solidarity. He suggested for aggressive marketing of the IOS publications as well as improving the quality of production. He noted that Muslim society was a loose association which needed to be taken up for study.

Delhi-based senior journalist, Mr. Q.W. Naqvi, said that the IOS could not receive as much attention as it could have. He was associated with Dr. Alam since the days when the T.V. channel was planned to be launched. Ms. Binni Yadav, former General Secretary, Indian Women's Press Corps, Delhi, observed that she knew Dr. Alam since the past 16-17 years. She said that she met him first at the launch of a book at the IOS.

Eminent Urdu journalist and former Rajya Sabha Member, Mr. Meem Afzal, held that he witnessed such a spectacular function after a long time. He said, Dr. Alam is an institution in himself. He commands respect in society. In the current age, people were passionate about publicity. But Dr. Alam engaged himself in his work without seeking publicity. He was well-known to Mr. V.P. Singh, Mr. Rajiv Gandhi, Ms. Sheila Dixit and other high-profile leaders of India. All of them used to invite Dr. Alam for discussions on vital national and societal issues.

The Coordinator, IIIT, Sri Lanka, Mr. AJM Zaneer, said that he met Dr. Alam in Sri Lanka in 1992. He spent three days in a hotel there and discussed several issues with him. For five years, he took care of the education of several Sri Lankan students. He secured scholarships for several under-graduate students from the Kingdom of Saudi

Arabia. He also engaged him in some publications. He got some books of English translated into Tamil at the instance of Dr. Alam.

Research Director at CDPP, Hyderabad, Dr. Amir Ullah Khan, said that during the preparation of the Kundu Committee report, he got the opportunity to meet Prof. Amitabh Kundu, Mr. Salman Khurshid and Dr. Mohammad Manzoor Alam. He got inspiration from Dr. Alam and set up a small institution in Hyderabad. He believed that people were not as important as the institutions. He observed that Dr. Alam created a team of 10-12 people which would continue to work even after him. Earlier, he was very concerned about a hostile government assuming office. But later on, he decides to work with the new dispensation.

Acting President, All India Milli Council, Maulana Anisur Rahman Qasmi, congratulated Mr. A.U. Asif for writing the biography on Dr. Alam. He said that he had been associated with Dr. Alam since 1986. He influenced the country by his proactive approach. The efforts he put in were visible today. He objectively studied Islam and used his knowledge to take it forward. His future concerns were vindicated, he added.

Former Member of Parliament and Editor, *Kalom* daily, Kolkata, Ahmed Hassan Imran, observed that Dr. Alam's contribution to uplift the deprived sections and the minorities was immense. His work was great and deserved to be emulated. He said that though the Muslims of West Bengal lagged behind in the race of development, they ardently believed in the Constitution. He expressed his desire to coordinate with the IOS. Mr. Gurdeep Singh, Managing Editor of *Aaj-di-Awaz,* Punjab, said that he has been associated with Dr. Alam since last 25 years.

Vice-President, Jamaat-e-Islami Hind, Prof. Saleem Engineer, praised Dr. Alam for his stress on objectivity in the field of study and research. He said that he provided a platform to scholars to converge and share their experiences for the good of the community and society.

Secretary General, International Institute of Islamic Thought (IIIT), USA, Prof. Omar Hasan Kasule, described Dr. Mohammad Manzoor Alam as a man who turned knowledge into a tool for transformation. He gave up comfort in Saudi Arabia to return to his country, India, to serve the people. He linked the personality of Dr. Alam with a *Sahabi* (Companion) of the Prophet (PBUH), Mas'ab Bin Omair (RA) who belonged to a well-to-do family. He migrated from Makkah to Madina on the instructions of the Prophet (PBUH) to educate and train the people of Madina. He spread the light of knowledge among the citizens of Madina. Dr. Alam also did the same thing. He established an institution of knowledge and research in India to empower the marginalised sections. This institution also spreads knowledge to other parts of the world. Dr. Alam is a votary of country's diversity of religion, language and faith. He has unwavering faith in the Constitution and constitutionalism, Prof. Kasule concluded.

The Chairman of the IOS, Prof. M. Afzal Wani delivered the presidential address. He initially, with reference to an Urdu couplet, explained that the spirit behind the efforts of Dr. Mohammad Manzoor Alam was his inner urge to communicate with others and share with them his understanding and enlightenment to generate in them a longing to work for the betterment of the humanity and benefit people to the best of his energies and exertions. Prof Wani explained about the background of the IOS, established by Dr. Mohammad Manzoor Alam as an institution much need because of a pressing need for objective studies for knowledge creation and problem solving against an unwanted trend of scholars leaning towards the ideologies of the power yielders of the day or available funding agencies. Dr. Alam's quest to attain objectivity in academics and research proved successful in the form of hundreds of researches conducted in the institute through project works and research-oriented conferences, seminars and other academic activities of national and international levels.

Prof. Wani, with IOS research experience, asserted that studies in science and spirituality can go hand in hand. As I was in search of this approach of objectivity since my college days, my meeting Dr.

Mohammad Manzoor Alam was in my understanding a Godly connect to go ahead in quest for the real. Prof. Wani said that the concept of objectivity can be best understood with reference to the typical prayers of the Prophet Muhammad (PBUH): "Allah show me the things as they are"! Prof. Wani described IOS a movement to be placed in context with great knowledge creators of human history from Ibn Khaldun to latest scholars of Islam. He cogently avowed that Dr. Alam is not merely a community leader, activist, economist, friend or mentor, but an academic worthy of being counted as a scholar in the intellectual tradition of the world. Prof. Wani, appreciating the public-spirited nature of Dr. Mohammad Manzoor Alam said that the institutions like Islamic Fiqh Academy and All India Milli Council were also born out of the vision of Dr. Alam. He described him as a multi-faceted personality with determination and rare capability of "doing what he says". Referring to the common belief of the people about establishing an IOS University, he said that IOS is more than a university with about five hundred publications and one thousand and three hundred academic programmes which benefited a large number of university teachers, researchers, students, public servants, social scientists/activists, government agencies and international bodies. Prof. Wani clarified that effort for establishing an IOS University is half way. He however lamented that "We, Indians, do not focus much on research in comparison to non-productive rituals and solemnisations". "Dr. Alam always thinks not only of one community, but all the communities, especially the marginalised sections of the Indian population, with close cooperation with leaders of all the faiths in the country", he concluded.

At the end of the function, the Vice-Chairperson of the IOS, Prof. Haseena Hashia presented a vote of thanks to the attendees.

IOS organises condolence meet to mourn the death of Dr. Abdullah Omar Nasseef (October 26, 2025)

A condolence meeting was organised by the Institute of Objective Studies at the Institute's auditorium on October 26, 2025, to mourn the death of Dr. Abdullah Omar Nasseef, an acclaimed scholar, administrator and a devoted leader of Global Scouting Movement.

Expressing grief over the passing of Dr. Nasseef a few days ago in Jeddah, the Chief Patron of the IOS, Dr. Mohammad Manzoor Alam in his message, read over by Mr. Mohammad Alam, Secretary General, IOS, said that his demise marked the end of an era—the departure of a visionary and a scholar who was known for his strong dedication to education, moral improvement and service to humanity. Dr. Nasseef was an educator who held many important positions, such as the President of King Abdulaziz University, Jeddah, KSA. He led the university to become one of Saudi Arabia's top academic institutions, promoting research and global cooperation. He was very active in Islamic groups worldwide and student movements outside of the school. This could be understood from the fact that he was the Secretary-General of the Muslim World League from 1983 to 1993. His passion for youth development and moral education found early expression when he joined the Scouting Movement in 1956 as a Rover Scout, he noted.

Dr. Alam held that as Vice-President of Shura Council of Saudi Arabia, Dr. Nasseef served his country with honour and knowledge, giving important advice on education, ethics and national development. In 1991, he received King Faisal Prize in recognition of service to Islam. He was also given King Abdulaziz Medal of the First Class in 2004 followed by the Bronze Wolf, the singular honour bestowed by World Scout Committee in 1983. Referring to his close association with the IOS, he said that Dr. Nasseef was a valued member of the Editorial Board of the *Religion and Law Review*, the Institute's flagship bi-annual journal. He visited India several times and attended programmes organised by the Institute. Among these programmes the notables were—a lecture on the topic *'Islam in the*

21st Century', held at the Hamdard Convention Centre, Jamia Hamdard, New Delhi on March 7, 2001 and a three-day international conference on *'Inter-Civilisational Dialogue in a Globalising World'*, held at FICCI Auditorium, New Delhi on April 8-9, 2005. His presence at these programmes was always a source of inspiration, he noted. Dr. Alam observed that he possessed the unusual gift of inspiring scholars, students and ordinary people to serve humanity through knowledge and morality. Dr. Nasseef strongly believed that knowledge and faith were inseparable from each other. He often reminded educators that knowledge without ethics could not bring about change in society. Through inter-faith discussions, academic conferences and global initiatives, he dispelled myths about Islam, and promoted peace and cooperation. "For the Institute of Objective Studies, Dr. Nasseef's association was an honour and a source of enrichment that strengthened our academic partnership and reinforced our shared vision of social reform through scholarship and dialogue", he added.

Paying his tribute to Dr. Nasseef, the Secretary-General of International Islamic Fiqh Academy, Jeddah, KSA, H.E. Dato Dr. Koutoub Moustapha Sano, said that he was the confluence of the classical and modern knowledge. He created awakening about education in the Islamic world. His contribution traversed borders. He was the President of King Abdulaziz University. He was a global academic partner and the embodiment of service to humanity. He was also a votary of inter-faith dialogue and harmony. His life and contributions had illuminated hearts of so many people. He was a tall mountain of thought and knowledge, and an epitome of wisdom. He contributed significantly to Islamic scholarship. For me, he was not a teacher, but a father. He did so much for the Islamic world and Muslims. He held that the realm of Dr. Nasseef's intellectual, religious and humanitarian services were very wide. His life and services were worthy of emulation, he stressed.

Prof. Dr. Omar bin Abdullah Omar Nasseef, the elder son of Dr. Abdullah Omar Nasseef, paid an emotional tribute to his father. He described his father as a symbol of high level of ethics and morals. He expressed his gratitude to the admirers of his father.

President of the All India Muslim Personal Law Board and Secretary-General of Islamic Fiqh Academy (IFA), Maulana Khalid Saifullah Rahmani, held that Dr. Nasseef was the pillar of knowledge and a man of action.

Former Minister of Labour and Social Welfare, Kingdom of Saudi Arabia, Prof. Dr. Ali bin Ibrahim Namlah, in his recorded video message, highlighted the distinguished positions Dr. Nasseef held through his intelligence, diverse talents, and remarkable contributions he made in various fields.

Dr. Samir Qasim Fakhro, Senior Adviser to international educational organizations in Bahrain, spoke about three prominent qualities that characterised Dr. Nasseef—sincerity in work, gentleness in dealing with others, and responding to harsh with kindness.

Ameer of Markazi Jameeat Ahle-Hadis Hind, Maulana Asghar Ali Imam Mahadi Salafi pointed out that Allah blessed Dr. Nasseef's efforts and upbringing, allowing his services to extend for more than half a century. These services included the establishment of educational and charitable institutions dedicated to Islamic sciences and the nurturing of young people.

Shaikh Abdullah Al-Misfir from Riyadh Foundation, KSA, expressed his views filled with profound emotions—and concluded with an eloquent supplication for the elevation of the Dr. Nasseef's ranks in *Aakhirah*.

Dr. Abdullah bin Fahad Al-Lheedan, a Visiting Professor from the Kingdom of Saudi Arabia, highlighted the significant scientific and intellectual contributions of Dr. Nasseef and offered a sincere testimony to the noble works of the late scholar—may God have mercy on him.

Assistant Secretary of Jamaat-e-Islami Hind, Dr. Rizwan Ahmad Rafiqi presented the exemplary and impressive services offered by Dr. Nasseef to the Muslim *Ummah* across the globe.

Dr. Kaleem Alam, Member, Governing Council, IOS, New Delhi, offered an exemplary portrayal of the Dr. Nasseef's life and his close relationship with his father, Dr. Mohammad Manzoor Alam, and with the Institute of Objective Studies.

Senior journalist of Saudi Arabia, Dr. Laiqullah Khan highlighted the late scholar's commitment to supporting Muslim minorities around the world, his constant efforts to uplift them, preserve their identities, and enable them to fulfil their responsibilities towards Islam, their homelands, and humanity.

In his recorded video message, the President of the International Union of Muslim Scholars, Qatar, Dr. Ali Mohiuddin Al-Qardaghi said "We have lost an exceptional and exemplary figure who combined knowledge into action". He added that Dr. Nasseef came from an honorable and noble scholarly family, one of the most deeply rooted families of Hijaz, whose origins are firm and whose branches reach the sky—in a blessed land whose plants flourish by the permission of its Lord. He was a true Arab who inherited the finest Arab qualities of generosity, hospitality, and selflessness.

Likewise, Director General of the International Islamic Charity Organisation, Kuwait, Engineer Badar Al-Sumait, in his recorded video message, highlighted Dr. Nasseef's outstanding humanitarian services.

In his concluding remarks, Prof. M. Afzal Wani, Chairman, IOS remarked that Dr. Abdullah Omar Nasseef (born in Jeddah, Saudi Arabia, in 1939) obtained degrees in Chemistry and Geology from King Abdulaziz University and University of Leeds in the United Kingdom. He was a man with prime quality of being concerned about the Muslims and peace-loving people of the world. He possessed deep thinking, strong communication skills, empathy, courage, vision and commitment to inclusiveness. In his qualities, he was a born researcher and played a great role in establishing research institutions to promote studies in socio-economic development, preservation of faith, promotion of intellect, universal education, peace, sustainability and cooperation among individuals, institutions

and nations. He had a good grasp on the principles of Islam relating to these human values. As the Secretary-General of Muslim World League (1983-1993), he worked firmly with commitment to persuade the leadership of the world to follow those cardinal principles of cooperation for minimising conflict and making contribution for reducing illiteracy, ignorance and sufferings of people in minority through promotion of research studies and understanding for purposeful programming and action. He possessed the qualities of a jurist also and acted as the Vice-President of the Shura Council of Saudi Arabia (the Advisory Legislative Council) effectively.

Dr. Abdullah Omar Nasseef provided a decent model of friendship, sincerity, public service and empathy for the youth to promote values for bringing a better world into existence with sustainability. Dr. Nasseef did memorable work in the direction of streamlining Hajj Pilgrimage Management and for focusing on Muslim Minority affairs. His efforts were appreciated to be declared the Chief Scout for the Saudi Arabian Boy Scouts Association (having joined it in 1956) and later was the President of the International Union of Muslim Scouts. He also received the Bronze Wolf (the only global distinction of the World Organisation of the Scout Movement) in 1983 for services to world scouting, characterised by research, audit and advice on matters of sustainability. In 1991, he received the King Faisal Prize (Service to Islam category) and was awarded the King Abdulaziz Medal – First Class in 2004. He shall be remembered as a man of science, research, management and cooperation, and a role model for many to follow. We pray to Almighty Allah for acceptance of his good deeds and rewarding him with *Maghfirah* and *Jannah*.

The condolence meet began with the recitation of some verses from the Holy Qur'an. In-charge of the Arabic section, Dr. Nakhat Husain Nadwi conducted the proceedings. The meeting ended with *dua* offered by Maulana Abdullah Tariq.

Twelfth IOS Lifetime Achievement Award presented to Prof. Z. M. Khan (November 5, 2025)

The Twelfth IOS Lifetime Achievement Award was presented to Prof. Z. M. Khan (Zahoor Mohammad Khan) the former Dean, Faculty of Social Sciences, Jamia Millia Islamia, at an impressive investiture ceremony organised by the Institute of Objective Studies at its auditorium on November 5, 2025.

The function began with the recitation from the Holy Qur'an by Dr. Nakhat Husain Nadwi, In-charge of Arabic section of the Institute. The recitation was accompanied by its translation in English.

In his welcome speech, the Secretary General of the IOS, Mr. Mohammad Alam, highlighted the activities of the Institute in detail. He then stated that the Institute has honoured individuals, institutions and NGOs, which have rendered invaluable service to national life with the IOS Lifetime Achievement Award. So far, 11 personalities have been honoured with the Award. The twelfth IOS Lifetime Achievement award is presented to Prof. Z. M. Khan in recognition of his services in the field of education, administration, planning, organisation and implementation.

Ex-President of Maulana Azad University, Jodhpur, Rajasthan and Professor Emeritus, Department of Islamic Studies, Jamia Millia Islamia, Padma Shri, Prof. Akhtarul Wasey presented the scroll of honour to Prof. Z. M. Khan.

The citation was read out by content editor, Mr. Faisal Hashmi. It described Prof. Z. M. Khan "An educationist par-excellence, an institution-builder, a researcher-writer whose innumerable works have stood the test of time, Prof. Khan had adorned the world of academia in India, for over six-long decades. His in-depth knowledge places him in a unique position of authority as he worked tirelessly, and lived his entire life, upholding the righteous traditions of the Holy Qur'an".

"Prof. Z. M. Khan's life story is one of the steadfastness, determination, unwavering integrity and extraordinary commitment to learning and public service. His journey from a humble village in Uttar Pradesh to the highest positions in academia – stands as a testament to what dedication, vision and moral strength can accomplish. Prof. Khan's academic contributions are as vast as they are profound. A prolific writer and deep thinker, he has authored and edited nine major books and produced over twenty scholarly articles in national and international journals. His writings explore themes of Indian government and politics, minority affairs and international relations. But beyond subjects and data, they carry a moral vision – a concern for justice". "No tribute to Prof. Z. M. Khan would be complete without acknowledging his remarkable contribution to the Institute of Objective Studies (IOS)–a pioneering institution dedicated to the study of socio-economic and political issues affecting India's marginalised communities".

The Chairman of the IOS, Prof. M. Afzal Wani presented a cheque of One Lakh rupees while former judge, Allahabad High Court, Justice Zaki Ullah Khan presented the memento to Prof. Khan.

Addressing the gathering as the chief guest, Justice Zaki Ullah Khan, observed that political science has been his choicest subject. Referring to Prof. Khan, he said that a teacher must be remembered by his students because it is he who shares knowledge, acquired after several years of teaching, with his students. He expressed the confidence that Prof. Khan would continue to guide the younger generations. He is a true patriot and his contribution to the promotion of knowledge was noteworthy. It was an occasion to celebrate his achievements and the recognition he received from the noted institution like the IOS, he added.

Speaking as a guest of honour Prof. Akhtarul Wasey, said that Prof. Z. M. Khan spent three decades as a teacher and administrator at Jamia Millia Islamia, New Delhi. He is credited with starting the law department there. He played an important role in making the Jamia as a premier institution of higher learning in the country. He described Prof. Khan as a man of action. He did his every bit to take

the university to high levels of teaching and research. His worth was recognised by Dr. Mohammad Manzoor Alam, the then Chairman of the IOS, who made Prof. Khan the Secretary General of the Institute. As Secretary General, Prof. Khan took forward its mission and vision and made the Institute a think-tank to reckon with. While wishing him a good health and longevity, he hoped that the Institute would continue to expand its activities under his stewardship.

Another guest of honour, former Dean, Faculty of Education, Jamia Millia Islamia, Prof. Mohammad Akhtar Siddiqui, said that the gathering on the occasion was enough to show Prof. Khan's popularity and respect among his students and colleagues. He had been a teacher as well as an activist. He is well-known in academic circles. He did a lot for the upliftment of the Muslim community. He is a serious thinker and researcher. It was Dr. Mohammad Manzoor Alam who recognised the gem in him and brought him to the IOS. Owing to his efforts, the Institute was held in high esteem for research and objective study of socio-economic issues of the marginalised sections. He pooled together the academic minds and gave them an opportunity to share their knowledge for the benefit of society at large. He said that the IOS contributed volumes of research materials under the guidance of Prof. Khan. He authored and edited several books. He wished Prof. Khan's good health and alacrity.

Editor of Urdu newspaper, *Akhbar-e-Nau* and former Member of Rajya Sabha and ex-Indian Ambassador to various African countries, Mr. Meem Afzal, held that Prof. Khan raised the issues confronting the Muslim community. The Institute had been working at different levels. Congratulating Prof. Khan for receiving the award, he said that it was in the fitness of things to honour him with this prestigious Award. He did a lot for Jamia Millia Islamia to raise its status among the finest educational institutions of learning.

Former Professor and Head of the Deptt. of Political Science, Jamia Millia Islamia, Dr. Furqan Ahmad held that he was junior to Prof. Khan in the political science department. He specialised in public administration. The honour bestowed on Prof. Khan was not an honour to an individual, but to knowledge, dedication and sacrifices.

He made a positive impact on the people who came in his contact. His life was replete with the relentless pursuit of knowledge. His integrity well-deserved this honour. His scholarly contributions reflected his wisdom. Pursuit of knowledge was his life-long journey. Close bonds between Dr. Mohammad Manzoor Alam and Prof. Khan gave a fillip to the IOS, he added.

Chief Patron of the IOS, Dr. Mohammad Manzoor Alam, who could not make it to the function on account of his ill-health, in his message, read out by Prof. Hamid Nasim Rafiabadi, an Islamic scholar, said, "His credentials, his service, his scholarship, and his abiding commitment to the values which IOS holds dear—objectivity of enquiry, inclusiveness of purpose, social justice and the empowerment of marginalised communities—make him truly worthy choice for the Award. "This 12th conferment marks another milestone in our journey at IOS, in recognising those towering individuals whose lives embody the union of intellectual rigour and social commitment. In conferring the 12th Lifetime Achievement Award on Prof. Z. M. Khan, we pay homage not only to his individual achievements, but also recommit to those ideals for which IOS was founded and continues to live", Dr. Alam said. "Prof. Khan embodies the spirit of the IOS Lifetime Achievement Award because his life reflects scholarly rigour and institutional leadership, social engagement and public good, mentorship, community and inclusiveness", Dr. Alam concluded. Ex-Vice-Chancellor of Magadh University and Professor of Geography, Jamia Millia Islamia, Prof. Mohammad Ishtiyaque, said that he worked with Prof. Khan in the university for years. He presented a shawl to Prof. Khan on the occasion. The daughter of Prof. Khan, Dr. Farhat Zahoor Azad said that this was a privileged day for the entire family.

Acknowledging the honour bestowed on him, Prof. Z. M. Khan said, "Faith in God and the spirit of service are life's greatest awards. This is a gratitude which I would like to express". The bounty of faith and trust could not be achieved so easily. Islam presented a perception of the world to man with a chart of duties to the Creator. It also ensures that the faithful remained accountable to God. He held that this feeling and faith is the higher honour for him. He held that the

institutions played an important role in his life. These included Delhi University, Jawaharlal Nehru University, Jamia Millia Islamia and the Institute of Objective Studies. He observed that one should cherish certain values. One of them was the belief that God exists. Then one had to enquire and ascertain whether it was true. He said that this gave him the highest prize of belief in God. There is a relationship of man with the Almighty and a relationship of man with other creatures. Relationship with God leads a man to submit to Him. Underlining the importance of Islam, he noted that universal brotherhood was given to the world by Islam which was wonderful. Everyone's deeds would be judged by God on the Day of Judgement.

Prof. Khan explained that man is only the trustee to every material thing created by God on earth. This also explains the relationship of man with man. He said that his spiritual gurus told him to be honest and do not do any immortality even at the minutest. "Family is first. Then go down the list. Islam gave you a worldview to think over issues. *Ibadah* connects you with God. Save the humanity by selecting a community. I selected Dr. Mohammad Manzoor Alam. This worldview should be understood". He said that his wife did a lot for his health and helped him to keep fit. He thanked the IOS for honouring him with the Award.

Presiding over the function, the Chairman of the IOS, Prof. M. Afzal Wani said that the award ceremony is a great occasion. Such an event is organised for the appreciation of any person who has shown some significant contribution in his life time. So, any conferment of an award is something which reminds humanity to appreciate the work done by various persons with distinction. It was the IOS which conferred the first Lifetime Achievement Award to the former Chief Justice of India, Justice A.M. Ahmadi in 2007. The IOS is an institution devoted to academics and research, creating beneficial knowledge for promotion of humane thought and understanding by books, intellectual deliberations in conferences and field studies. This is an activity connected with *Hikmah*. The IOS, accordingly, enjoys the prime position of developing interest and engagement in intellectual pursuits and making the universe of knowledge possibly richer for anyone looking for access to its contributions. Referring to

Prof. Khan, he said that he contributed to understanding the society by writing various prolific and guiding concept notes for conferences, seminars and other academic programmes which made them more focused and meaningful. He has the capacity to project ideas with intellectual depth and certainty with his long experience as an academic leader, especially in Jamia Millia Islamia.

He said that the Award has a symbolic value. His works on governance and empowerment should be understood in the light of that elevating and enriching perspective. The conferment of the award should inspire many more to use their time for knowledge creation. Prof. Khan deserves lot of gratitude from the society for his contributions in the form of writings and producing many scholars worth the name. The Award is an appreciation of Prof. Khan's sincere efforts and incentive for other researchers and academicians.

Prof. Wani pointed out that in his personal life, Prof. Khan has balanced the family engagements, intellectual efforts and the social obligations very nicely. He believes in the Almighty and kept contributing for long. Award is just a gesture that reminds other social scientists to sense the pulse of the community and contribute. He suggested to hold a conference on Justice Ahmadi in which lawyers of eminence should be invited to participate. Wishing Prof. Khan a long life, he stated that his way might be followed by committed researchers to mitigate the factors working against the marginalised people anywhere.

At the end of the function, the Vice-Chairperson of the IOS, Prof. Haseena Hashia extended a vote of thanks to the attendees.

IOS Centre for Historical & Civilisational Studies (IOSCHCS), Aqliyati Council of India and IOS Aligarh Chapter jointly organise a Seminar on 'Minorities & Backward Classes: Problems and Their Solution' (November 23, 2025)

A Seminar on 'Minorities & Backward Classes: Problems and Their Solution' was jointly organised by IOSCHCS, Aqliyati Council of India and IOS Aligarh Chapter at the Chapter's building on November 23, 2025.

Participants included the intellectuals drawn from various backgrounds, while retired District Session Judge, Janab Saleem Khan was in the chair.

Dr. Wasi Bilal, Director, ACN Group of Institutions, Aligarh, conducted the proceedings of the seminar interspersed with his own Urdu verses, rightly composed for every situation arising in the seminar.

Mr. Manzar Jamal, retired Principal, India International School, Riyadh (KSA), reflected on communalisation of Indian society and politics. He raised the question how hatred should be challenged. He laid emphasis on spreading education among Muslims, so they can resist the challenges created by the spread of hatred and also shape their own career.

Advocate Farhat Ali Usmani, President, Aqliyati Council of India said that while education is important, but Muslims should also participate in politics to send their concern over the politics of hatred and marginalisation of Muslims and other minorities and Dalits.

Professor Syed Jamaluddin, Director, IOSCHCS, Aligarh presented the genesis of divide and rule policy of the present political regime. He said, the legacy of the colonial practice of divide and rule is being orchestrated by the communalists.

Speaking on hatred targeting Muslims, he referred to the distortion of history and throwing away the Muslim rule from school textbooks. He also focused on the need to promote Urdu and improve our expressions in Urdu language.

Prof. Shamim, Former Principal of University Polytechnic (Boys) AMU, Aligarh emphasised the need to join politics to get various benefits offered by the state. He said that political empowerment of Muslims was more important even than education. He drew attention to the rise of Yadav community, which improved its destiny due to organised efforts of their community leaders.

Mr. Rais Ahmad Khan, owner of City Hospital, Aligarh and Mr. Moinuddin, Social Worker, spoke on the issues related to the registration of Waqf properties by December 05, 2025 and matters related to SIR. They explained in simple words how waqf properties can be registered on Ummeed Portal. They also offered free of cost assistance and help in filling the prescribed forms. BLOs were invited to share their views on SIR, but they could not make it since they were called to do some other duties.

Rest of the speakers also expressed their views on the issues related to SIR and Waqf properties and shared their experience on the most pertinent issues of the day.

In his presidential remarks, Mr. Saleem Khan explained how Muslims are being denied the benefits offered by the state. He highlighted an important point that except Muslims and Christians, all other religious minorities are included among Hindus and, therefore, they become entitled to all the benefits given by the state. He said with a heavy heart that a whole drama is being staged to keep Christians and Muslims from getting several benefits.

In the end, Advocate Farhat Ali Usmani, President, Aqliyati Council of India thanked the speakers for expressing their views on the theme of the seminar. He also thanked the audience and hoped that they would attend such programmes in future also.

IOS Celebrates "Constitution Day" (November 26, 2025)

A function to celebrate the Constitution Day (National Law Day) was organised by the Institute of Objective Studies at its auditorium on November 26, 2025. The theme was "We are Sovereign".

Addressing the gathering on the occasion, the Chairman of the Institute, Prof. M. Afzal Wani, said, "On this very day in 1949, the Constitution of India was adopted. The Constitution was adopted after three-year long debate in the Constituent Assembly. It was the outcome of the understanding reached after long discussions and hard work". This was the day to celebrate the largest Constitution of the largest democracy in the world. In order to understand the importance of the Constitution and its finer points, 1.4 billion people of India should connect to it. They should figure out the agenda of the Constitution. He called for understanding this agenda to enable India to shine in the world. Without this, no idea could come out and no action plan could be drawn up. Even the strength could not be gained without this agenda. "It is for us to discern what it contains. Some people say it has been borrowed from somewhere else and given a shape with a cut-paste. But I believe the Constitution of India grew out of the freedom struggle". He noted that the framers of the Constitution saw to it that there remained no shred of sufferings and excesses.

In this connection, Prof. Wani referred to the martyrdom of the Urdu journalist and editor, Moulvi Mohammad Baqir who was strapped to a cannon and shot reducing his body to pieces in 1857. The entire country was united then to demand freedom of expression. Those who averred that the Constitution was brought from somewhere, were wrong. The IOS deemed it fit to hold a national conference in remembrance of Moulvi Baqir who laid down his life at the altar of press freedom.

Referring to the IOS, he said that it is a value-based institution, working for the good of the humanity. The Institute is engaged in conducting research in consonance with the spirit of International

Bill of Rights. It carries out research in terms of values enshrined in the Indian Constitution. This is also an apex research body at the national level. Owing to being an institution of objective research, the IOS has an international mission. It is oriented to both the Indian Constitution and the International Bill of Rights. He observed that the Institute is taking forward its research and agenda in conformity with the voice of the votaries of rights. This Institute did a lot of work in support of constitutional values during 40 years of its existence.

Prof. Wani pointed out that the IOS took Constitutionalism forward under the able direction of its Chief Patron and founding-Chairman, Dr. Mohammad Manzoor Alam, whose vision and acumen held it in good stead. In a way, the Institute is a movement which devoted itself to the well-being of humanity. Legislators, researchers, teachers and students of colleges as well as activists could utilise the findings of the researches undertaken by the Institute. Those who wanted to restore peace and order in the world, and to develop cordial relations among nations, could also benefit from the plethora of material put together by the IOS. He said that the IOS family is imbued with the spirit of the Constitution which is a testament to human welfare. The caravan of the Institute would continue its journey to work for social uplift. He said that the day is called the 'Constitution Day' in the entire country because among other things, it also articulated the improvement of relations with other nations. Extending his felicitations on the occasion, he laid stress on understanding the Constitution in letter and spirit, and speculate on the disorder that might follow in the absence of it. The occasion was marked by the pledge of the staff members of the Institute to stand by the Preamble to the Indian Constitution.

IOS Two-Day online International Conference on "The Life and Contributions of Taha Jabir al-Alwani" (December 27-28, 2025)

A two-day online international conference on "The Life and Contributions of Taha Jabir al-Alwani" was organised by the Institute of Objective Studies (IOS) in collaboration with AbdulHamid AbuSulayman Kulliyah of Islamic Revealed Knowledge and Human Sciences, IIUM Malaysia (AHAS KIRKHS), Universitas Ibn Khaldun Bogor, Indonesia (UIK) and the International Islamic Fiqh Academy, Jeddah, KSA (IIFA) on December 27 and 28, 2025.

Inaugural Session

The conference formally began with the recitation of a Qur'anic verse by Hammad Kaleem Alam. Welcoming the participants of the conference, Secretary General of the IOS, Mr. Mohammad Alam, extended a warm and heartfelt welcome to them, and highlighted the activities of the Institute. He said that the IOS, established in 1986, sought to contribute to intellectual discourse by integrating ethical values with contemporary social science research. It focused on areas such as education, social justice, minority studies, human rights, culture and civilisational dialogues. Through research projects, seminars, publications and academic collaborations, the Institute aimed to develop alternative perspectives that promoted equity, harmony and inclusive development. With a strong commitment to academic rigour and social responsibility, the Institute of Objective Studies has emerged as an important platform for scholars and researchers engaged in thoughtful analysis of social challenges, both in India and globally. He observed that Dr. Taha Jabir Al-Alwani was a towering scholar of Islamic jurisprudence and Qur'anic studies whose intellectual legacy continued to guide researchers, institutions and thought leaders across the world.

Introducing the theme, former Dean, Faculty of Humanities and Languages, Jamia Millia Islamia, New Delhi, and Convenor of the conference, Prof. Mohammad Ishaque, said that Dr. Taha Jabir al-Alwani occupied a significant place among contemporary scholars of

Islamic thought. His engagement of *Ijtihad* and *Tajdia* with modern times made him an acclaimed Islamic scholar. His holistic framework set a new trend in *Maqasid-e-Shariah*-oriented research. His Islamic legal theory was universal. His methodical approach to Qur'anic thought had deeper intellectual insights. He briefly dwelt on Al-Alwani's pioneering contributions in the areas of Islamisation of knowledge and the activities of integration of Islamic knowledge. His innovative approach to Qur'anic epistemological methodology sustained a significant influence on contemporary scholarly discourse. He opined that Al-Alwani's intellectual legacy would continue to dominate Islamic thought in future as well.

Former Head of Shah-i-Hamadan Institute of Islamic Studies, University of Kashmir, Srinagar, Prof. Hamidullah Marazi presented the profile of Dr. Taha Jabir al-Alwani. He said that Dr. Al-Alwani was an intellectual reformer who worked for the development of Islamic jurisprudence. He had a modest background but became a contemporary thought leader. He made significant contributions in the areas of Islamic *Usul al-Fiqh* and he fully involved himself in the schools of Islamisation of Knowledge. He also took forward the Islamic legal tradition. His Islamic scholarship was recognised both in the East and the West. He touched upon contemporary Islamic issues and developed modern intellectual framework to solve them. He theorised empirical knowledge of Wajud. His theory of integration of Islamic teachings with modern knowledge remained a vital reference point for researchers. He sought integration of Islamic ethics with modern knowledge. He also suggested how Islamic law could be applied to non-Muslims. He founded a global platform for scholars. He left an indelible mark on modern Islamic thought. He studied at Al-Azhar University, Cairo, and was a scholar, teacher and institution-builder. He was the president of International Institute of Islamic Thought (IIIT), USA. He was a reformer and knew several languages, like Arabic, Turkish, English etc., Prof. Marazi added.

In his inaugural speech, renowned scholar and President, International Union of Muslim Scholars, Qatar, Dr. Ali Muhiudden Al-Qaradaghi, held that Dr. Taha Jabir al-Alwani was a prominent Islamic jurist and thinker known for his influential work on Islamic

law, especially in relation to Muslim minorities. He studied at Al-Azhar University, Cairo and later taught at Imam bin Saud University, Riyadh, KSA. He also served as legal advisor to the Ministry of Interior, KSA. At the International Institute of Islamic Thought (IIIT), USA, he played a key role in theorising Islamisation of knowledge. After moving to the United States, he founded the Graduate School of Islamic and Social Sciences, (GSISS) and led major scholarly initiatives in North America. As a prolific author, Dr. Al-Alwani's works addressed Qur'anic authority, legal methodology, ethics of disagreement and *Fiqh al- aqalliyyat*. Beyond his scholarship, he was remembered as a devoted family man and an inspiring teacher, he said.

In his key-note address, Professor, Kulliyyah of Education, IIUM, Malaysia, Prof. Dawood Abdulmalik Yahya Al-Hidabi, observed that Dr. Taha Jabir al-Alwani was an outstanding scholar who left a rich legacy for young scholars by revisiting Islamic intellectual tradition. He belonged to the group of scholars who were concerned about the *Ummah*. He was for the socialisation of environment. He also spoke on Dr. Al-Alwani's *Usul of Shariah* and his activities in the United States of America and the KSA. He had his own concern about Muslim *Ummah*. His contribution through epistemological foundation based on the Qur'an was very important. His life went through his education with several stages. He applied modern paradigms to understand integration of Islamic knowledge system. He defined the concept of *Tawhid* and *Tazkiyah*. He emphasised the re-evaluation and re-interpretation of *Sunnah*. He also called for renewal of *Usul of Fiqh* and *Maqasid-e-Shariah*. He propounded the ethics of disagreement and laid emphasis on truth rather than argument. He believed in deep epistemology of transformation and argued for synchronisation of knowledge and establishment of global *Ummah*, Dr. Hidabi added.

A brief message received from Dr. Ahmad Al-Alwani on behalf of his family, was read out by Dr. Nakhat Husain Nadvi, In-charge of the Arabic section of the IOS. In the message, the Al-Alwani family was specifically pleased to announce the forthcoming launch of the 'Taha Jabir al-Alwani Award', an academic award that seeks to honour conscious thought, *maqasid*-oriented research, and service to

the causes of *Ummah* through an authentic and contemporary methodology—one that might be established and articulated in his writings, dialogues, scholarly debates, teaching and documented courses.

Chief Patron and Founder-Chairman of the IOS, Dr. Mohammad Manzoor Alam, in his speech, read out by Prof. Mohammad Ishaque, said, "Dr. Taha Jabir al-Alwani was among the most distinguished Islamic scholars of our time, whose intellectual legacy will continue to inspire generations of scholars, thinkers and students of Islamic thought. He was a visionary scholar who combined deep fidelity to the Qur'an and *Sunnah* with an acute awareness of the challenges confronting the contemporary world". He observed that Dr. Al-Alwani's most significant contribution lay in his efforts to revive *Ijtihad* as a living and dynamic process. He consistently emphasised that Islamic jurisprudence must remain responsive to changing social realities while remaining anchored in the higher objectives (*Maqasid*) of *Shariah*. His pioneering work in the field of *Fiqh al-Aqalliyyat* (Jurisprudence of Muslims) provided much-needed guidance to Muslims living in non-Muslim societies, enabling them to practise their faith with confidence, integrity and civic responsibility.

Dr. Alam noted, "Equally noteworthy was his role in advancing the project of the Integration of Knowledge. As a founding figure and later the President of International Institute of Islamic Thought (IIIT), Dr. Al-Alwani worked tirelessly to promote an integrated vision of knowledge that harmonises revelation and reason, ethics and empiricism, faith and social sciences. He firmly believed that the intellectual crisis of the Muslim world could not be resolved without reforming its epistemological foundations".

"Dr. Al-Alwani was also deeply committed to the ethics of disagreement. At a time when divisions and intolerance increasingly afflict Muslim societies, he called for scholarly humility, intellectual pluralism and mutual respect. His writings and public engagements reflected a Qur'an-centric approach that sought unity without uniformity and dialogue without compromission principles".

Speaking as a guest of honour, Secretary General, International Islamic Fiqh Academy, Jeddah, H.E. Dr. Koutoub Moustapha Sano thanked Dr. Mohammad Manzoor Alam for recognising Islamic scholars and highlighting their contributions. Referring to Dr. Al-Alwani's contributions, he said that Islamisation of Knowledge could be described as one of the significant theories he propounded. He wrote several wonderful books on the subject. In 1985, he did his Ph.D. and moved on to work in the areas of the Integration of the Knowledge of *Shariah* with the modern knowledge system. He came from an Islamic background—his father was an engineer. He did everything at Al-Azhar, from High School, Undergraduate and Ph.D. He also went deep into social service. He called for debating on the concept of Haraam and Halal. He referred to Dr. Al-Alwani's contribution in the IIIT. He always talked of Islamisation and integration of knowledge. He developed the concept of the 'Integration of Knowledge' and believed that knowledge would come only when it was integrated, Dr. Sano averred.

Rector of Islamic University of Maldives, Male, Prof. Dr. Ali Zahir was another guest of honour, who called Dr. Al-Alwani a visionary thinker. His *Maqasid-e-Shariah* was rooted in the Qur'anic Revelations. In his view, *Ummah* and humanity at large were important. His concept of the fragmentation of knowledge and ethical consciousness opened new vistas of research. His work was a trajectory of research among younger scholars. His contribution would strengthen intellectual solidarity with a lasting impact in future, Dr. Zahir maintained.

Vice-Rector for Cooperation, Innovation & Development, Universitas Ibn Khaldun Bogor, Indonesia, Prof. Dr. Budi Susetyo, Ir., also a guest of honour, observed that Dr. Al-Alwani did ground breaking works. His work was related to the integration of Islamic knowledge. He worked for the Muslim minority and stressed the need for *Ijtihad*. His concept was based on Qur'anic values as envisioned by the IIIT. He continued his noble work for the uplift of humanity. He called for taking forward Dr. Al-Alwani's legacy.

The fourth guest of honour was the Vice-Chancellor of Aliah University, Kolkata, Prof. Dr. Rafikul Islam. He said that there was the crisis of methodology. There was the need to restore integration of knowledge. Islamic knowledge should be integrated with modern knowledge. He called for restoration of the coherence of the Qur'an and said that the Qur'an remained the source of knowledge. He described Dr. Al-Alwani as a methodical visionary. He also shed light on the ethics of disagreement.

The occasion was marked by the release of two books, published by the Institute of Objective Studies. The books were: "Economics of Awqaf" authored by Prof. Dr. Adul Azim Islahi, and "Positive and Spiritual Psychology", authored by Prof. Akbar Husain.

Presiding over the inaugural session, Chairman of the IOS, Prof. M. Afzal Wani, described Dr. Taha Jabir al-Alwani as the greatest scholar of his time. His life was important to ponder over, he said. He said that the new age of emerging technology was dawning on. And in this age, he responded to legal, social and economic issues confronting the Muslim *Ummah*. He contributed to *Fiqh* and issues of ethics, and wrote on the relations between state and the people. He deeply studied the Qur'an. He held that the study created dynamism in a person. The best person was one who had *Taqwa*. Dr. Al-Alwani theorised Qur'anic intellectualism. He also said that one should be careful of languages; and the language of the Qur'an. Interpretation of *Ahadith* and *Tafsir* of the Qur'an were very important. Thought should be in consonance with the branch of knowledge. He called for going into the question how he was empirically correct. He held that the method was important and one should reflect how he was right. Practice should be to develop *Fiqh* which was a real knowledge. And the Qur'an was the real source of real knowledge.

Prof. Wani noted that every knowledge came from the divine source. All knowledge was for the welfare of humanity. He held that the IOS had a timely opportunity to fill a gap by organising an international conference on Dr. Taha Jabir al-Alwani. He suggested that an award in the name of Dr. Al-Alwani be instituted and given to a scholar of

Islamic thought. *Fiqh al-Aqalliyat* would connect Islamic thought with other thoughts, he concluded.

At the end of the session, Vice-Chairperson of the Institute, Prof. Haseena Hashia, extended a vote of thanks to the participants.

Technical Session-I

The first technical session was devoted to *"Life, legacy and Intellectual Formation of Taha Jabir al-Alwani"*. The session was chaired by Dr. Fathi Hasan Malkawi from the International Institute of Islamic Thought, Jordan. There were two key-speakers of the session.

The first key speaker was Prof. Dr. Bouhedda Ghalia, Professor at AHAS KIRKHS IIUM, Malaysia. She spoke on 'The Conditions for the Islamisation of Knowledge in the intellectual legacy of Taha Jabir al-Alwani'. In her paper, she laid emphasis on creating good conditions to achieve *Maqasid-e-Shariah*. She was followed by the second key-speaker, Dr. Hamidullah Marazi who touched upon the topic 'Islamisation and Integration of Knowledge and the Contribution of Taha Jabir Al-Alwani with special reference to the IIIT'. Referring to the theory of Dr. Al-Alwani, he said that inclusion of Islamic content in knowledge was a secular paradigm. Disintegration of knowledge was the disorientation of knowledge. 'Integration of Knowledge' was fundamentally a project of Islamic knowledge. He held that the IIIT became a global platform for Islamic knowledge. He significantly contributed to the contemporary Islamic thought. He practically helped the Muslims, and had an agenda for their welfare. He explained *Ijtihad* in the modern context. Dr. Al-Alwani was an *Ijtihadi*, he noted.

In his presidential remarks, Dr. Fathi Hasan Malkawi spoke about his close relationship with Dr. Taha Jabir al-Alwani for over 37 years as an academic advisor to the IIIT during his presidency. He emphasised that his extensive discussions with Taha Jabir Al-Alwani covered IIIT's activities and programmes, the content of his lectures and writings, and the programmes of the Graduate School of Islamic and Social Sciences (GSISS) founded and led by him. He concluded

by highlighting that the most important thing he learnt from Dr. Al-Alwani was his constant commitment to growth and learning from every opportunity and in every subject.

Technical Session-II

The second technical session focused on *"Taha Jabir al-Alwani's Approach to understanding the Qur'an and the Sunnah"*. Prof. Mohammad Ishaque was in the chair.

The key speaker of the session was Prof. Dr. Radwan Jamal Yousef Elatrash, Professor, AHAS KIRKHS, IIUM, Malaysia. He spoke on the 'The Qur'anic centrality in the *Maqasid*-based methodology of Taha Jabir Al-Alwani: An analytical study'. He said that the centrality of the Qur'an constituted one of the major methodological pillars in contemporary projects of Islamic intellectual renewal. Among the foremost scholars who articulated this concept within an integrated *maqasid*-framework was Taha Jabir al-Alwani. His project represented an advanced model of a comprehensive Islamic methodology grounded in Qur'anic centrality as the foundation for reconstructing the juristic and intellectual mindset, and for transforming *maqasid* from an abstract theoretical construct into an effective instrument of civilisational thinking and decision-making, he added.

Dr. Mohamed Fouz Mohamed Zacky, Assistant Professor, AHAS KIRKHS, IIUM, Malaysia spoke on 'Is Qur'anic Sovereignty the Answer? Rethinking Political Authority through Taha Jabir Al-Alwani's Vision'. He said that Al-Alwani explained how *shariah* could be reconciled to sovereignty. He propounded new theory called 'Qur'anic sovereignty'. His Qur'anic vision was rooted in divine sovereignty.

He was followed by Dr. Muhammad Junaid Mughal, Assistant Professor from Department of Fundamental and Inter-Disciplinary Studies who jointly presented his paper with Prof. Dr. Muhammad Mumtaz Ali, Professor, Department of Usul al-Din and Comparative Religion and Philosophy, AHAS, KIRKHS, on 'The challenge of the Development of Muslim Mind: A critical study of the Discourse of

Taha Jabir Alwani'. They said that Al-Alwani wanted to establish *Tawhid*-based epistemology and the Qur'an as source of knowledge. Islamisation of knowledge is Qur'anic and universal, he commented.

The third speaker of the session was Dr. Nirwan Syafrin, a senior lecturer at Universitas Ibn Khaldun Bogor, Indonesia. He shared his views on 'Revisiting Qur'anic Definitive Text in Contemporary Islamic Thought: Insights from Taha Jabir al-Alwani's perspective'.

He was followed by Dr. Waseem Hassan Raja, Assistant Professor from Department of Arabic Language and Literature, Islamic University of Science and Technology, Awantipora, Kashmir, India. His topic was 'Taha Jabir Al-Alwani: The voice of the Qur'an in the time of heedlessness'. He said that Al-Alwani emphasised that the human being constituted the centre of the Qur'anic discourse and that the ultimate purpose of revelation was the realisation of justice, mercy, and the cultivation of the earth. He advocated linking religious texts to social and political realities, so that the Qur'an might become a living force guiding the life of the *Ummah*.

Dr. Mohammad Yousuf Mir, Assistant Professor, Islamic University of Science and Technology, Awantipora, Kashmir, India, was the fifth speaker who devoted his speech to the topic, 'Taha Jabir Al-Alwani and his contribution to Qur'anic studies'.

The sixth speaker was Mr. Ahmad Akram Bin Mahmad Robbi, Associate Fellow at the Islamic Social Finance, Universiti Sultan Zainal Abidin, Malaysia. He spoke on 'Text, Context and *Maqasid*: Taha Jabir Al-Alwani's contribution to the contemporary *Hadith* Scholarship'. He said that the Prophetic Traditions were contextual. Al-Alwani developed methodological innovations and approaches. Supremacy of Qur'anic guidance was necessary for *Maqasid-e-Shariah*, he held.

The seventh and last speaker was a senior research fellow (Ph.D.) Mr. Zafer Ahmad Ganai, who together with Dr. Nasir Nabi, Senior Assistant Professor at Shah-i-Hamadan Institute of Islamic Studies, University of Kashmir, Srinagar, India, jointly presented the paper on

'Evaluating the *Sunnah* through the Qur'anic criterion: A critical analysis of Taha Jabir al-Alwani's methodology'. They said that the Prophet (pbuh) was the final authority in the event of disputes. Qur'anic revelations were the main source of Islamic knowledge.

Chairperson of the session, Prof. Mohammad Ishaque summarised the presentations made in the session.

Technical Session-III

Chaired by Prof. Arshi Khan, Vice-Chairperson of the IOS, and Professor of Political Science, Aligarh Muslim University, Aligarh, India, the third session focused on *"Integration of Knowledge: Taha Jabir al-Alwani's Vision for Integrating Traditional Islamic Education with Modern Sciences"*.

The key speaker of the session was Prof. Dr. Thameem Ushama from AHAS KIRKHS, IIUM, Malaysia. He presented his paper on 'The theory and the process of Islamisation of Knowledge: A comparative analysis of Ismail Raji al-Faruqi and Taha Jabir al-Alwani'. The purpose of his paper was to analyse the theoretical framework of both the thinkers. There were two visions but the mission was one. There was also the epistemic crisis in the modern Islamic world. This was due to educational dualism and the colonial legacy of the West. Besides, there was the loss of *Tawhidic* World view. Al-Alwani built a *Tawhid*-based epistemology.

The first speaker Prof. Dr. Saadeldin Mansour Gasmelsid, Associate Professor, AHAS KIRKHS, IIUM spoke on 'Taha Jabir Al-Alwani and his role in the sciences of *Hadith* and *Usul al-Fiqh*'.

The second speaker was Dr. Tazul Islam, Senior Lecturer, Universiti Sains Islam, Malaysia. He presented his paper on 'From Islamisation to *Maqasidic* Integration: Taha Jabir Al-Alwani's epistemic turn and the methodology of *Al-Jam bayna al-Qira'atayn*'. He said that in his later writings Islamisation became less used and integration became preferred. It was a shift from Islamisation discourse to a more explicit integration model.

Dr. Abas Mansur Tamam, Lecturer at the Graduate School, Master of Islamic Religious Education, Universitas Ibn Khaldun was the third speaker. He touched upon the topic, 'Taha Jabir Al-Alwani's *Tawhidic* epistemology and knowledge integration in Islamic education reform'.

The fourth speaker was Dr. Mohammad Ajmal, Assistant Professor, Centre of Arabic and African Studies, School of Language, Literature and Culture Studies, Jawaharlal Nehru University (JNU), New Delhi. He presented his paper on 'Taha Jabir Al-Alwani and his methodological approach to integrating religious and social sciences'. He argued that there was a gap between religious and secular knowledge. He laid stress on the need for unity of knowledge and Islamic methodology of knowledge. Al-Alwani wanted that Islamic knowledge be integrated with human and social sciences.

Mr. Wahyu Hidayat, a Ph.D. candidate, ME Sy at Universitas Ibn Khaldun, Bogor, Indonesia, presented his paper on '*Shariah* Micro-economic empowerment with the *Fiqh Al-Aqalliyyat* approach: Integration of *Maqasid Al-Shariah* and *Shariah* finance'. He observed that *Maqasid Al-Shariah* was to empower the community. Thus, *Shariah* became economic empowerment of the Muslim community.

The last speaker was Showkat Ahmad Najar, research scholar, Department of Islamic Studies, Aligarh Muslim University, Aligarh, India. He spoke on 'Re-integrating Revelation and Cosmos: Reassessing Taha Jabir Al-Alwani's two-readings methods for a contemporary Islamic Epistemology'. He held that the fragmentation of knowledge deviated from classical Islamic knowledge. He broadened the scope of *Ijtihad*.

December 28, 2025 (Day-2)
Technical Session-IV

The fourth technical session was chaired by Prof. Abdul Rashid Bhat, Former Professor, Department of Islamic Studies, University of Kashmir, Srinagar. The theme of the session was *"Taha Jabir Al-*

Alwani's Reforming Thought, Ijtihad, Maqasid-e-Shariah and Islamic Jurisprudence".

The first key speaker of the session was Prof. Dr. Mohammad Mumtaz Ali, Professor, Department of *Usul al-Din* and Comparative Religion and Philosophy, AHAS KIRKHS, IIUM, Malaysia, whose presentation was on 'Humanity and Universality in Contemporary Islamic Thought: An analysis of the view of Taha Jabir Al-Alwani'. He opined that a particularly consequential feature of this era was the prevalence of misrepresentation. Intellectual discourse was more exclusive and dialogical, demonstrating a deep concern for humanity and universal values. Islam for him was true, authentic and universal. Islamic civilisation also produced rich traditions of spirituality that emphasised inner transformation of people. The second key speaker was Prof. Mohd. Fahim Akhtar, Professor of Islamic Studies, Maulana Azad National Urdu University, Hyderabad. He focused on 'Apostasy in Islam: An analysis of the views of Taha Jabir Al-Alwani'. He said that Dr. Al-Alwani was a towering personality and differed with other scholars on the subject. According to him, if an apostate created disorders, it might not be allowed. He prescribed legal punishment for it. He held that in Qur'an, as explained by the Prophet (pbuh), the killing of an apostate was prohibited. But, there was consensus among scholars that the punishment for apostasy was death.

Dr. Mahamed Fathy Eltrebi, Assistant Professor, Faculty of *Shariah* and Law, Universiti Islam Antarabangsa Sultan Abdul Halim Mu'adzam Shah, Malaysia, together with Dr. Hassan Suleiman, Assistant Professor, AHAS KIRKHS, IIUM, were the first speakers who jointly presented their paper on '*Al-Maqasidi Al-Olya Wa Athroha Al-Fiqhy* of Taha Jabir Al-Alwani: An analytical perspective'. They held that Dr. Al-Alwani utilised inductive reasoning to establish the higher objective (*Maqasid*) of Islamic law, which he identified as *Tawhid* (Oneness of God), *Tazkiyah* (purification) and *Ithmar* (civilisational) development. Al-Alwani's framework emphasised the importance of mercy for the message and the messenger, the removal of hardship and the pursuit of benefits. The next speaker was Dr. Zulqernain Haider, Department of *Fiqh* and *Usul al-Fiqh*, IIUM,

Malaysia. He focused on 'Methodological Renewal in Contemporary Islamic *Fiqh*: Taha Jabir al-Alwani's approach to the primary texts of Qur'an and *Sunnah* and its impact on selected *Fiqhi* issues'. He said that Al-Alwani represented modern Islamic thought. He contended that the Qur'an was the ultimate criterion. He revitalised the Qur'anic tradition. He was followed by Dr. Jamaliah Jamil, research scholar at the Institute of Knowledge Integration Academy, Tbilisi, Georgia. She presented her paper on 'Taha Jabir Al-Alwani's contribution to holding the advancing universal welfare *Maqasid* in global Muslim Al society'. She referred to the intellectual and ethical contribution of Taha Jabir al-Alwani. His thesis was grounded into Islamic epistemology. He called for protection to women suffering due to polygamy. He left a rich intellectual legacy.

Dr. Ishaq Amin Parrey, Adjunct Faculty, Department of Islamic Studies, Baba Ghulam Shah Badshah University, Rajouri, Jammu, spoke on 'Reconstructing *Ijtihad*: Taha Jabir Alwani's *Maqasid*-oriented framework for the renewal of Islamic thought'. He was followed by Ms. Umesha Jan, junior research fellow (Ph.D.) and Dr. Nasir Nabi, Assistant Professor, both from Shah-i-Hamadan Institute of Islamic Studies, University of Kashmir, Srinagar, India. They jointly presented their paper on 'Advancing the scope of *Maqasid Al-Shariah*: A scholarly contribution of Al-Alwani's perspective on Environmental Conservation'. Dr. Uzma Khatoon, a columnist at the online web portal, New Age Islam, based in New Delhi, presented her paper on 'An analytical study of *Ijtihad* and *Tawhid* in the context of Taha Jabir Al-Alwani's intellectual discourse'. She said that the Muslim intellect had become stagnant leading to the crisis in the Muslim world. Referring to *Ijtihad*, she held that it was a part of belief in Islam. Mr. Mohammad Ikrar Nur Fikri, a post-graduate student at Universitas Ibn Khaldun, Bogor, Indonesia, focused on 'Beyond Capital and Labour: Testing the Classical Production in the context of *Shariah*-compliant Firms'. He said that *Shariah*-compliance business in Islam was significant.

During the discussion, Dr. Fathi Hasan Malkawi made a comment on several papers that spoke of a transition from Islamisation of Knowledge to Integration of Knowledge. He stated that the views

expressed by participating scholars represented the personal interpretations of Taha Jabir Al-Alwani's ideas and that this was natural for such interpretations to sometimes lacked in conveying Taha Jabir Al-Alwani's intended meaning.

Technical Session-V

The fifth technical session was chaired by Prof. M. Afzal Wani. The theme of the session was *"Contemporary Intellectual Crisis: Diagnosis and Proposed Cure"*.

The first key speaker of the session was Dr. Fathi Hasan Malkawi, who spoke on 'The Intellectual Renewal Efforts in the thoughts of Taha Jabir Al-Alwani'. He referred to the claim that Al-Alwani developed his thought from Islamisation of Knowledge to Integration of Knowledge, and then to *Maqasid*. This claim might not be accurate about Al-Alwani. He claimed that his understanding was based not only on reading Al-Alwani's works, but also on long personal acquaintance and specific discussions with him on this particular matter. He said that Allah Almighty bestowed upon him psychological and intellectual qualities such as questioning and confusion. *Tajdid* (Renewal) in Al-Alwani's perspective was way beyond a topic in *Usul-al-Fiqh*. He had also called for renewing and reforming knowledge.

The next key speaker was Prof. Dr. Abdul Salam @ Zulkifli B. Muhamad Shukri, Associate Professor, AHAS KIRKHS, IIUM, Malaysia. He touched upon the topic, 'Taha Jabir al-Alwani and Islamic Thought: A discourse on the contemporary intellectual renewal'. Dr. Suhaimi Mhd. Sarif together with Dr. Yusof Ismail, Professor, and Former Academic Fellow, respectively at IIUM, Malaysia, jointly presented their paper on 'Evaluation of select intellectual legacy of Taha Jabir Al-Alwani'. Dr. Ahmad Syahirul Amin, Lecturer in the Department of Islamic Economics, IPB University Bogor, Indonesia. Spoke on 'Assessing the alignment of contemporary Islamic economics with Taha Jabir Al-Alwani's Islamisation of Knowledge Methodology'. Dr. Khalid Hussain, a former researcher in the Department of Islamic Studies together with

Dr. Mohammad Rafique Anjum, Chair Professor, Tribal Studies, Baba Ghulam Shah Badshah University, Rajouri, Jammu, India focused on 'Reconstructing Islamic Thought in Modern Times: The Reformist Vision of Taha Jabir Al-Alwani, and the Quest for a Balanced Epistemology'. Dr. Fauzia Maraam, former Ph.D. fellow in Islamic Studies, Aligarh Muslim University was the last speaker of the session who spoke on 'Taha Jabir Al-Alwani: Intellectual Crisis and Islamisation of Knowledge'.

At the end, Prof. M. Afzal Wani summed up the presentations made in the session.

Technical Session-VI

The sixth technical session was chaired by Prof. Arshi Khan. The theme of the session was focused on *"Taha Jabir Al-Alwani's Views on the Ethics of Disagreement in Islam: His Vision for Dialogue, Disagreement and Pluralism"*.

The key speaker of the session was Dr. Noor Mohammad Osmani, Associate Professor, AHAS KIRKHS, IIUM. He spoke on 'Taha Jabir Al-Alwani's Qur'anic approach to *Ijtihad*, violence and peace'. He was followed by Dr. Mohammad Ilham Sheikh, Assistant Professor of Islamic Studies, Centre of Central Asian Studies, University of Kashmir, Srinagar, India. He presented his paper on 'Ethics of disagreement and contemporary Muslim Ummah: Relevance of Taha Jabir Al-Alwani's vision of modern challenges'. Dr. Mohammad Nazmus Sayadat, Assistant Professor of Fundamental and Inter-Disciplinary Studies, AHAS KIRKHS, IIUM, together with Dr. Tazul Islam, senior Lecturer, Faculty of Qur'an and Sunnah Studies, University of Science and Islam, Malaysia. They jointly presented their paper on 'Perpetuation of unison and circumventing dissections as the tools in ascertaining ethical disagreement'. Mr. Salman Faris TC, Lecturer, Busthanul Uloom Arabic College, Kannur, Kerala, devoted his paper to 'The Moral foundations of disagreement: Re-examining Taha Jabir al-Alwani's contribution to Islamic legal thought'.

Dr. Yusof Ismail, Former Academic Fellow at IIUM focused on 'Taha Jabir al-Alwani and the ethics of disagreement in Islam: A comparative study with classical and modern thinkers'. He was followed by Mr. Shakeelur Rahman, research scholar, Department of Islamic Studies, Jamia Millia Islamia, New Delhi, India. His topic was 'An introduction to the ethics of disagreement in Islam by Taha Jabir al-Alwani'. The next speaker was Dr. Muhammad Redha, a Ph.D. candidate, Universitas Ibn Khaldun Bogor, Indonesia. He presented his paper on 'The ethics of difference in Islam and national religious governance: The contribution of Taha Jabir al-Alwani's thoughts in strengthening Islamic ethics in Indonesia in the midst of religious differences and moderation'. The last paper presenter of the session was Dr. Mohammad Azam Qasmi, former research scholar in the Department of Sunni theology, Aligarh Muslim University, Aligarh. He presented his paper on 'The Islamic ethical framework of Taha Jabir al-Alwani's concepts of *Ikhtilaf* and Adab'.

At the end of the session, Prof. Arshi Khan, summed up the proceedings of the session. Prof. Fathi Hasan Malkawi and Prof. Hamidullah Marazi also made certain observations on *Ijtihad* and disagreement.

Valedictory Session

Speaking as a guest of honour, Dr. Mustafa Ceric, Former Grand Mufti of Bosnia and Herzegovina and President, World Bosniak Congress, Bosnia, said that Taha Jabir al-Alwani was an extra-ordinary Muslim scholar. He faced challenges of every kind. His legacy called upon the young scholars to take it forward. He belonged to a rare breed of scholars. He emphasised that this conference and similar gatherings should not be limited to commemorating the achievements of thinkers, but they must serve as a call to continue the mission of contemporary Islamic intellectual reformers. Taha Jabir Al-Alwani used to say knowledge must restore dignity. He gave intellectual direction to Islamic thought. He laid stress on justice, mercy and rigour. According to him, the Prophet (pbuh) made *Shariah* easy. The Muslim society was under transformation. It

required something deeper, like courage. He said that the world ahead was not only academic, but also spiritual.

The second guest of honour was Dr. Ildus Rafikov, Vice-President - Research at the Maqasid Institute, USA. He held that reading of Qur'an led him to the change of positions. It was a courageous statement from him. He was courageous to take challenges. His humility brought him to a position of eminence. He gave 13 points to strengthen his position. He developed his own vocabulary and his legacy would continue to dominate the Islamic discourse. He was an authority on the Qur'an. He spoke about the diverse intellectual legacy of Taha Jabir al-Alwani and his contributions to renewal and reform.

In his valedictory address, Prof. Mohammad Ishaque, elaborated on several aspects of Taha Jabir al-Alwani's life, highlighting his courage in expressing the reformist positions and views he believed in. He said that Al-Alwani created scientific reason. He had asked Muslims to open to full reasoning. His knowledge was beneficial for Muslims. His intellectual journey began with questioning the views of earlier thinkers. His intellectual and empirical approach to issues of *Ijtihad* and other things drew attention of the Islamic scholars. He did admit to certain mistakes pointed out by his students and researchers and he begged for Allah's pardon for them. He explained *Tadabbur* and its meaning. In his *Tafseer al-Qur'an*, he presented the brief spirit of *Tafseer*. He joined the company of distinguished scholars and academician. He contributed immensely to the renewal of Islamic thought. According to him, knowledge was a fundamental issue of Islam. He used to say that he loved all the people of the world. He had international legacy and faced social and political challenges.

In his presidential speech, the Patron of the IOS, Prof. Z.M. Khan, spoke about his relationship with Taha Jabir al-Alwani and how his conversations with him had a profound impact on his own intellectual life. He said that he had hosted him during his visit to the United States of America and had one-to-one dialogue with him. He noted that he had a religious family background, but he received secular education. He called for taking up Islamic methodology in a

different fashion. He was invited by him to work on a project of his college.

Speaking on the outcome of the conference, Prof. M. Afzal Wani said that the ideas had the requirement of implementation. He called for knowledge creation. Integration of Knowledge meant creation of knowledge. And it should come from Revealed Knowledge through Qur'an. He observed that when one read Qur'an, he had some doubts. And then came the clarity. Continuous indulgence created more ideas which were unending. He held that sincerity and clarity were most important. But just and reasonable *Taqwa* and *Adl* were also important. There might be differences but they should co-exist. He called for developing ideas and the unity of *Ummah*. He hoped that the agenda would be carried forward with implementation.

Earlier, a seven-point resolution, adopted by the participants by a voice vote, was read out by Prof. Arshi Khan. The resolution read as:

It is a matter of immense satisfaction that the Institute of Objective Studies (IOS), New Delhi, India, in collaboration with the AbdulHamid AbuSulayman Kulliyyah of Islamic Revealed Knowledge and Human Sciences (AHAS KIRKHS), the International Islamic University Malaysia; the Universitas Ibn Khaldun (UIK) Bogor, Indonesia and the International Islamic Fiqh Academy (IIFA), Jeddah, KSA successfully organised a two-day online international conference on "The Life and Contributions of Taha Jabir al-Alwani" at New Delhi on December 27-28, 2025 in which academicians and scholars, at a good scale from many nations, like India, USA, KSA, Malaysia, Indonesia, Qatar, Jordan, Bosnia and Herzegovina, Maldives, Georgia, etc., participated and presented their research papers.

1. The effort should continue to highlight that the prime focus on the works and thoughts of Taha Jabir Al-Alwani which make prominent the objectives of *Shariah* to give dignity and protection to life, establish social justice and ensure fairness, mercy and security in societies.

2. That effort should be made to facilitate the understanding of the problems and crisis faced by the world in an analytical manner with reference to the indices identified by Taha Jabir Al-Alwani in the Qur'anic text and *Sunnah* to promote purposeful research and academic environment in Islamic studies in general and Islamic *fiqh* in particular.

3. That all efforts should be made to work towards the requirement of Integration of Knowledge and carrying forward the civilisational dialogue navigating without diluting essentialities of Islam.

4. That all efforts should made to make the thought of *Fiqh al-Aqalliyaat* more explicit for the comprehension of the global communities for the purpose of harmonisation of the system prevalent in the world.

5. That the Institute of Objective Studies shall cooperate with the family of Shaikh Taha Jabir al-Alwani in effective processing of the "Taha Jabir Al-Alwani Award" for encouraging Maqasid-oriented research and service to the cause of *Ummah* through authentic and contemporary methodology.

6. That institutions and universities shall make a sincere attempt to establish chairs and centres of study for carrying forward the legacy of Taha Jabir Al-Alwani with clarity and commitment.

7. That an effort shall be made by the Institute of Objective Studies to carry out research projects to present a comparative view of the thoughts of Taha Jabir Al-Alwani and other contemporary thinkers.

The two-day international conference ended with a vote of thanks extended by Prof. Haseena Hashia.

ABOUT RELIGION AND LAW REVIEW

The *Religion and Law Review* (RLR) is a peer reviewed legal periodical published by the Institute of Objective Studies, New Delhi. It covers scholarly discussions on various aspects of religion, law and other socio-legal issues. The periodical accords particular importance to the study of issues and events which are of contemporary concern, having a direct or indirect bearing on situations of minor or major religious groups and other underprivileged sections of the society.

The RLR entertains all significant contributions from scholars of law and allied disciplines on relevant themes. It encourages diverse opinions on different issues to make possible objective analysis of the problems and possible solutions. Contributions on important aspects of law, like environment, human rights and administration of justice are entertained in addition to religion oriented articles and comments.

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The objectives of the RLR are:

1. To promote research on basic legal and social issues;
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3. To highlight the issues relating to freedom of religion in different legal systems;
4. To study the contribution of religion to law;
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6. To analyse state action *vis a vis* religious groups; and
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The RLR welcomes contributions from all interested students and scholars of law, religion and society in the form of articles, notes,

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A hundred words abstract which summarizes the main ideas of the paper should be submitted by all contributors.

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ABOUT THE INSTITUTE OF OBJECTIVE STUDIES

The Institute of Objective Studies was founded in March, 1986 to promote purposive research to generate understanding and awareness of conceptual issues and current problems and highlight the ethical and moral dimensions of social dynamics.

Objectives

- To set up institutes, centres and research facilities in various fields of social sciences.
- To undertake research on problems and issues of social importance.
- To provide a forum for contact and exchange of views among social scientists.
- To cooperate and coordinate with all individuals, organisations and institutions that are working for identical objectives at national or international level.
- To award fellowships and scholarships for promoting aims and objectives of the IOS.
- To publish books, periodicals, monographs and project reports for wider dissemination of Institute's programmes and point of view.

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It includes all major areas of social sciences and humanities viz: philosophy, religion, history, sociology, economics, political science, anthropology and education. It also includes public administration, human geography, population studies, inter-communal and international relations, constitutional studies, law, criminology, media studies, linguistics, ethnology, social eugenics and psychology etc.

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