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OTT PLATFORMS AND REGULATORY CHALLENGES IN INDIA: CONSTITUTIONALITY, GOVERNANCE AND THE FUTURE OF DIGITAL MEDIA

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INTRODUCTION: THE DIGITAL SCREEN AS A CONSTITUTIONAL SPACE-

In modern India, digital screens do more than entertain—they pulse with communication, culture, and bold public debates. Over-the-Top (OTT) platforms, which beam movies and shows straight to your phone or laptop via the internet, skipping old cable or satellite setups, lead this shift. Cheap smart phones and data plans have flung open the doors to stories from everywhere, letting anyone binge what they want, when they want.

Yet this boom shakes up the old rules. Movies and TV face pre-approvals and censors; OTT dodged that for years, sparking fresh creativity but also headaches over wild content clashing with decency or public order. These aren't just bureaucratic gripes—they strike at India's Constitution, pitting free speech under Article 19(1) (a) against state limits on morality and safety.

This piece zooms in on OTT's legal tangles, weighing creative fire against fair oversight. It spotlights how courts demand "reasonable" curbs, probes vague laws like the 2021 IT Rules, and maps a smarter path: clear guidelines, self-checks by platforms, and judges as final guards. The goal? Nurture India's digital boom without choking voices that define our democracy.

UNDERSTANDING OTT PLATFORMS: NATURE AND LEGAL DISTINCTION-

OTT platforms have revolutionized how we consume entertainment by streaming movies, shows, and more straight to our devices over the internet. Unlike old-school TV channels bound by the Cable Television Networks (Regulation) Act, 1995, or cinema halls governed by the Cinematograph Act, 1952, these services empower users to pick what they watch, when, and how—think binge-watching on demand via subscriptions, not fixed schedules.

This setup isn't just convenient; it's legally game-changing. Traditionally media blasts content into homes uninvited, so regulators demand pre-checks to shield viewers from harm. OTT, however, thrives in a private space—you choose to click play, making it a consensual experience. That's why many argue old censorship rules don't fit; forcing them here feels like overkill.

Still, without dedicated laws tailored to OTT, things get messy. Platforms lean on vague general rules, sparking uneven crackdowns—one day fine for "obscene" scenes, next ignored. This uncertainty stifles creators, as they second-guess bold ideas to avoid trouble. Clear, balanced rules could fix this, respecting user freedom while ensuring accountability.

CONSTITUTIONAL FRAMEWORK: FREEDOM OF EXPRESSION AND ITS LIMITS-

A. Article 19(1)(a): Scope and Applicability:

Article 19(1)(a) of the Constitution protects the right to freedom of speech and expression — a right

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that extends to films, television, and digital content alike. As the Supreme Court recognized in Shreya Singhal v. Union of India, online speech enjoys the same constitutional safeguards as offline expression, reaffirming the need for precision in laws regulating digital communication. Accordingly, OTT content, being a form of audiovisual artistic expression, falls squarely within the ambit of this protection.

B. Article 19(2): Reasonable Restrictions:

Freedom of expression is not absolute. Under Article 19(2), it is subject to reasonable restrictions in the interests of public order, decency, morality, and national security, among others. The constitutionality of OTT regulation depends, therefore, on whether government intervention is proportionate, narrowly tailored, and grounded in legitimate constitutional concerns. As the Supreme Court has cautioned, vague or sweeping restrictions risk creating a chilling effect that deters free artistic expression.

STATUTORY FRAMEWORK GOVERNING OTT PLATFORMS-

A. The Information Technology Act, 2000:

The “Information Technology Act, 2000”remains the central statute governing digital activity in India. This was meant for all things digital back when dial-up was king, not binge-watching. Still, it's the go-to law today. Sections 67 cracks down on obscene stuff online—think explicit images or videos that cross into illegal territory. If something nasty pops up on an OTT show, authorities can slap fines or worse after the fact. Then there's Section 69A, which lets the government block entire websites or content if it threatens national security, public order, or decency. Handy for takedowns, right? But here's the catch: these rules kick in only after trouble brews. No pre-screening like old TV; it's reactive. Platforms post content, viewers watch, and if complaints flood in, the cleanup crew arrives. This leaves a Wild West vibe—creators push boundaries, but one viral backlash and poof, it's gone. No clear playbook means uneven enforcement; what's "obscene" in one state might slide in another.

B. The IT (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021:

The “IT Rules, 2021” introduced a more formal framework by classifying OTT platforms as “publishers of online selected content.” Suddenly, they're not just middlemen; they have skin in the game. Platforms must follow a Code of Ethics—keep things decent, no fake news, protect kids from gore. The real game-changer? A three-tier complaint system.

Step one: Platforms handle gripes internally with speedy fixes.

Step two: If unsolved, it goes to a self-regulating body of industry peers.

Step three: Government steps in as the big boss for the toughest cases.

Sounds balanced—self-policing with oversight. But not everyone's cheering. Critics say it hands too much power to bureaucrats. A government panel deciding what's "harmful"? That smells like backdoor censorship.

What if they nix a gritty web series on social taboos just because it ruffles feathers? It risks chilling creativity—writers and directors second-guess scripts, fearing fines or shutdowns. Sure, accountability matters amid rising deep fakes and hate-mongering shows, but vague terms like "public morality" invite abuse. Courts have grumbled about this overreach before, stressing free speech under Article 19(1)(a) can't be trampled lightly.

We need tweaks: clearer definitions, faster judicial checks, and tech like AI filters over human whims. That way, we enjoy bold content without the nanny state vibe. Platforms thrive, viewers choose wisely, and democracy stays vibrant.

KEY REGULATORY CHALLENGES-

A. Vagueness and Legal Uncertainty:

Terms such as ‘decency’, ‘morality’, and ‘public order’ are inherently subjective. Without clear statutory definitions, content creators face ambiguity that can result in uneven enforcement and legal exposure.

B. Chilling Effect on Creative Expression:

Regulatory uncertainty often leads to self-censorship, with platforms altering or withdrawing content to avoid controversy. This undermines the diversity and innovation that define the digital media ecosystem.

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C. Executive Oversight and Constitutional Concerns:

When government authorities exercise direct oversight over content, it raises questions about the separation of powers. Judicial scrutiny is an essential safeguard to prevent overreach and ensure fundamental rights are not curtailed arbitrarily.

D. Jurisdictional and Enforcement Issues:

Because OTT platforms operate across states and borders, determining jurisdiction can be complex. The potential for multiple parallel complaints and conflicting legal decisions creates further regulatory strain.

JUDICIAL APPROACH TO OTT CONTENT REGULATION-

Indian courts have adopted a balanced approach, recognizing both the need for regulation and the imperative of protecting artistic freedom. Judicial opinions consistently emphasize that offense or disagreement alone cannot justify suppression of expression. Courts have urged holistic evaluation of works and warned against piecemeal or politically motivated restrictions. They get that some oversight is needed to keep things from going off the rails—think protecting viewers from truly harmful stuff—but they're fierce defenders of artistic freedom too. No knee-jerk reactions here; judges stress that just because someone gets offended or disagrees with a show's message doesn't mean it should get yanked offline. Time and again, rulings highlight the need to judge a work as a whole, not cherry-pick controversial scenes or lines to slap it down. Imagine a gritty drama tackling tough social issues: pulling one intense bedroom scene or heated argument out of context could kill the entire story's impact. Courts warn against that trap, pushing for a full-picture review that respects the creator's intent. They've also thrown shade at politically driven censorship, where content gets targeted because it rubs powerful people the wrong way, rather than for any real public harm. This balanced vibe shows up in how judges handle cases involving OTT shows accused of obscenity, hate speech, or hurting sentiments. They lean on constitutional heavyweights like Article 19(1)(a), which safeguards free speech, including films and web series as artistic expression. Restrictions? Sure, under Article 19(2) for things like public order or morality—but only if they're reasonable, precise, and not some vague power grab that chills creativity.

Take high-profile tussles: courts have stepped in when platforms faced FIRs over bold content, often quashing cases if they smelled like overreach. They've reminded everyone that OTT isn't like pushy TV broadcasts invading your living room; it's on-demand, user-chosen stuff. So, why treat it like public enemy number one? This judicial nudge encourages self-regulation by platforms—think better ratings, warnings, and parental controls—over heavy-handed state meddling.

The bigger picture? Courts are evolving with the digital age, ensuring OTT thrives without turning into a Wild West. By prioritizing nuance over bans, they're fostering a space where storytellers can push boundaries, spark debates, and mirror India's messy, vibrant reality. It's not perfect, but this approach keeps the scales tipped toward expression while drawing firm lines against real toxicity. Creators breathe easier, audiences get diverse voices, and democracy wins.

ETHICAL DIMENSIONS AND SOCIAL RESPONSIBILITY-

Beyond legal compliance, OTT platforms carry an ethical duty to handle sensitive themes responsibly. This duty, however, should not translate into state imposed censorship. Tools such as content classification, age ratings, and parental controls represent less restrictive and more democratic alternatives that preserve viewer autonomy.

COMPARATIVE PERSPECTIVES-

Globally, countries have tended toward co-regulatory and self-regulatory models. The European Union, for example, focuses on protecting minors and ensuring transparency without prior censorship. Such international frameworks offer valuable insights as India refines its own digital media governance approach.

TOWARDS A BALANCED REGULATORY MODEL-

A forward looking regulatory model for OTT

platforms in India should rest on the following principles:

- Clarity and Precision in laws to guide content moderation and compliance.
- Proportionality in restrictions to ensure minimal infringement on free expression.
- Judicial Oversight- as a safeguard against executive overreach.
- Self-Regulation supported by credible, transparent mechanisms.
- Audience Empowerment through digital literacy and informed choice.

Such a framework aligns with constitutional ideals while addressing real concerns about accountability and public interest.

CONCLUSION-

The emergence of OTT platforms marks one of the most significant transformations in India's media and cultural landscape. These platforms have expanded the boundaries of storytelling, democratized content creation, and enabled diverse voices to participate in public discourse. Yet, their rise has simultaneously unsettled established regulatory paradigms, compelling lawmakers, courts, and society to confront difficult questions about freedom, responsibility, and governance in the digital age.

At its core, the regulatory challenge surrounding OTT platforms is constitutional in nature. Article 19(1)(a) of the Constitution of India guarantees freedom of speech and expression, a right that extends unequivocally to digital and audiovisual media. At the same time, Article 19(2) permits reasonable restrictions in the interests of public order, decency, and morality. The task before the State, therefore, is not to choose between freedom and regulation, but to harmonize them in a manner that preserves the essence of both. Regulation that is vague or disproportionately restrictive risks undermining constitutional guarantees and producing a chilling effect on creative expression—an outcome incompatible with democratic values.

The existing regulatory framework, particularly under the Information Technology Act, 2000 and the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, represents an important step towards accountability in the digital ecosystem. However, these measures must operate within clearly defined limits. Executive oversight, though necessary in certain circumstances, cannot substitute judicial safeguards when fundamental rights are at stake. In matters of speech and expression, transparency, reasoned decision-making, and proportionality must guide regulatory action to prevent arbitrary interference.

Importantly, OTT platforms differ fundamentally from traditional broadcast media. Their content is accessed voluntarily, often behind pay walls, and accompanied by content classification tools and parental controls. These structural distinctions demand a regulatory approach that is tailored rather than transplanted from legacy media frameworks. Treating OTT platforms as extensions of cinema or television risks ignoring the unique characteristics of digital consumption and may result in overregulation that stifles innovation and diversity.

The future of OTT regulation in India lies in a balanced, rights-oriented model that prioritizes self-regulation supported by clear statutory standards and effective grievance redressal mechanisms. Encouraging industry accountability, enhancing media literacy among audiences, and fostering dialogue between regulators, creators, and civil society can achieve regulatory objectives without resorting to coercive censorship. Such an approach recognizes that law alone cannot shape culture; it can only provide the framework within which cultural expression evolves responsibly.

Ultimately, the regulation of OTT platforms is a test of India's constitutional maturity in the digital era. A democratic society must possess the confidence to accommodate diverse narratives, uncomfortable questions, and creative experimentation, while simultaneously safeguarding legitimate societal interests. The challenge is not to control the stream, but to guide it—ensuring that regulation illuminates rather than obscures the values of liberty, dignity, and pluralism enshrined in the Constitution. In doing so, India can demonstrate that digital governance need not come at the cost of democratic freedom, but can instead reinforce it in an increasingly connected world.

THE SIGNIFICANT LEGAL LACUNA IN THE IPC–BNS TRANSITION: A CRITICAL EXAMINATION OF NON CONSENSUAL UNNATURAL SEXUAL OFFENCES AND BESTIALITY FROM A GENDER JUSTICE PERSPECTIVE:

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1. INTRODUCTION: DECOLONISATION AND ITS DISCONTENTS

The most significant transformation of India's criminal justice system in the past 150 years is the Bharatiya Nyaya Sanhita (BNS), 2023. Considered to be an essential shift from the imperial past of the Indian Penal Code (IPC), 1860, the BNS came into effect with the explicit goal of valuing "justice" (Nyaya) over "punishment" (Dand), and guaranteeing the legal structure adheres to the current principles and constitutionality of India.[1] However, the lawmakers accidentally created a significant jurisprudential vacuum in its passionate attempt to reform the law books and eliminate sections considered to be old or burdened with Outdated morality.

This study does an in-depth legal analysis of the BNS's failure to include Section 377 of the IPC. Although Section 377 was renowned in the past for making same-sex relationships with consent illegal—a cruel Antiquated legacy that the Supreme Court rightly overturned in **Navtej Singh Johar v. Union of India (2018)** where the section had two significant objectives. It served as the only legal place for the prosecution of transsexual people, male victims of unlawful sexual conduct (rape), and the terrible crime of bestiality.[2]

This article contends that a substantial legal vacuum has been created by the BNS deletion of Section 377 in the absence of a meaningful substitute. This gap raises major issues under Articles 14 and 21 of the Constitution since it negatively impacts transgender people, adult male victims of sexual assault, and animal welfare. In addition to offering constitutionally sound legislative solutions, the article investigates whether the present BNS structure is consistent with constitutional guarantees of equality, dignity, and gender justice.

2. HISTORICAL JURISPRUDENCE: THE USE AND EXTENT OF SECTION 377 IPC,1860

Understanding the practical application of Section 377 of the IPC as it stood prior to its repeal is necessary in order to understand the scope of the current legal gap. The provision has developed

1 Bhartiya Nyaya Sanhita,2023, No.45, Acts of Parliament, 2023 (Statement of Objects and Reasons)

2 Navtej Singh Johar v. Union of India, (2018) 10 S.C.C 1

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through legal interpretation to become the umbrella section for sexual activities that did not fit in the strict penile-vaginal definition of rape under Section 375 IPC, far from being merely a remnant of discrimination.

2.1 The Colonial Structure and the "Order of Nature"

The English Buggery Act of 1533 served as a foundation for Section 377, which was drafted by Lord Thomas B. Macaulay and passed in 1860. The text of the provision was deceptively straightforward but expensive wording.

"Whoever intentionally has carnal intercourse against the order of nature with any man, woman, or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine."[3]

The IPC never provided a statutory definition for the operative phrase, "against the order of nature." Rather, the judiciary was tasked with giving these terms context, which resulted in a century of case law that established the limits of lawful sexual behavior in India.

2.1.1 "Carnal Intercourse" as Interpreted by Judges

The courts regularly ruled that "carnal intercourse" didn't require discharge, but it did involve penetration, no matter how small. The biological potential for conception was the main factor that defined the extent of “unnatural”.

Govindrajulu In re (1886), where the Madras High Court had previously adopted a more restrictive stance, speculating that oral sex might not be a crime. This was overturned by later decisions, such as Khanu, which established that it was illegal to engage in any kind of sexual enjoyment that involved inserting the penis into a non-procreative organ, such as the mouth or anus.[4]

Khanu v. Emperor (1925): The Sind High Court considerably enlarged the term of "unnatural" in this landmark case. The court determined whether oral sex, or coitus per os, was illegal under Section 377. The mouth was not a sexual organ, according to the defense. But the court decided that the potential for conception is the "natural object" of sexual activity. Oral sex was considered "against the order of nature" because there is no chance of procreation. This ruling established the precedent that oral sex was covered under Section 377 for over a century.[5]

State v. Lohana Vasantlal Devchand (1968): The Gujarat High Court reaffirmed that the mouth's aperture is not intended for sexual activity "according to nature," supporting the illegality of oral sex despite consent.[6]

According to these opinions, Section 377 applied to three different types of acts:

1. **Anal sex, or sodomy**, can occur between men or between a man and a woman.
2. **Oral Sex:** Any combination of genders.
3. Sexual engagement with animals is known as **bestiality.**

2.2 The Navtej Singh Johar Watershed: A Decriminalization in Part

Section 377 has been contested numerous times on the grounds that it violates the fundamental framework of the constitution, leading to the landmark Constitution Bench ruling in Navtej Singh Johar v. Union of India (2018)[7], which is sometimes misunderstood as the "repeal" of Section 377. In actuality, the Supreme Court used its judicial power to eliminate the unconstitutional parts of the legislation while keeping its protecting features. The Supreme Court ruled that Section 377 was unlawful only insofar as it made private, voluntary sexual activity between adults of the same sex illegal.[8] The Court determined that making consenting intimacy illegal violated:

Article 14: By discriminating on the basis of gender identity.

Article 15: Discrimination based on "sex," which encompasses gender identity.

3 Indian Penal Code, 1860, Section 377, No. 45, Acts of Parliament, 1860

4 In re Govindrajulu Naicken (1886) 1 Weir 382

5 Khanu v. Emperor, A.I.R. 1925 Sind 286

6 Lohana Vasantlal Devchand v. State, A.I.R. 1968 Guj. 252

7 Supra Note 2

8 Navtej Singh Johar, (2018) 10 S.C.C. at 120

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Article 19: By limiting the freedom of personal identity and opinion.

Article 21: By infringing upon the fundamental rights to dignity and privacy.

Importantly, the Court specifically preserved Section 377 for the following categories: The ruling made it clear that the law would continue to be used to prosecute: Non-Consensual Conduct: Any unlawful oral sex or sodomy (male or female rape). Conduct with Minors: Section 377 continued to be an additional regulation even though the POCSO Act 2012 addresses this.

Bestiality: The Court stated that while animals are incapable of giving permission, having sex with them is still considered a "unnatural offence" that is illegal.[9]

As a result, in the post-2018 legal environment of Section 377 had changed from being an instrument of exploitation against the LGBTQ+ community to a gender-neutral rape protection for men and transgender people as well as a safeguard against animal mistreatment.

3. THE OMISSION OF SECTION 377 IN THE BHARATIYA NYAYA SANHITA

An attempt to "Indianize" the legislation was used to justify the switch from the IPC to the BNS. But rather than reforming the offense, the legislative process shows a serious disregard for the protective characteristics established by the Supreme Court, leading to its complete elimination.

3.1 Erasure of Text

There is no clause in the Bharatiya Nyaya Sanhita, 2023 titled as "Unnatural Offences." The entire word of Section 377 has been removed. The gap is demonstrated by a comparison of the regulations:

Feature	Indian Penal Code (IPC), 1860	Bharatiya Nyaya Sanhita (BNS), 2023	Impact of Change
Unnatural Offences	Section 377: Punished having sex with a man, woman, or animal in violation of the natural order.	None: The idea is completely absent from substantive crimes.	Non-consensual sodomy and bestiality are decriminalized.
Rape Definition	Section 375: Specific to gender (Man on Woman). confined to a woman's vaginal, oral, or anal penetration.	Section 63: Sustains gender-specificity (Man on Woman). The definition is the same as IPC 375.	The definition of "rape" continues to exclude male and transgender victims.
Consent in Sodomy	Post-Navtej Johar: Consensual = Lawful; Non-consensual = Unlawful (Life Sentence).	N/A: There is no longer a distinct sexual offense associated with non-consensual sodomy.	Victims are forced to resort on less severe "Hurt" or "Assault" claims.[10]

3.2 Parliamentary Standing Committee Observations

Despite clear cautions from the assessing body, the absence was a deliberate legislative decision rather than an accident. Particular segments of the Parliamentary Standing Committee on Home Affairs (Report No.

9 Id. At 253

10 Bhartiya Nyaya Sanhita,2023 Section 63; Indian Penal Code, 1860, Section 375, 377

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246)[11], which examined the BNS Bill, were devoted to this matter.

The Observation of the Committee: Regarding the Navtej Singh Johar ruling, the Committee took note of the Ministry of Home Affairs' reply. The Committee members contended that although consensual activities were legalized, "bestiality" and "non-consensual sexual acts of unnatural order" continued to be punished under Section 377 after 2018.

The Committee made a specific recommendation in paragraph 1.17 of its report: "The Committee thinks that it is necessary to bring back and keep section 377 of the IPC in order to coincide with the purposes indicated in the BNS's Statement of Objects and Reasons... As a result, the Committee advises the Government to incorporate IPC section 377 into the proposed legislation".[12]

The Dissent: The Ministry was specifically contacted by a number of members and stakeholders who pointed out that eliminating the provision would leave men and transgender people without any protection against sexual assault. The Committee emphasized that the elimination of the sole clause protecting male victims ran counter to the government's purported "gender-neutral" goal.

3.3 The Rejection of the Government

The final draft of the Bharatiya Nyaya Sanhita, which was approved by Parliament and signed into law by the President, disregarded the request to keep Section 377 regardless of these high-level recommendations. In the Statement of Objects and Reasons, the government gave no thorough justification for decriminalizing non-consensual activities against men as sexual crimes.

4. THE ABSENCE OF PROTECTIONS AGAINST MALE SEXUAL ASSAULT (MALE RAPE)

The legal abandoning of adult male victims of sexual violence is the most apparent and detrimental effect of the BNS. The BNS has rendered male rape lawful by keeping a gender-specific definition of rape while eliminating the gender-neutral "unnatural offences" clause.

4.1 The Rape Definition (Section 63 BNS)

Rape is defined in Section 63 of the BNS. The definition is clear:

"A male is considered to have committed "rape" if he inserts his penis, in any way, into a woman's mouth, urethra, vagina, or anus...".[13]

This idea holds that only women are victims. According to the BNS, an adult male cannot be considered a victim of "rape" if he is sodomized (anally penetrated) or coerced into having oral sex by another man or woman.

4.2 The Fallacy of "Grievous Hurt"

Prosecutors dealing with male sexual assault cases are compelled to fit these offenses within broad definitions of physical assault because there is no distinct sexual offense. The frequently mentioned substitutes are:

Section 115 BNS, "Voluntarily Causing Hurt," carries a maximum one-year imprisonment.

Section 117 BNS, "Voluntarily Causing Grievous Hurt," has a maximum seven-year imprisonment.

According to Section 127 BNS, wrongful confinement carries a maximum sentence of one year in jail (or longer, depending on the length of time).

- **Criticism of Adequacy:** There are a number of ethical and legal issues with this strategy.
- **Absence of Sexual Element:** "Grievous Hurt" penalties do not adequately convey the sexual aspect of the transgression. Rape is an infringement of bodily autonomy and dignity, not just a physical attack. Calling it "hurt" overlooks the seriousness of the crime, much like accusing a rapist of "assault" because he restrained the vic-

11 Department Related Parliamentary Standing Committee on Home Affairs, Report No. 246 on The Bhartiya Nyaya Sanhita Bill,2023 ¶ 1.15 (Nov. 2023).

12 Id. at ¶ 1.17

13 Bhartiya Nyaya Sanhita,2023, Section 63, No. 45, Acts of parliament,2023

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tim.[14]

- **Threshold of Injury:** "Grievous Hurt" necessitates certain physical consequences, such as disfigurement, hearing or vision loss, bone fractures, or extreme pain that prevents one from engaging in daily activities for 20 days. When coerced into submission, a victim of non-consensual sodomy may not experience "severe bodily pain for 20 days" or fractured bones. In these situations, the offense would be classified as basic "Hurt," with a negligible one-year penalty.
- **Inequality in Sentencing:** Life imprisonment was the penalty under IPC 377. The maximum sentence for Grievous Hurt under BNS is seven years. In terms of deterring sexual aggression against men, this is a significant decline. Rape of a man carries a shorter sentence than several crimes that involve property.

4.3 Implications of Case Studies

Take the case of **Suraj Revanna (2024)**, "where a guy is accused of sexual assault. Because the crime happened before July 1, 2024, the complaint was filed under IPC 377. The police would not have been able to use any sexual offense provision if the incident had happened on July 2, 2024. The case for prosecution and the victim's approach to justice would be severely weakened if the offender was accused of "unnatural lust" kidnapping (if applicable) or simple assault".[15]

Additionally, research show that there is already an enormous amount of humiliation associated with male rape victims. The toxic male belief that men cannot be raped is reinforced by the absence of a formal law, which validates this silence. This opacity is now officially supported by the legal system.

5. THE TRANSGENDER PROTECTION CRISIS

The transgender people caught in the middle of this legislative breakdown. Despite the existence of the Transgender Persons (Protection of Rights) Act, 2019 (TPA), its criminal prohibitions fall far short of the safeguards provided to cisgender women under the BNS.

5.1 Is Token Protection Provided by the Transgender Persons (Protection of Rights) Act, 2019?

"Sexual abuse" of a transgender person is illegal under Section 18(d) of the Transgender Persons (Protection of Rights) Act, 2019 (hereinafter referred to as TPA) the law reads: *" Anyone who threatens the life, safety, health, or well-being of a transgender person or who engages in behaviors such as physical, sexual, verbal, or emotional abuse faces a minimum sentence of six months in prison, a maximum sentence of two years, and a fine."*[16]

5.2 The Victimhood Hierarchy

When the BNS and the TPA are compared, an almost absurd breach of Article 14 (Equality) is shown.

Scenario	Offence & Law	Punishment
Perpetrator A rapes a Cisgender Woman	Rape (S. 64 BNS)	Minimum 10 Years to Life Imprisonment[17]
Perpetrator A rapes a Transgender Woman	Sexual Abuse (S. 18 TPA)	Maximum 2 Years Imprisonment[18]

Analysis: The perpetrator's conduct is the same (non-consensual penetration). The trauma caused is same. However, compared to a cisgender woman, the state places a far lower emphasis on the transgender victim's bodily integrity.

14 Devika Sharma, New Criminal Laws Legalise Male Rape in India, International Bar Association (31 July, 2024)

15 Sukanya Shaji, Suraj Revanna Case Underlines Flaws in New Criminal Law: No Recourse for Men, LGBTQIA+ Persons, The News Minute (June 27, 2024)

16 Transgender Persons (Protection of Rights) Act, 2019, Section 18(d), No. 40, Acts of Parliament, 2019

17 Bhartiya Nyaya Sanhita, 2023, Section 64 clause 1

18 Transgender Persons (Protection of Rights) Act, 2019, Section 18(d)

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Pre-BNS Situation: In order to secure a life sentence, prosecutors could charge the rapist of a transgender person under Section 377 IPC.

Post-BNS Scenario: Since Section 377 is no longer in effect, prosecutors must either depend on the TPA's inadequate 2-year sentence or try to claim that the transsexual woman is a "woman" under BNS Section. 63. Section 18 TPA is the inevitably insufficient remedy because there is still legal uncertainty about whether pre-operative transgender women or individuals who identify as non-binary are classified as "women" under the BNS.

5.3 Constitutional Issues

This discrepancy has been contested in **Grace Banu v. Union of India**, which is presently pending before the courts. The petitioners contend that the two-year limit on sexual assault of transgender people is discriminatory and unfair. This is made worse by the exclusion of IPC 377, which eliminated the one possibility that permitted harsh punishment.[19]

6. THE "GHOST PROVISIONS": PROOF OF INCOHERENT LEGISLATION

A careful examination of the BNS shows that the lawmakers probably neglected to include the core violation while keeping procedural references to "unnatural lust" rather than entirely decriminalizing it. The legal conundrum created by these "ghost provisions" allows someone to be punished for organizing an act that is not illegal in itself.

6.1 Kidnapping for "Unnatural Lust" (Section 140(4) BNS)

Kidnapping and abduction are punishable under Section 140(4) of the BNS (equivalent to Section 367 IPC): *"Whoever kidnaps or abducts any person in order that such person may be subjected... to the unnatural lust of any person... shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine."*[20]

THE ABSURDITY OF LAW:

In this part, the BNS expressly acknowledges "unnatural lust" as a separate notion from "grievous hurt" or "slavery". Ten years in jail is the penalty for kidnapping someone for this reason. However, there is no significant part in the BNS to penalize sodomy itself once the kidnapping is finished and the "unnatural lust" (sodomy) is truly satisfied.

Conclusion: A perpetrator faces ten years in prison if they abduct a victim in order to sodomize them (S. 140). They are only charged with "hurt" (one year) or "grievous hurt" (seven years) if they sodomize the victim without abduction (for example, by inviting them home and then overpowering them). The punishment for the preparatory act is worse than that for the completed act.[21]

6.2 Section 38 BNS: Right to Private Defence

The situations in which the right of private defence extends to inflicting death are listed in Section 38 of the BNS (similar to Section 100 IPC). The following is included in clause (d): *"An assault with the intention of gratifying unnatural lust."*[22]

The Paradox of Law: The law permits a victim to murder their attacker in order to stop "unnatural lust." This suggests that the state considers "unnatural lust" to be a horrible act deserving of deadly action in retaliation. However, the state declines to make the conduct itself a crime under the same legislation. This discrepancy implies that the BNS lawmakers adopted these ancillary provisions from the IPC without understanding they had removed the fundamental definition of "unnatural lust" (Section 377), which was essential to the interpretation of these provisions.

7. THE LEGALIZATION OF BESTIALITY: A CATASTROPHE FOR ANIMAL WELFARE

Animal welfare legislation has suffered greatly as a result of Section 377's removal, which was

19 Grace Banu v. Union of India, W.P. (C), No. 1033/2020 (SC) (pending)

20 Bhartiya Nyaya Sanhita, 2023, Section 140(4)

21 Anupriya Dhonchak, The Ghost of Section 377: Unnatural Lust in the Bharatiya Nyaya Sanhita, 54 Econ. & Pol. Wkly. (2024)

22 Bharatiya Nyaya Sanhita, 2023, Section 38 (d)

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probably not intended. The only legal justification for classifying bestiality as a crime was the words "or animal" in IPC 377.

7.1 The Present Vacuum

Bestiality is no longer a crime under the Bharatiya Nyaya Sanhita since Section 377 IPC has been repealed. Both the Public Nuisance legislation and the Rape provisions (S. 63 BNS) make no mention of it.

7.2 The Insufficiency of the PCA Act,1960

Law enforcement must adopt the Prevention of Cruelty to Animals Act, 1960 (hereinafter referred to as PCA) in place of a penal code section. According to Section 11(1)(a), *anybody who "beats, kicks, overrides... tortures or otherwise abuses any animal so as to expose it to unneeded agony or suffering"* faces consequences. The Punishment of a fine of between Rs. 10 and Rs. 50 is the penalty for a first violation. A second offense, carries a fine of between Rs. 25 and Rs. 100 or up to three months in jail.[23]

Effect: A person who rapes a dog faces life in jail under IPC 377. The same individual is subject to a Rs.50 fine under the BNS system (using the PCA Act). By doing this, bestiality is essentially decriminalized and reduced from a serious crime to a minor regulatory offense.

7.3 The Unfulfilled 2022 Amendment

This disparity is known to the government. A new Section 11A of the Draft Prevention of Cruelty to Animals (Amendment) Bill, 2022 defined *"Gruesome Cruelty," specifically mentioning "bestiality."*

The suggested punishment is either a fine of between Rs. 50,000 to Rs. 75,000 or 1 year to 3 years in jail.[24]

Status: The bill has not been approved and is still in draft form.

Criticism: Lowering the maximum term from Life (IPC) to 3 years (PCA Amendment) indicates a legislative weakening of the seriousness of sexual assault against animals, even if it is implemented.

8. JUDICIAL INTERVENTIONS:

A constitutional dispute over the separation of powers has resulted from the judiciary being made aware of these gaps.

8.1 PILs in the Delhi High Court (2024)

The Delhi High Court heard PILs contesting Section 377's removal in August 2024. *"If something happens outside this court, should we all turn a blind eye because it is no longer a penal offence in the statute books?"*[25] the Bench, chaired by Acting Chief Justice Manmohan, noted with serious concern. For such crimes, there cannot be a legal blank. The Court suggested the idea of an Ordinance to close the crack and instructed the Center to consider the petition as a representation and make an immediate decision.

8.2 The Rejection by the Supreme Court (October 2024)

But in October 2024, the Supreme Court heard a similar case, and the result was different. The PIL demanding a mandamus for the legislature to pass a fresh law was rejected by the Bench presided over by Chief Justice D.Y. Chandrachud.

Justification: The Court used the Separation of Powers theory. *"How can we force the legislature to make it an offense?"* The CJI declared that it falls entirely within the legislative purview of Legislature.[26]

Implication: The Court believed that establishing a new criminal offense (penalty) was only a legislative task, in contrast to the Vishakha guidelines, where the Court filled a gap in sexual harassment statutes. As a result, the government has complete control over the situation, and there isn't yet a legal option to close the gap.

9. INTERNATIONAL FRAMEWORKS

23 Prevention of Cruelty to Animals Act, 1960, Section 11 (1)(a), No. 59, Acts of Parliament, 1960

24 Draft Prevention of Cruelty to Animals (Amendment) Bill, 2022, Section 11A

25 Gantavya Gulati v. Union of India, W.P. (C), No. 11370/2024 (Delhi High Court, August 28, 2024) (oral observations of Acting C.J. Manmohan)

26 Pooja Sharma v. Union of India, W.P. (C), No. 1198/2024 (SC), (October 14,2024)

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FOR COMPARISON

When viewed alongside with other Commonwealth countries that have effectively updated their laws on sodomy without leaving victims vulnerable, India's setback is striking.

9.1 United Kingdom

The UK changed its rape laws at the same time as it removed its anti-sodomy laws, which were comparable to Section 377. According to Section 1 of the Sexual Offences Act of 2003, rape is defined as the deliberate, unconsented invasion of another person's mouth, anus, or vagina with a penis. As a result, male rape is punished as rape and carries the identical stigma and life sentence as female rape.[27]

9.2 Singapore

In 2022, Singapore removed Section 377A, which made homosexual conduct by men illegal. Concurrent Improvement: To broaden the term of rape, the legislature changed the Penal Code.

> **New Definition:** Non-consensual penile penetration of the mouth or anus is now considered rape. Men are specifically acknowledged as vulnerable rape victims.[28]

9.3 Federal and State of the United States

The majority of US states and the federal code changed sexual misconduct legislation to be gender-neutral after **Lawrence v. Texas (2003**)[29], which decriminalized sodomy. To ensure that there was no protection gap, the "forcible sodomy" prohibitions were incorporated into general sexual assault/rape statutes.

> **Observation:** India is an anomaly. It did not take the second required step of codifying non-consenting activities into the Rape statute, but it did follow the road of decriminalizing consensual acts (as in the US and the UK).

27 Sexual Offences Act 2003, c.42, Section 1 (UK)

28 Penal Code (Amendment) Act 2022 (Act 30 of 2022) (Singapore)

29 Lawrence v. Texas, 539 U.S. 558 (2003)

10. SUGGESTIONS AND CORRECTIVE MEASURES

The BNS's current legal system is unworkable and unconstitutional. In order to address the "specific legal deficit," the following legislative measures are suggested:

10.1 Main Suggestion: Amendment on Gender-Neutral Rape Definition

Modifying Section 63 of the BNS (Rape) is a highly reliable remedy.

> **The Text:** *" A man is said to commit "rape" if he-- penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of a woman or makes her to do so with him or any other person..."*
>
> **Impact:** By simply replacing "woman" with "person," male rape, sodomy, and oral rape would be immediately included, aligning the BNS with the UK Sexual Offences Act and the Justice Verma Committee Recommendations (2013).

10.2 Reintroducing a Particular Offense as an Alternative Suggestion

The legislation must create a new provision (such as Section 63A) labeled "Sexual Assault by Penetration" if it wants to preserve the particular gendered protection of women under "Rape."

> **Scope:** Penile penetration of any individual (male, female, transgender) without consent. Penalty: Strict incarceration for a minimum of ten years and a maximum of life.

10.3 Bringing Back Bestiality Laws

The BNS has to be updated with a new provision that addresses *"Sexual Intercourse with Animals."*

> **Placement:** Under either Chapter V (Offenses against the Body) or Chapter XV (Offenses Affecting the Public Health/Decency).
>
> **Penalty:** To ensure deterrent and remove it from the small "animal cruelty" paradigm, a minimum sentence of seven to ten years in jail is required.

10.4 Transgender Persons Act, 2019 Harmonization

In order to match the punishments with the BNS,

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the Transgender Persons Act has to be changed. "Sexual Harassment" (which has a reduced penalty) and "Aggravated Sexual Assault" (which carries a sentence equivalent with rape) should be separated under Section 18(d).

11.CONCLUSION

The Bharatiya Nyaya Sanhita's removal of Section 377 is a classic illustration of how, if "decolonization" is not carried out with forensic accuracy, well-meaning efforts may end in real injustice. The legislature has unintentionally destroyed a protective net for the most defenceless members of society—men who are raped, transgender people demanding equal protection, and animals abused—in its hurried attempt to abolish an imperial moral code. Legislative confusion is demonstrated by "ghost provisions" such as Section 140(4), which punish the preparation for an offense that no longer exists. The responsibility is entirely on the legislature since the Supreme Court has declined to enact laws from the bench. As long as the BNS ignores the fact that there are male and transgender victims of sexual assault, it cannot be considered to be a contemporary code of "Justice" (Nyaya). It is a constitutional requirement for urgent legislative modification, not only a suggestion.

INDIA'S LABOUR CODES 2025: AN OVERVIEW

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INTRODUCTION:

The labour law changes introduced in the year 2025 can be considered a major paradigm shift in the governance of labour laws in the country. The Indian government introduced four major codes on November 21, 2025. They include The Code on Wages, 2019; The Industrial Relations Code, 2020; The Code on Social Security, 2020; and The Occupational Safety, Health, and Working Conditions Code, 2020. These codes basically replaced a total of 29 laws governing labour at the central government level. The changes in these laws came into effect due to the need for a simpler and future-proof law on employment. This would address the requirements of the current business world.

In the past, labour legislation in India was designed piecemeal, tackling a particular sector or problem, such as wage labourers, labour disputes, social security, and labour safety separately. But eventually, this practice has led to inconsistencies and overlapping and ambiguous definitions regarding compliance. In fact, the updating and amendments are intended to achieve efficiency and clarify things by consolidating each of these laws into four major codes. Secondly, as a consequence, it will also improve workers' rights in various other sectors like platform work and gig jobs.

One of the main objectives of the new framework is to provide a national minimum wage, regular payment of salaries, wider coverage of social security benefits, as well as health and safety at work standards. The new rules also provide mechanisms for adaptability of the workforce and resolution of conflict through establishing norms of industrial relations. Considering the current debates on the issues of the rights of the workforce and the concept of the economic competitiveness of the country, the implication of the change on the market and the company is significant.

OBJECTIVES:

The newly formed labour laws in the Indian context, effective from November 2025, are based on a set of specific objectives to modernize the existing labour laws in thecountry. These objectives represent the focused efforts of the Indian government to address the deficiencies of the existing framework and strike a balance between the protection of workers and facilitating business.

1. Consolidation and Simplification of Labour Laws:

As one of the main aims, it is also important to incorporate the existing 29 central regulations pertaining to labour laws under four codes. This will help in streamlining the various overlaps, ambiguities, and complexities related to labour laws.

2. Improvement of Workers' Welfare and Protection:

Labour codes must ensure the features of fair remuneration, workplace safety, and dignity at work. The national floor wages should be declared, timely payment of wages, and universality of the minimum wage entitlement across sectors for drawing workers' income security.

3. Extending Social Security Cover:

An important objective is the expansion of social security benefits related to provident funds, insurance (health and others), gratuity, and so on, for a larger pool of workers, covering those in the unorganized, gig, platform, or informal sectors, who, for the most part, were left uncovered in previous legislation.

4. Formalization of Work:

The new law has been promoting formal employment by requiring appointment letters, establishing consistent definitions of categories of employment, and making use of more precise terminology about work. This move has enriched job

security and a set of legal provisions by bringing the informal workers into the ambit of formal employment.

5. Improvement of working conditions and work safety:

The amendments offer incentives for safer and healthier working conditions by integrating standards on safety, health, and working conditions. Such gender-inclusive policies, welfare measures, and standardized safety arrangements provide protection to employees from occupational hazards to their body and mind.

6. Business Simplicity – Encouraging:

A further simplification of compliance through the Labour Codes is by way of introducing digital processes, single registrations, single licenses, and consolidated returns. They also aim at reducing or minimizing the regulatory burden, particularly on MSMEs, by carrying out modernization in the inspection protocols in order to enable facilitation rather than punitive action.

7. Adapting to the Realities of Modern Work:

The reform acknowledges that work is constantly changing, with gig jobs, digital or remote work, contracting, and fixed-term employment on the rise. It attempts to create a future-ready workforce while making adjustments in labour governance to meet the changing nature of work within the gig-driven and digital economy.

THE OVERVIEW OF THE 4 NEW LABOUR CODES:

The four integrated labour codes furnish the foundation of the revised labour law framework of India, each with a different vital element of employment regulation. All these regulations put together aim to improve worker protection, simplify labour laws, and modernize compliance mechanisms. While each has a different purpose, when examined together, they form a cohesive system that governs social security, remuneration, labour relations, and occupational safety.

CODE OF WAGES:

- There is a need to codify the existing wage structure by reconciling four previous laws, such as the Payment of Wages Act, the Minimum Wages Act, among others. However, the central agenda of the Code on Wages is to ensure that all employees are entitled to minimum wage security regardless of their sector and skill levels.
- One of the important factors of the Code is the establishment of a national floor wage, to be set by the federal government, with the minimum wages below which no state government can set the minimum wages. The plan for the national floor wage is to minimize the differences in wages among the states while still giving the states the flexibility to pay more according to their conditions.
- The Code provides a standard definition of the word "wages," thus removing the ambiguity and dispute that arose as a result of the allowances and exemptions. This standard applies to the statutory benefit of the provident fund and gratuity.
- The Code upholds the equal pay for equal work provision in the constitution by providing the standard for timely payment and the elimination of gender discrimination in wage issues.

INDUSTRIAL RELATIONS CODE:

- The Industrial Relations Code supersedes the existing legislations on industrial disputes, trade unions, and standing orders, aiming at the regulation of relationships between employers, workers, and trade unions. The overriding objective of the Act is ensuring smooth dispute resolution and industrial peace.
- For ease of collective bargaining and reducing the presence of unions within organizations, there are more adequate provisions included under the Code with respect to trade union recognition. This would include the concept of a negotiating union or a negotiating council.
- By setting up a notification regime with thresholds for previous government ap-

proval in greater entities, it rationalizes the statutes concerning strikes, lockouts, retrenchment, and layoffs. These provisions try to find a balance between accommodating flexibility for business as well as the rights of workers.

- The Code supports conciliation as the first step in the process of resolving industrial disputes and consolidates the dispute resolution institutions of Industrial Tribunals.

THE CODE ON SOCIAL SECURITY, 2020:

- The Code on Social Security is a major step forward in the quest for universality in social security coverage, as it codifies all existing social security legislation, including that on provident funds, employment insurance, gratuity, maternity benefits, and welfare funds.
- One of its most interesting points is that gig workers, platform workers, and unorganized workers have, to a large extent, been left outside of traditional labour rights, and special welfare schemes have been provided to address their needs.
- Furthermore, the Code prescribes National and State Social Security Boards, whose duty is to provide recommendations to governments for developing and implementing appropriate social security schemes in different sectors.
- The aim of the Code is to facilitate greater ease of access to social security rights by simplifying online registration and benefit transfer procedures, especially for migratory workers who often switch employment and geographic location.

OCCUPATIONAL SAFETY, HEALTH AND WORKING CONDITIONS CODE, 2020:

- The OSH Code covers factories, mines, construction sites, and various other institutions in an attempt to consolidate various legislations in respect of workplace safety and health standards. The aim of the code is basically ensuring safe and humane places of work.
- The Code has established uniform safety and health regulations, which include the duties and responsibilities of employers with respect to welfare facilities, hours of work, and preventing hazards. Moreover, it gives the government the authorities to introduce particular requirements based on occupational categories when required.
- Particular emphasis is placed on vulnerable classes of workers, such as women workers as well as migrants coming from other provinces, regarding housing security, social welfare benefits, as well as work conditions.
- Further, the Code reduces the administrative formalities and makes enforcement easier through simpler compliance processes in terms of registrations, licenses, and returns, which are facilitated through online platforms.

KEY CHANGES INTRODUCED BY THE NEW LABOUR CODES:

- The merging of 29 laws relating to central labour into four comprehensive codes, which helps to alleviate the problem of fragmentation, overlaps, and contradictions in labour legislation, ranks among the most important labour law reforms.
- The common definition for "wages" in all four codes represents a significant revolution, which directly impacts the calculation of statutory benefits payable in the form of bonuses, gratuities, and provident funds. This amendment has been made to increase clarity, eliminating the possibility of evasion in matters related to wages.
- For the very first time, unorganized workers, gig workers, and platform workers also gain access to legal rights and benefits under labour codes. This is yet another measure for inclusive labour protection

in line with present work trends.

- To ease the administrative load and optimize regulatory efficiency, the new regime encourages digital tools like online registration, licensing, and unified returns.
- Changes in the industrial relations standards in many nations have tried to strike a proper balance between the rights of workers, operational flexibility, and industrial stability on such key issues as strikes, layoffs, and recognition of trade unions.
- Uniformity in standards for all sectors has led to the advancement of occupational safety, health and welfare, with protection for women, migrant workers, and other vulnerable groups.
- In the revised inspection regime, transparency and facilitation have come to be at the forefront, superseding punitive enforcement, which is now risk-based and technologically driven.

IMPACT ON GIG AND PLATFORM WORKERS UNDER THE LABOUR CODES

The classification of gig workers and platform workers and their recognition in an official manner, especially under the Code on Social Security, 2020, can be stated as one of the significant changes in the new labour law framework. Keeping in mind the swift rise of application-based and on-demand work arrangements, the Indian Labour laws classify these workers as a new class for the first time ever.

By the government-approved welfare measures, the Code extends social security benefits such as life insurance, health insurance, maternity security, old age security, and disability security to the gig and platform workers. Moreover, by the Code, the protection system will be a blend of both protection provisions and welfare provisions; that is, the Code provides welfare benefits without having an employer-employee relation, although the gig or platform worker is not an 'employee' as such.

In addition to that, it is mandatory under the Code that platform companies and aggregators are required to pay towards social security covers for gig and platform workers. In acknowledging the fact that platform workers are economically dependent on digital platforms despite not having an employment contract in place, it represents a change in responsibility.

Nevertheless, gig and platform workers are still deprived of basic rights in employment such as the minimum wage, right to collectively bargain, and protection in case of dismissal, in relation to the Industrial Relations Code, in spite of the above developments. Thus, although the Codes on employment are a big step towards inclusivity, there are doubts on the sufficiency and effectiveness of protective measures, necessitating further developments in job security in the gig economy.

COMPARATIVE ANAYSIS- OLD LABOUR LAWS V. NEW LABOUR CODES:

Previously, the labour law regime in India was controlled by more than 29 central statues, each pertaining to a different issue including wages, dispute in labour, social security, and labour welfare. Not only was this system confusing to follow for employers and workers, but there are overlapping sections within these statues, conflicting definitions, and confusion in compliance. Moreover, the modernized labour laws regulate all labour matters with efficiency and uniformity by reducing all these statues to four labour codes.

A major shift has come about in the matter of definitions and payments. Earlier, there were various definitions of the word "wages" under different legislation, and this helped the employer design payment structures in a manner that worked best in their favour, thus reducing their liabilities under legislation. In a bid to bring about more clarity and avoid watering down the benefits of workers in relation to provident funds and gratuity, a standardized definition of payment has now been introduced.

Historically, the main beneficiaries of social security legislation were workers in the organized sector. The current Social Security Code is a major deviation inasmuch as it recognizes gig workers, platform workers, and unorganized workers. The extension of benefits to gig workers, platform workers, and unorganized workers signifies a move from the

concept of social security entitlement on the basis of employee status to one based on contribution to the workforce.

Additionally, there has been an improvement in the industrial relations regulatory framework. The past statutes were more focused on protecting workers in a manner that undermined procedural accountability against employers. The new Industrial Relations Code Bill aims to enhance productivity and facilitate ease of business by providing better regulation of trade union recognition, strikes, and lay-offs.

Accordingly, the previous regime was mainly anchored on manual filing and physical checks of compliance and enforcement. These updated standards constitute an end to punitive regulation and are symbolic of supportive governance as they promote online filing, single returns, and risk checks. Although it may seem efficient and inclusive, rulemaking, enforcement, and implementation at state levels are imperative for its success.

WAY FORWARD:

While the new labour laws mark a milestone in reforming India's labour law regime, their long-term viability will critically depend on how well, smoothly, and equitably they are implemented. There is a strong need for coordination between the Central and State Governments so that rule-making is consistent, yet enough flexibility is allowed to meet the regional and sectoral conditions of labour.

Social security delivery systems urgently need to be strengthened, particularly for gig, platform, and unorganized workers. This would encompass the development of reliable

digital registration systems, the ability to smoothly transmit benefits between states, and complete clarity with respect to aggregators and employers regarding who will bear the financial obligations. Without accompanying outreach and awareness campaigns, too many workers risk exclusion despite the statutory recognition extended by the regulations.

Equally critical will be the building of capacities among employers and employees and enforcement agencies. Training programs, simplified manuals on compliance, and transparent processes for inspection will also go a long way in reducing uncertainty and improving compliance. MSMEs, which face transition challenges within the new regulatory environment, require special attention.

In order to tackle deficiencies that may come up, old interpretations by the courts, and new forms of employment, regular reviews with statutory modifications are required. To ensure the growth of labour legislation into a balanced framework that ensures economic development and at the same time protects the rights of workers and advances social justice, there is a need for constructive collabouration with trade unions, industry associations, and civil society.

CONCLUSION:

India's strategy regarding labour regulation has experienced a notable transformation with the launch of the new labour codes, which aim to modernize outdated legislation while accommodating the changing dynamics of work and employment. These codes strive to enhance legal clarity, boost compliance, and create a more inclusive labour ecosystem by integrating various labour regulations into a cohesive framework.

Additionally, the initiatives seek to strike a careful balance between economic flexibility and the protection of workers. A progressive movement towards improved labour welfare is reflected in the expansion of social security coverage, recognition of gig and platform workers, standardized wage definitions, and improved workplace safety standards. Nevertheless, the discourse surrounding the new framework continues to be influenced by concerns regarding collective bargaining rights, job security, and effective enforcement.

Ultimately, the success of the labour codes will depend on implementation, stakeholder engagement, and continuous assessment as on legislative intent. If supported by strong institutional frameworks, cooperative federalism, and proactive policy reforms, the labour codes have the potential to uphold the principles of social justice and labour dignity in India's evolving economy while promoting sustainable industrial development.

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EVALUATING THE DPDP ACT, 2023: SAFEGUARDING CHILDREN'S DATA

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1. INTRODUCTION

In the 21st century every individual is dependent and increasingly rely on smartphone, tablets, laptops, etc. for education, entertainment and communication. But this digitalization has given rise to challenges like privacy and security of personal information. Every Individual are using data as digital currency and mainly the children are misusing it and exploiting themselves. And In India the minors are using internet and it is significantly growing; safeguarding children's data has become a legal and ethical concern. Minor aged children or children of developing stage doesn't understand the consequences of sharing personal information online. Mostly they are targeted from online advertising, profiling and online harm. Global framework such as General Data Protection Regulation (GDPR) and the U.S. Children's Online Privacy Protection Act (COPPA) has come up with some norms to protect children's data. In India there is Act called Digital personal Data Protection, Act 2023 which ensure privacy in digital ecosystem. The DPDP Act safeguard children's data and evaluates its strengths and shortcomings. This DPDP Act introduced the Doctrine of methodology where they analyses statutory provisions, judicial interpretations, and comparative legal frameworks to check that whether the Act concerns about children's privacy or not. This study checks whether the DPDP Act truly meets the constitutional promise of the right to privacy in the digital age.

2. UNDERSTANDING THE DIGITAL PERSONAL DATA PROTECTION ACT, 2023

The Act is India's First Data Protection Act, which protects the personal Data in this Digital environment. After enactment of DPDP Act it came into the knowledge that this is an important step in giving effect to the constitutional right to privacy as a fundamental right, as given in the judgment of K.S. Puttaswamy vs Union of India (2017)[1]. In this era, which is dominated by data-driven technologies, the government of India makes an effort to establish accountability, transparency, and individual control over personal information through this Act.

Justice B.N. Srikrishna Committee (2018) proposed a detailed data protection framework for India, which is why the DPDP Act came into force. Several drafts were circulated over the past years, and each one attempted to balance privacy with innovation and economic interest. After every debate in parliament, the President has given its assent to the DPDP Act on 12th August, 2023. Its main aim is to protect the individual's personal data processed by entities, in India or outside India.[2]

The Act defines several key terms central to understanding its scope. Personal data refers to any data about any individual through which He/she is identifiable. The law established a Data Protection Board in India to ensure compliance and address violations. Data Fiduciary means the purpose and method of processing data, and a data principal means the individual whose personal data is concerned.

1 **Justice K.S. Puttaswamy (Retd.) v. Union of India**, (2017) 10 S.C.C. 1 (India); **Digital Personal Data Protection Act**, No. 22 of 2023, India.

2 Committee of Experts on Data Protection Framework for India, *A Free and Fair Digital Economy: Protecting Privacy, Empowering Indians* (2018); Digital Personal Data Protection Act, No. 22 of 2023 (India).

The DPDP Act[3] mandate Data fiduciary for reasonable security safeguard also it limits data retention. This Act restricts tracking, behavioral monitoring, and gives targeted advertising without parental consent. Also, the DPDP Act gives content-based processing and allows individuals to control their information. The DPDP Act build trust in India's expanding digital ecosystem with the right to privacy, which is a fundamental right under constitution of India.

3. CHILDREN AND DIGITAL PRIVACY RISKS

3.1 Vulnerabilities of Children and Their Online Behavior

In this generation, children are the most active but most insecure internet users. They have access to smartphones, laptops, tablets for an online learning platform and social media, where they give digital footprint at a very young age. However, children share their personal information and do not understand the long-term effects of sharing personal information online. Children are easy targets for data collection due to their curiosity and impulsive nature.

3.2 Issues such as profiling, targeted advertising, and data manipulation.

Internet where children's do online activity like searches, clicks, games and interaction get recorded as their behavior, and this is the major concern in data profiling. And then targeted advertising get share to them according to their content preference and content consumption pattern.[4] Mostly, the educational platform collects its data in exchange for "free access. Due to these children unwarily participating in commercial surveillance systems, and such hidden practices lead to data manipulation.

3.3 The rationale behind treating children as a special class of data principals.

Children have a limited ability to make informed decisions, so that's why children are treated as a special category for data manipulation. International frameworks like GDPR[5] and the UN Convention on the Rights of the Child protect children's personal data.[6] The DPDP Act 2023 also follow that framework by limiting the use of data for children and requiring parental consent. This Statute states that children's privacy is not just about data control but also about protecting their future by protecting their identity, autonomy, and mental well-being in a digital society.

4. STATUTORY PROVISIONS RELATING TO CHILDREN'S DATA UNDER DPDP ACT

The personal data of children is also safeguarded under the Digital Personal Data Protection Act,2023. The word "Also" here means not only that the adult members' rights are protected under this Act, but also that the children's rights are protected. In today's age, not only adults have the right to privacy, but even children have privacy Rights and the DPDP Act establishes a structured framework for the protection of the rights of children. The Processing of Children's data and placing distinct obligations on entities, which is termed as "DATA FIDUCIARIES", is given under section 9 of the said Act. The aim of this act to make a child protection mechanism for child data protection, which is being fulfilled by the said act, so as to balance consent, accountability and ethical digital practices.[7]

As we know, for children who are underage, for them we stop them from watching something obscene on television, and for that purpose, we put parental controls on television. Similarly, the DPDP Act requires verifiable parental consent or guardian control before processing any personal data concerning children who are under 18 years of age. The reason for placing this provision is to ensure that minors should not engage directly in data-sharing

transactions. The law mandates that consent should be given freely and informed in consonance with the principle of "notice and consent", aligning

3 **Digital Personal Data Protection Act**, No. 22 of 2023, India.

4 **Committee of Experts on Data Protection Framework for India**, *A Free and Fair Digital Economy: Protecting Privacy, Empowering Indians* (2018).

5 **Regulation (EU) 2016/679** of the European Parliament and of the Council of 27 April 2016 on the Protection of Natural Persons with Regard to the Processing of Personal Data and on the Free Movement of Such Data (General Data Protection Regulation), **art. 8**, 2016 O.J. (L 119) 1.

6 **Convention on the Rights of the Child**, Nov. 20, 1989, 1577 U.N.T.S. 3.

7 **Convention on the Rights of the Child**, Nov. 20, 1989, 1577 U.N.T.S. 3, **art. 16**

with central global data protection regimes like general data Protection Regulation. However, this provision, as given under the act, faces challenges in practical application: many parents are not fully comprehending the scope of digital consent, and the technical mechanism for the age and identity of underdeveloped children. The provisions given under the said act depend on the implementation guidelines and public digital literacy.

To prevent exploitation of digital marketing practices that manipulate children's online experience for commercial gain, the act further imposes restrictions on tracking, behavioral monitoring and targeted advertising. However, the prohibition on something under the act is not absolute, as it allows certain entities as "significant data fiduciaries. This invites additional duties such as periodic audits or impact assessment concerning children's data processing

With the restrictions on the data fiduciaries who handle children's information, they are required to adopt robust security measures as well, practice data minimization and to uphold transparency in the procedures adopted for the methods of data collection and utilization. The act discourages the retention of children's data beyond the necessary period for fulfilling the stated purpose of the act. And to obligate the fiduciaries to delete it upon withdrawal of consent. Also, the fiduciaries should develop the platform in a manner that will be safe for minors, and it shall be easily accessible to minors.[8]

No doubt, the DPSP Act incorporates a strong legal framework for safeguarding children's data Protection, but its practical success rests on how effectively the fiduciaries comply and regulates and enforce these standards. The given framework is very effective on paper, but it requires continuous oversight, technical innovation and awareness initiatives to protect the privacy of children's data in India by expanding the digital ecosystem.

5. STRENGTHS OF THE DPDP ACT IN PROTECTING CHILDREN'S DATA

The Digital Personal Data Act prescribes a structured framework for the protection of children's data privacy, where a well-mechanized mechanism has been prescribed for the regulation of data protection. The said Act is aligned with the international framework, like the European Union's General Data Protection Regulation (GDPR)[9] and the United Nations' Children Online Privacy Protection Act (COPPA)[10], for protecting Children's Data. As the GDPR lays emphasis on the principle of informed consent, data minimization and purpose limitation, the DPDP Act also has established the upon the same principle. The insistence of COPPA on verifiable parental consent and restriction on tracking or targeted advertising can also be seen in the provisions of the DPDP Act, as it also obliges parental control over the collection and use of minors' data. All these efforts of India show that we are trying effortlessly to meet the international standards.

If we are talking about the strengths of the DPDP Act, we cannot forget about the recognition of children's right to privacy of data, which is protected under Article 21 of the Indian Constitution. As the Indian Judiciary has declared that right to privacy is an intrinsic to Right to Life and Personal Liberty, which is the bedrock for the legislation as has been held in the case of Justice K. S. Puttaswamy vs. Union of India (2017)[11]. The extension of the recognition for the protection of children's privacy rights is not at all constrained by age or capacity. The DPDP Act, by incorporating these principles, has reinforced the constitutional ideals and ensured that the privacy rights of adults and children are on par with enhanced protection.

Another strength of the DPDP Act lies in its legal accountability structure and safeguards against the misuse of the said Act. The Data Protection Board, as has been established under the Act, serves as an independent authority, which is empowered to inquire into the breach, impose penalties, and to ensure its strict compliance. The Act also mandates the security measures, reasonable safeguards and transparent grievance redressal processes.

8 **Digital Personal Data Protection Act**, No. 22 of 2023, **§ 9**, India.

9 **Regulation (EU) 2016/679** of the European Parliament and of the Council of 27 April 2016 on the Protection of Natural Persons with Regard to the Processing of Personal Data and on the Free Movement of Such Data (General Data Protection Regulation), **art. 8**, 2016 O.J. (L 119) 1.

10 **Children's Online Privacy Protection Act**, **15 U.S.C. §§ 6501–6506** (2018).

11 **Justice K.S. Puttaswamy (Retd.) v. Union of India**, **(2017) 10 S.C.C. 1** (India).

Data fiduciaries are responsible for deleting data upon withdrawal of consent and also for adopting privacy-by-design principles, and by this, protection measures at the system level, rather than relying on reactive enforcement

Lastly, it can be said that the DPDP Act is aligned with international standards and the provisions under the Constitution with regard to the right to privacy and built-in accountability mechanisms signify a strong legislative framework. However, we have an act that establishes a solid foundation to meaningfully secure children's digital identities and autonomy in the evolving technological landscape, but the implementation of the act still remains a challenge.

6. GAPS AND LIMITATIONS IN THE DPDP ACT

Despite the fact that Digital Personal Data Protection,2023, is a landmark step in India's privacy regime, there are still a lot of gaps and limitations that dilute its effectiveness, especially in the field of privacy rights of children. The Act attempts to balance individuals' interests, state functions and technological innovation; its broad exemptions, lack of clarity, and weak enforcement framework pose substantial challenges.

The main shortcomings in the act lie in broad exemptions granted to the government and certain data fiduciaries. Section 17 of the act empowers the central government to exempt instrumentalities from compliance obligation on the grounds of national security, public order or for preventing offences. National security is an important concern; the absence of judicial oversight or a proportionality test creates a potential overreach. In matters relating to children's privacy rights, the exemption given under this act undermines the very purpose of the Act by allowing unchecked state access and surveillance. Large technology platforms – classified as "significant data fiduciaries" may receive an obligation.

The next critical gap is the lack of explicit guidance on age-appropriate design and verification mechanisms.[12] Unlike the United Kingdom's Data Protection Act 2018, the DPDP Act in India offers no clear technical or procedural blueprint for ensuring that online platforms are safe. The Act requires parental consent, but it does not specify the conduct of age verification so as to distinguish minors from adults. This opens the door for superficial compliance of the Act, which fails to prevent children from exposure to harmful content.

Another weakness in the effectiveness of the DPDP Act is the absence of a detailed regulatory and enforcement framework. Data Protection Board of India has been set up, but its effectiveness depends upon future notification, despite of the fact that the DPDP Act gives the composition, independence, and investigative powers. But without Clear rule-making and technical standards, the risk of enforcement is still inconsistent and reactive. This uncertainty is in contrast to the structured authority granted to supervisory bodies under the GDPR, which have with itself advisory power, corrective powers and supervisory bodies. The lack of sector-specific guidelines for gaming, education, or social media platforms also limits the focus for children.

Lastly, the act's dependence on parental consent poses conceptual and practical challenges. In Indian Perspective this is a challenge as they are often not being so much digitally literate, so the question is how they will give consent; their consent will be informal rather than formal, which the Act needs. Many of the parents will not be able to understand the complex privacy policies. They will also find it difficult to realize the data- sharing implications on digital platforms. Furthermore, the binary model of parental consent does not determine the evolving capacities of adolescents, who might be mature enough to exercise their limited autonomy.

In totality, it can be said that the DPDP Act lays down an important foundation for privacy in India. The consent-based shortcomings, its broad exemptions ambiguous design mechanism are some shortcomings that leave meaningful safeguards for children's data incomplete. Without Mentioning, Thes gaps through rule-making, technical guidance, and awareness initiatives and awareness programs, the promise of the Act of protecting children in the digital ecosystem will remain largely unfulfilled.

7. INTERNATIONAL FRAMEWORK AND ITS COMPARISON-

Legislation can be best understood when it is compared with similar legislation. And it will be

12 **Information Commissioner's Office**, *Age-Appropriate Design Code (Children's Code)* (2020).

best that the DPDP Act, when compared to global legislation like the European Union General Data Protection Regulation (GDPR) and the United States' Children's Online Privacy Protection Act (COPPA), will have a better understanding. Both laws will have a significant influence on contemporary data-protection regimes, which offer valuable benchmarks for assessing India's approach to children's data protection.

The GDPR provides one of the world's most exhaustive data-protection frameworks. Article 8 of the Act says that Children's consent in relation to information-society-services, setting the age of consent at 16. Although the member states have the right to lower the age to 13. The regulation mandates age-appropriate information, transparency in data use and a clear right to erasure. In contrast, the DPDP Act remains a uniform consent age of 18. The GDPR also establishes an independent supervisory authority that may investigate and impose penalties. But under the DPDP Act, the absence of an oversight body reduces the Indian Act's enforceability relative to GDPR.

The COPPA, however, adopts a narrower framework for data-protection, but it is highly specific for children under 13 years of age. Before collecting any personal information from minors and imposes strict disclosure on online service providers, it requires verifiable parental consent. The federal Trade Commission (FTC) also have power here to separately investigate the violations and also have power to impose penalties, creating a deterrent effect. Emphasis on parental consent and prohibition on tracking or targeted advertising is one of the features adopted and aligned with the COPPA. Although it lacks the provisions of a strong enforcement mechanism and verification methods.

India should draw key lessons from these two important frameworks in relation to data protection mechanisms by adopting a flexible age threshold to respect adolescents' evolving capacities, by establishing an independent regulatory authority and ensuring explicit data-subject rights such as correction and erasure. By Integrating these global practices will enhance the DPDP Act's effectiveness, aligning with international standards while tailoring it to local social and technological realities.

8.JUDICIALANDPOLICYPERSPECTIVE ON CHILDREN'S PRIVACY

The Indian Judiciary always plays an important role in shaping the laws. The Indian judiciary has also played its part by shaping the conceptual foundations of privacy, paving the way for legislative measures like the DPDP Act. Right to Privacy As a fundamental Right Under Article 21 of the Indian Constitution[13], has been established by the landmark Case of Justice K.S Puttaswamy v. Union of India (2017), which recognizes Right to Privacy as an integral part of human dignity and autonomy. The Supreme Court held that privacy is integral to all human being including Children, who are always susceptible to digital exploitation. This case explained that a clear statue is required to control the activities regulated in this digital era, and also stated that how and when the state can be held responsible for handling people's personal data.

Later on, the court decisions and official's instructions emphasized the need to protect children from online risk. DPDP Act's provision on consent, targeted advertising, and data-processing restriction on children is the result of the underestimation of courts on both state and private entities to uphold children's safety and their confidentiality in virtual space.

The DPDP Act is the combination of several complementary frameworks. Indian government has made many laws and guidelines that work to protect children in this digital environment. The IT Act[14] placed extra duties on online platform like apps and website ton stop age-inappropriate content from reaching children, & the National Cyber Security policy[15] mainly focus on online awareness for young users. However, these measures mainly focus on cyber safety rather than intervening privacy protection.

The DPDP Act, fills the important gap by introducing privacy-centric obligations specifically tied to personal data. Still, perfect enforcement requires synergy between court principles and government

13 INDIA CONST. art. 21.

14 **Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules**, 2021, **Gazette of India**, Feb. 25, 2021.

15 **Ministry of Communications & Information Technology, Government of India**, *National Cyber Security Policy* (2013).

policy frameworks. Integrating data-protection awareness programs within education and digital-literacy initiatives can help actualize the constitutional promise of privacy for all, especially for children navigating India's rapidly expanding digital environment.

9. RECOMMENDATIONS AND THE WAY FORWARD

Any Act's effectiveness depends upon the robust implementation and continuous policy evaluation. And here, under the DPDP Act, also for securing children's data protection, we require a multidimensional strategy which will fuse legal reforms, institutional oversight and education. No doubt the DPDP Act provides an important foundation for the data privacy of children, but still, we require something additional for its effectiveness.

DPDP Act addresses the privacy provision of children, but we need some supplementary rules or guidelines for its better enforcement. The rules should be flexible, which will clearly define technical and organizational measures for data fiduciaries who deal with minors-Especially those in educations sector, gaming and social media. As the GDPR suggests a flexible age-threshold, if we adopt this provision in India also, it could ensure a more balanced approach between protection and autonomy.

We should also adopt an age-appropriate design like the United Kingdom's design code for online services. If we maintain such standards, it would also compel digital platforms to build in-built safety and privacy measures by default, by limiting data collection, disabling profiling, and ensuring a simplified privacy interface for minors. Incorporating these principles in our legislation would somehow lead to the effectiveness of the DPDP Act.

Also, large-scale digital literacy and parental awareness programs will be very helpful for the effectiveness. But it should also accompany legislative measures. As has already been discussed, many parents and guardians lack the technical understanding to make decisions about their children's online engagement. Assimilating privacy education in schools' curricula and government awareness programs will bridge the gap and also empower families to protect their children's interests.

Lastly, building a dedicated Child Data Protection Authority or Specialized Oversight Division inside the data protection board would ensure a focused enforcement mechanism. That institution will conduct timely Audits, issue compliance guidelines and coordinate with international counterparts. All these measures would transform

Collectively, these measures would transform the DPDP Act from a declarative framework into a dynamic and responsive system capable of ensuring that children's privacy in India is protected not only in principle but also in everyday digital reality.

10. CONCLUSION

India's first digital protection act for children's is Digital Personal Data Protection Act, 2023 (DPDP Act) and this is the comprehensive attempt to safeguard every individual privacy in this digital era. This paper's analysis reveals that the Act has come up with the extra protection like parental consent requirements, restrictions on tracking and profiling, and accountability obligations for data fiduciaries. The DPDP Act has come up with the global framework like GDPR and COPPA, as the DPDP Act reflects India's Constitutional Recognition of Right to Privacy under Article 21.

However, despite these progressive features, several gaps remain. The design of DPDP Act has not cleared the appropriate age requirement and intended safeguard for children are potentially undermined by wider governmental exemptions. India should adopt a child centric design principle and aware public about privacy rights to bridge this weakness.

There should be a balance between technological innovation and privacy protection for sustainable digital development. Children's data should be protected with ethical innovation by promoting trust, transparency and accountability in this digital era. The DPDP Act is a powerful law where every child should feel safe, respected and rights-oriented while having the digital experience.

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- Convention on the Rights of the Child: https://www.ohchr.org/sites/default/files/crc.pdf
- National Cyber Security Policy: https://testbook.com/ias-preparation/national-cyber-security-policy
- IT (Intermediary Guidelines) Rules: https://prsindia.org/billtrack/digital-personal-data-protection-bill-2023

BEYOND THE AWARD: RATIONALIZING SECTION 34 & REVIEW OF INSTITUTIONAL ARBITRATIONS

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INTRODUCTION

"Justice within families, friendships, and commercial relationships is most effective when it preserves the underlying bond while resolving the dispute itself. Arbitration embodies this principle by addressing the problem without dismantling the relationship, ensuring that resolution strengthens continuity rather than causes rupture."

Dispute resolution through consensual and community-based mechanisms is not a modern phenomenon in India. Long before the formal codification of arbitration law, ancient Indian society relied upon informal yet structured systems of adjudication rooted in custom, morality, and collective wisdom. References to arbitration-like mechanisms can be traced to ancient legal and political texts, including the *Manusmriti*, *Yajnavalkya Smriti*, and Kautilya's *Arthashastra*, which recognized non-judicial settlement of disputes through appointed elders or neutral decision-makers.[1] These mechanisms emphasized reconciliation, speed, and social harmony rather than rigid adjudication.

The *Panchayat* system, functioning as a village-level dispute resolution forum, served as a proto-arbitral institution wherein respected community members resolved civil, commercial, and familial disputes.[2] Decisions of the Panchayat, though informal, commanded social legitimacy and compliance due to moral authority and communal consensus. Kautilya acknowledged the role of guilds (*shrenis*), traders' associations, and councils in resolving commercial disputes, thereby institutionalizing arbitration within economic life.[3] India's historical reliance on consensual dispute resolution underscores a longstanding preference for alternatives to adversarial litigation. Colonial rule replaced indigenous systems with formal courts, culminating in statutory arbitration. The Arbitration and Conciliation Act, 1996, aligned with the UNCITRAL Model Law, sought to modernize dispute resolution by promoting party autonomy, efficiency, and minimal judicial intervention.[4] Despite this legislative intent, the Indian arbitration regime has, for a considerable period, remained vulnerable to intrusive judicial review, **particularly at the post-award stage.**

At the heart of post-award judicial scrutiny lies **Section 34 of the 1996 Act**, which provides the exclusive statutory mechanism for setting aside arbitral awards. Section 34 was consciously

1 *Manu Smriti* ch. VIII (G. Bühler trans., Sacred Books of the East Vol. 25, Oxford Univ. Press 1886); *Yajnavalkya Smriti* Bk. II.

2 Marc Galanter, **Justice in Many Rooms: Courts, Private Ordering, and Indigenous Law**, 19 J. Legal Pluralism, 6–9 (1981)

3 Kautilya, *Arthashastra* bk. III, ch. 1 (R. Shamasastry trans., Govt. Press 1915).

4 Statement of Objects and Reasons, Arbitration and Conciliation Act, 1996.

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designed as a **supervisory remedy**, not an appellate one, permitting judicial interference only on limited and exhaustively enumerated grounds such as incapacity of parties, procedural unfairness, and excess of jurisdiction, and conflict with the public policy of India.[5] The provision mirrors Article 34 of the UNCITRAL Model Law and embodies the principle of minimal curial intervention, which is central to modern arbitration jurisprudence.[6]

However, the practical application of Section 34 in India has often departed from its theoretical foundations. Judicial interpretations most notably during the early years of the Act expanded the scope of review under the guise of "public policy of India," enabling courts to revisit findings of fact, contractual interpretation, and even errors of law. [7] This expansion substantially diluted the finality of arbitral awards and resulted in arbitration being perceived as a mere prelude to prolonged litigation. Empirical observations, including Law Commission analyses, have consistently highlighted how excessive Section 34 challenges have contributed to delay, cost escalation, and erosion of party confidence in arbitration as an effective dispute resolution mechanism.[8]

In response to sustained criticism from the arbitral community and international observers, Parliament undertook a series of amendments to the 1996 Act, most notably in 2015, 2019[9], and 2021, with the explicit aim of recalibrating the balance between judicial oversight and arbitral autonomy. These amendments sought to narrow the scope of public policy, introduce strict timelines for challenges, and promote institutional arbitration as a preferred mode of dispute resolution. The proposed **Arbitration and Conciliation (Amendment) Bill, 2024** continues this reform trajectory by attempting to further streamline arbitral processes, reinforce enforceability of awards, and address structural concerns impeding India's ambition to become a global arbitration hub.[10]

Against this backdrop, institutional arbitration assumes particular significance in India's contemporary dispute resolution framework. Unlike ad hoc arbitration, institutional arbitration functions within a structured and professionally administered system governed by established arbitral institutions such as the International Chamber of Commerce (ICC), Singapore International Arbitration Centre (SIAC), London Court of International Arbitration (LCIA), Mumbai Centre for International Arbitration (MCIA), and the Delhi International Arbitration Centre (DIAC). These institutions provide predefined procedural rules, administrative supervision, arbitrator accreditation mechanisms, and, in many cases, scrutiny of draft awards.[11] Such institutional safeguards substantially minimize procedural irregularities and concerns of arbitrariness that traditionally justify judicial intervention under Section 34 of the Arbitration and Conciliation Act, 1996.

Despite the growing preference for institutional arbitration, a persistent paradox continues to characterize the Indian arbitral landscape. Arbitral tribunals constituted by leading institutions routinely comprise retired judges of the High Courts and the Supreme Court, senior advocates, and subject-matter experts with considerable legal and commercial experience. Yet, awards rendered by such highly qualified tribunals are frequently subjected to challenge under Section 34 and, in several instances, set aside or materially interfered with by courts, often at the district court level. This pattern raises serious concerns regarding arbitral finality, judicial consistency, and the credibility of institutional arbitration as an effective alternative to conventional litigation.

Recent Supreme Court jurisprudence reflects an increasing awareness of these concerns. Decisions reaffirming that courts lack appellate powers under Section 34 and cannot modify arbitral awards underscore a renewed commitment to arbitral finality.[12] Yet, inconsistencies persist at

5 Arbitration and Conciliation Act sec. 34(2) (India).

6 UNCITRAL Model Law on International Commercial Arbitration art. 34 (1985, amended 2006).

7 ONGC v. Saw Pipes Ltd., (2003) 5 S.C.C. 705 (India).

8 Law Comm'n of India, 246th Report on Amendments to the Arbitration and Conciliation Act, 1996 sec. 34–38 (2014).

9 Justice B.N. Srikrishna Committee, Report of the High Level Committee to Review the Institutionalization of Arbitration Mechanisms in India (2017).

10 Arbitration and Conciliation (Amendment) Bill, 2024, Bill No._ of 2024 (India) (as proposed).

11 Gary B. Born, International Commercial Arbitration 224–30 (2d ed. 2014

12 Delhi Airport Metro Express (P) Ltd. v. Delhi Metro Rail Corp. Ltd., (2022) 1 S.C.C. 131 (India).

the subordinate judiciary level, where Section 34 continues to be invoked as a mechanism for re-litigation. This tension between doctrinal clarity at the apex level and uneven application on the ground necessitates a re-examination of the theoretical foundations and practical operation of Section 34, particularly in the context of institutional arbitration.

This article undertakes a **doctrinal, comparative, and policy-oriented analysis** of Section 34 with the objective of rationalizing judicial review of institutional arbitral awards. It examines the evolution of Section 34 jurisprudence, analyzes recent legislative and judicial developments including the proposed 2024 Amendment Bill and situates the Indian experience within broader international arbitration trends. The central thesis advanced herein is that institutional arbitration constitutes a distinct adjudicatory ecosystem deserving calibrated judicial deference, and that a failure to recognize this distinction risks perpetuating inefficiencies that arbitration seeks to eliminate.

2. AMENDMENTS THAT CHANGED THE LANDSCAPE (2019 AND 2024)

2.1 The Arbitration and Conciliation (Amendment) Act, 2019

- The 2019 amendment responded to concerns about delay and the need for centralized institutional control. Its key changes include:
- Arbitration Council of India: Formed to grade arbitral institutions and accredit arbitrators.[13]
- Streamlined Appointments: Power to appoint arbitrators transferred from courts to recognized institutions for greater autonomy.
- Strict Timelines:
    - Section 23(4): Limiting completion of pleadings (six months from tribunal's constitution).
    - Section 29A: Imposing a 12-month timeline for the tribunal to render an award, extendable for another six months.
    - Section 34(6): Mandating disposal of Section 34 applications within one year.[14]
- Exemptions: International commercial arbitrations enjoy more flexibility, highlighting India's bid for global competitiveness.

These changes sought to invigorate institutional arbitration and minimize procedural delays. However, enforcement remains inconsistent, with courts often accepting extensive evidence and allowing merits-based review in Section 34 petitions.[15]

2.2 The Draft Arbitration and Conciliation (Amendment) Bill, 2024

The pending 2024 Draft Amendment Bill represents a deeper overhaul, emphasizing party autonomy, efficiency, and reduced judicial involvement.[16] Key proposals include:

- Appellate Arbitral Tribunal (AAT): Institutions may allow parties to challenge awards before a specialist appellate tribunal, curbing courts' jurisdiction if chosen.[17][18]
- Emergency Arbitration: Statutory recognition modernizes the regime for urgent interim relief.
- More Stringent Timelines: Interventions and challenges to be decided rapidly, reducing backlog.[19]
- Expanded 'Patent Illegality' for ICA: Aligns with domestic standards but risks global enforceability if too broad.[20]
- Limited Partial Setting Aside/Modification: Explicitly allows courts and AAT to set aside "parts" of awards where possible clarifying Supreme Court guidance.[21]

This bill is ambitious, but concerns remain about jurisdictional clarity, consistent jurisprudence, and genuine finality if not strictly enforced.[22]

13 Arbitration and Conciliation (Amendment) Act, 2019, §§ 11, 29A.

14 Id., § 34(6).

15 Majmudar & Partners, Proposal to Redefine Arbitration in India, 2025.

16 Draft Arbitration and Conciliation (Amendment) Bill, 2024.

17 Arbitration and Conciliation (Amendment) Bill, 2024, § 34A; White & Case Analysis, Nov. 2024.

18 India's Draft Arbitration Amendment Bill, SCC Online, May 2025.

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3. STATUTORY AND JUDICIAL FRAMEWORK OF SECTION 34: DESIGN, APPLICATION, AND ENDURING CHALLENGES

3.1 Legislative Architecture and Supervisory Character

Section 34 of the Arbitration and Conciliation Act, 1996 constitutes the sole statutory mechanism for judicial review of arbitral awards at the post-award stage. Modeled substantially on Article 34 of the UNCITRAL Model Law, the provision reflects a deliberate legislative commitment to restrict judicial interference and preserve arbitral autonomy, efficiency, and finality.[23] Unlike appellate remedies, Section 34 confers a narrowly circumscribed supervisory jurisdiction, enabling courts to intervene only where foundational procedural or jurisdictional defects undermine the legitimacy of the arbitral process.

3.2 Enumerated Grounds and Legislative Fine-Tuning

The statutory design of Section 34 is carefully stratified. Section 34(2)(a) addresses party-centric and procedural infirmities, including incapacity, invalid arbitration agreements, denial of natural justice, excess of jurisdiction, and improper constitution of the arbitral tribunal. Section 34(2)(b) permits interference where the award conflicts with the public policy of India, while Section 34(2A), introduced by the 2015 Amendment, limits the ground of patent illegality exclusively to domestic awards. The imposition of a rigid limitation period under Section 34(3) reinforces expedition and finality.[24] Significantly, courts are denied any general power to alter or rewrite arbitral awards, save for the limited curative discretion under Section 34(4).[25]

3.3 Judicial Trajectory: Expansion, Correction, and Restraint

Judicial interpretation initially diluted this restrained framework. In *ONGC v. Saw Pipes Ltd.*, the Supreme Court expansively construed public policy to include patent illegality and errors of law, effectively transforming Section 34 into a quasi-appellate forum.[26] This approach attracted sustained criticism for eroding arbitral finality. Legislative recalibration followed through the 2015 Amendment, which narrowed public policy and expressly prohibited re-appreciation of evidence. Subsequent Supreme Court decisions, notably *Ssangyong Engineering* and *Delhi Airport Metro Express*, reaffirmed that courts cannot reassess merits or substitute arbitral reasoning with judicial preferences.[27]

3.4 Section 34 in Practice: Delay and Overreach

Despite doctrinal clarity at the apex level, the practical operation of Section 34 reveals persistent institutional challenges. Post-award petitions routinely remain pending for several years, even before designated commercial courts. Factors such as expansive pleadings, admission of extraneous material, and inconsistent enforcement of timelines undermine the commercial utility of arbitration. Prolonged judicial scrutiny at this stage weakens enforceability and compromises the principle of finality that underpins arbitral dispute resolution.

3.5 The Enforcement Dilemma under Section 36

Although the 2015 Amendment abolished the regime of automatic stay, conditional stays under Section 36(3) often secured through bank guarantees or substantial deposits—continue to be granted as a matter of routine. In high-value commercial disputes, such conditional stays substantially delay award realization, thereby neutralizing the legislative intent behind swift enforcement.

3.6 Patent Illegality, Public Policy, and the Limits of Modification

Notwithstanding judicial efforts to confine patent illegality to manifest and self-evident defects, the ground is frequently invoked to reopen contractual interpretation and factual assessment. Public policy challenges similarly continue to operate as conduits for merit-based review. The Supreme Court's recent

23 UNCITRAL Model Law on International Commercial Arbitration art. 34 (1985, amended 2006).

24 Arbitration and Conciliation Act, 1996, §§ 34(2), 34(3) (India).

25 McDermott Int'l Inc. v. Burn Standard Co. Ltd., (2006) 11 SCC 181 (India)

26 ONGC v. Saw Pipes Ltd., (2003) 5 SCC 705 (India).

27 Ssangyong Eng'g & Constr. Co. Ltd. v. NHAI, (2019) 15 SCC 131; Delhi Airport Metro Express (P) Ltd. v. DMRC, (2022) 1 SCC 131 (India).

clarification in *Gayatri Balasamy v. ISG Novasoft Technologies Ltd*_-that courts lack a general power to modify arbitral awards—reasserts doctrinal discipline, though such intervention must remain exceptional and strictly severability-based.[28]

3.7 Implications for Institutional Arbitration

Section 34 remains formally neutral between ad hoc and institutional arbitration. Consequently, awards rendered through institutionally administered processes often involving retired constitutional judges and senior experts and subjected to internal scrutiny are exposed to the same level of judicial interference as ad hoc awards. The absence of institution-sensitive review standards, including in the proposed 2024 Amendment Bill, leaves it to judicial discretion to evolve calibrated deference an objective that remains only partially realized.

4. INSTITUTIONAL ARBITRATION AND LEGISLATIVE REFORMS: RECALIBRATING SECTION 34 THROUGH THE 2019, 2021 AND 2024 AMENDMENTS

4.1 Institutional Arbitration as a Structured Adjudicatory Ecosystem

Institutional arbitration operates within a structured, rule-based adjudicatory framework administered by permanent arbitral institutions such as the ICC, LCIA, SIAC, MCIA, and ICA. Unlike ad hoc arbitration where procedural design, timelines, and administrative functions are left largely to party autonomy institutional arbitration ensures procedural certainty, neutral appointment mechanisms, ethical oversight, and continuous administrative supervision.[29] These institutional features significantly reduce procedural defects, jurisdictional excesses, and due process violations, which otherwise form the core grounds for judicial intervention under Section 34 of the Arbitration and Conciliation Act, 1996.

Although the Act does not statutorily distinguish between ad hoc and institutional arbitration, the functional realities of institutional arbitration justify a differentiated judicial approach at the post-award stage.

4.2 Procedural Safeguards and Pre-Award Scrutiny

A defining characteristic of institutional arbitration is internal award scrutiny prior to issuance. Under the ICC Rules, draft awards are examined by the ICC Court to ensure jurisdictional consistency, procedural compliance, and enforceability, without encroaching upon merits.[30] Similar safeguards exist under the MCIA Rules, which mandate institutional oversight to ensure compliance with due process and arbitral standards.[31]

These ex ante scrutiny mechanisms operate as quality control filters, substantially minimizing the risk of patent illegality or procedural impropriety. Consequently, institutional awards carry a higher presumption of procedural regularity than ad hoc awards—an aspect largely overlooked in Section 34 adjudication.

4.3 Legislative Reform Trajectory: 2019 and 2021 Amendments

The Arbitration and Conciliation (Amendment) Act, 2019 marked a decisive policy shift toward promoting institutional arbitration by emphasizing structured administration, accreditation, and time-bound proceedings. The legislative intent was to reduce procedural infirmities that often trigger Section 34 challenges.[32]

Similarly, the 2021 Amendment reinforced enforceability by narrowing judicial discretion in granting stays under Section 36, particularly in cases involving allegations of fraud or corruption. Together, these amendments sought to realign judicial practice with the principle of minimal intervention enshrined in Section 5 of the Act.

4.4 The Arbitration and Conciliation (Amendment) Bill, 2024: Indirect Recalibration of Section 34

The proposed 2024 Amendment Bill continues

28 Gayatri Balasamy v. ISG Novasoft Techs. Ltd., 2025 SCC On-Line SC (India).

29 Redfern & Hunter, Law and Practice of International Commercial Arbitration 78–82 (6th ed. 2015).

30 International Chamber of Commerce, ICC Arbitration Rules art. 34 (2021).

31 Mumbai Centre for International Arbitration, MCIA Rules r. 35 (2016).

32 Arbitration and Conciliation (Amendment) Act, 2019, Statement of Objects and Reasons (India).

this reform trajectory without directly amending Section 34. The Statement of Objects and Reasons identifies excessive post-award litigation and inconsistent judicial standards as systemic deterrents to arbitration.[33] Instead of expanding or redefining judicial review, the Bill adopts an indirect reform strategy strengthening institutional arbitration frameworks, procedural discipline, and administrative integrity.[34]

By reinforcing institutional governance and transparency, the Bill implicitly supports a more restrained approach to Section 34 review, particularly where awards emerge from robust institutional processes.

4.5 Time-Bound Efficiency and Judicial Restraint

Delays in Section 34 adjudication remain a critical concern, with awards often stalled for years despite the absence of automatic stay. Law Commission reports and judicial commentary have repeatedly emphasized that prolonged post-award litigation erodes the commercial value of arbitration.[35] The 2024 Bill introduces procedural incentives to discourage frivolous challenges, reinforcing the Supreme Court's consistent position that Section 34 is not an appellate mechanism.[36]

4.6 Continuing Gap: Absence of Express Institutional Differentiation

Despite its progressive orientation, the 2024 Bill stops short of expressly recognizing institutional arbitration as a distinct category for the purpose of judicial review. An explicit statutory presumption of procedural compliance for institutional awards could have provided clearer guidance to courts exercising jurisdiction under Section 34. In its absence, effective reform remains contingent on judicial discipline particularly at the trial and High Court levels, where Section 34 challenges are first adjudicated.[37]

4.7 Prospective Impact

If implemented alongside consistent judicial restraint, the combined effect of the 2019, 2021, and proposed 2024 reforms has the potential to recalibrate Section 34 practice in favor of finality, efficiency, and institutional confidence. Such alignment is essential if India is to realize its ambition of becoming a globally competitive hub for institutional arbitration.

5. COMPARATIVE INTERNATIONAL PERSPECTIVES ON JUDICIAL REVIEW OF ARBITRAL AWARDS

A comparative examination of leading arbitration jurisdictions reveals a shared judicial commitment to minimal intervention in arbitral awards, particularly those rendered through institutional mechanisms. Mature arbitration systems consciously restrict judicial review to exceptional circumstances, thereby preserving arbitral finality, party autonomy, and enforceability. India's evolving interpretation of Section 34 of the Arbitration and Conciliation Act, 1996 must be assessed against these global benchmarks.

5.1 UNCITRAL Model Law: The Global Reference Point

The UNCITRAL Model Law on International Commercial Arbitration, 1985 (as amended in 2006), constitutes the normative foundation of modern arbitration statutes worldwide, including the Indian Act. Article 34 permits annulment of arbitral awards only on narrowly circumscribed procedural and jurisdictional grounds, categorically excluding any review on merits.[38] The preparatory works of the Model Law underscore that judicial intervention must remain exceptional, as broader review would defeat arbitration's objectives of efficiency and finality.[39] While Indian courts have acknowledged this framework, early Section 34 jurisprudence diverged from the Model Law's restrictive philosophy.

5.2 England and Singapore: Judicial Restraint in Practice

The English Arbitration Act, 1996 embodies

33 Arbitration and Conciliation (Amendment) Bill, 2024, Statement of Objects and Reasons (India).

34 Ministry of Law & Justice, Consultation Paper on Arbitration Law Reforms 14–18 (2023).

35 Law Commission of India, 246th Report ¶¶ 53–56 (2014).

36 Fiza Developers & Inter-Trade Pvt. Ltd. v. AMCI (India) Pvt. Ltd., (2009) 17 SCC 796 (India).

37 Julian D.M. Lew et al., Comparative International Commercial Arbitration 703–06 (2003).

38 UNCITRAL Model Law on International Commercial Arbitration art. 34 (1985, amended 2006).

39 U.N. Commission on International Trade Law, Travaux Préparatoires of the Model Law ¶¶ 297–302 (1985).

judicial restraint by confining challenges to jurisdictional defects, serious procedural irregularities, and limited appeals on questions of law subject to strict controls.[40] In *Lesotho Highlands Development Authority v. Impregilo SpA*, the House of Lords emphasized that courts must not re-evaluate arbitral reasoning merely because an alternative interpretation is possible.[41] Institutional awards administered under LCIA or ICC rules are consequently accorded heightened deference.

Similarly, Singapore's International Arbitration Act strictly prohibits merit-based review. The Singapore Court of Appeal in *PT Asuransi Jasa Indonesia v. Dexia Bank SA* held that judicial interference is impermissible even where an arbitral tribunal may have erred in law or fact.[42] This consistent pro-arbitration stance has been central to Singapore's emergence as a preferred arbitral seat.

5.3 Lessons for India

Comparative experience demonstrates a clear international consensus: courts must function as guardians of procedural integrity, not appellate forums. While India's post-2015 jurisprudence reflects growing alignment with this philosophy, inconsistent application persists. A contextual application of Section 34 particularly recognizing the procedural robustness of institutional arbitration would harmonize Indian practice with global standards and strengthen India's arbitration framework.

6 PERSISTENT CHALLENGES AND THE NEED FOR RATIONALISATION OF SECTION 34

Despite legislative reforms and Supreme Court guidance, Section 34 adjudication under the Arbitration and Conciliation Act, 1996 continues to face systemic challenges. These are both doctrinal and institutional, undermining arbitration's efficiency, finality, and commercial credibility in India.

6.1 Delay in Disposal of Section 34 Petitions

A primary concern is the protracted pendency of Section 34 applications. Empirical studies show that petitions often remain unresolved for three to five years, even in commercial courts, converting post-award review into a de facto appellate process.[43] Delays compromise the commercial efficacy of arbitration, negating its time-sensitive advantage. The absence of statutory timelines for adjudication allows strategic prolongation, despite the Supreme Court repeatedly cautioning against such trends.[44]

6.2 Inconsistent Judicial Standards

Inconsistency in judicial interpretation across High Courts and trial courts remains a challenge. While the Supreme Court emphasises minimal interference, lower courts often expand grounds such as "patent illegality" or "perversity" to reassess facts or re-interpret contracts.[45] This inconsistency is compounded by the lack of specialised arbitration benches and uneven judicial training in arbitration law.

6.3 Overuse of Patent Illegality and Perversity

Although narrowed by jurisprudence, patent illegality and perversity continue to be invoked for merit-based grievances. Scholars note that these grounds are frequently used to relitigate awards, particularly impacting institutional arbitration where internal safeguards already ensure procedural compliance.[46]

6.4 Enforcement Bottlenecks

Post-award enforcement remains unpredictable. Even after the 2015 amendment abolished automatic stay, courts often grant discretionary stays under Section 36, delaying award realization and allowing Section 34 proceedings to be used strategically to gain negotiation leverage.[47]

6.5 Impact on Institutional Arbitration and Investor Confidence

The combined effect of delay, inconsistent

40 Arbitration Act, 1996, §§ 67–69 (U.K.).

41 Lesotho Highlands Dev. Auth. v. Impregilo SpA, [2005] UKHL 43 (Eng.).

42 PT Asuransi Jasa Indonesia v. Dexia Bank SA, [2007] 1 S.L.R. 597 (Sing.).

43 Vidhi Centre for Legal Policy, Strengthening Arbitration in India: An Empirical Study 31–34 (2020).

44 State of Bihar v. Bihar Rajya Bhumi Vikas Bank Samiti, (2018) 9 SCC 472.

45 Justice B.N. Srikrishna, Arbitration Reform in India: A Reality Check, 7 Indian J. Arb. L. 1, 9–11 (2018).

46 Sumeet Kachwaha, The Indian Arbitration Landscape, 35 Arb. Int'l 467, 478–80 (2019).

47 Arbitration and Conciliation (Amendment) Act, 2015, § 36 (India).

standards, and over-intervention discourages reliance on domestic institutional arbitration. Empirical surveys indicate that both domestic and foreign commercial actors prefer foreign arbitral seats due to predictability and enforcement certainty.[48]

6.6 Proposed Doctrinal and Institutional Reforms

Rationalisation requires a multi-pronged approach:

- **Context-sensitive judicial review**: Institutional awards should attract higher deference due to internal scrutiny and procedural rigour.[497]
- **Narrow construction of patent illegality**: Courts should intervene only in cases of manifest and self-evident illegality.
- **Prohibition on modification**: Section 34 must remain a "set aside or uphold" mechanism.[50]
- **Specialised arbitration benches**: Training and bench specialisation would improve consistency and expertise.
- **Procedural discipline and cost sanctions**: Deterring frivolous challenges preserves enforceability.
- **Data-driven monitoring**: Systematic collection of Section 34 outcomes can inform policy and judicial practice.[51]

Collectively, these measures would align practice with legislative intent, restore arbitral finality, and enhance India's position as a reliable arbitration hub.

7 CONCLUSION AND RECOMMENDATIONS

India's arbitration framework stands at a critical juncture. Despite sustained legislative reforms and consistent judicial guidance aimed at reinforcing arbitral autonomy, the expansive application of judicial review under Section 34 of the Arbitration and Conciliation Act, 1996 continues to dilute arbitral finality and efficiency. The 2019 Amendment and the proposed 2024 reforms, particularly the introduction of the Appellate Arbitral Tribunal and stricter procedural discipline, offer meaningful corrective potential. However, their success ultimately depends on restrained and consistent judicial implementation.[52] Persistent intervention at the post-award stage undermines institutional arbitration and commercial confidence. Aligning judicial practice with the Supreme Court's emphasis on minimal interference is essential for India's emergence as a credible global arbitration hub.

7.2 Recommendations

- **Judicial Restraint:** Courts must reaffirm Section 34 as a supervisory remedy and resist merit-based reassessment of arbitral awards.
- **Deference to Institutional Arbitration:** Enhanced procedural safeguards in institutional arbitration should warrant a higher threshold for judicial interference.
- **Effective Implementation of the 2024 Amendment:** Timelines and appellate mechanisms proposed under the Bill should be enforced in letter and spirit.
- **Judicial Capacity Building:** Specialized arbitration benches and structured judicial training should be institutionalized.
- **Global Benchmarking:** Indian arbitration practice must align with internationally accepted standards followed in leading arbitration jurisdictions.

By enacting bold reforms and learning from international leaders in the field of Arbitration, India can become a global hub for institutional arbitration.

48 World Bank, Ease of Doing Business Report 2020: India Profile (Arbitration Indicators).

49 Ssangyong Eng'g & Constr. Co. Ltd. v. NHAI, (2019) 15 SCC 131.

50 Gayatri Balasamy v. ISG Novasoft Techs. Ltd., 2025 SCC (India).

51 Vidhi Centre for Legal Policy, Arbitration and Judicial Data in India 18–22 (2022).

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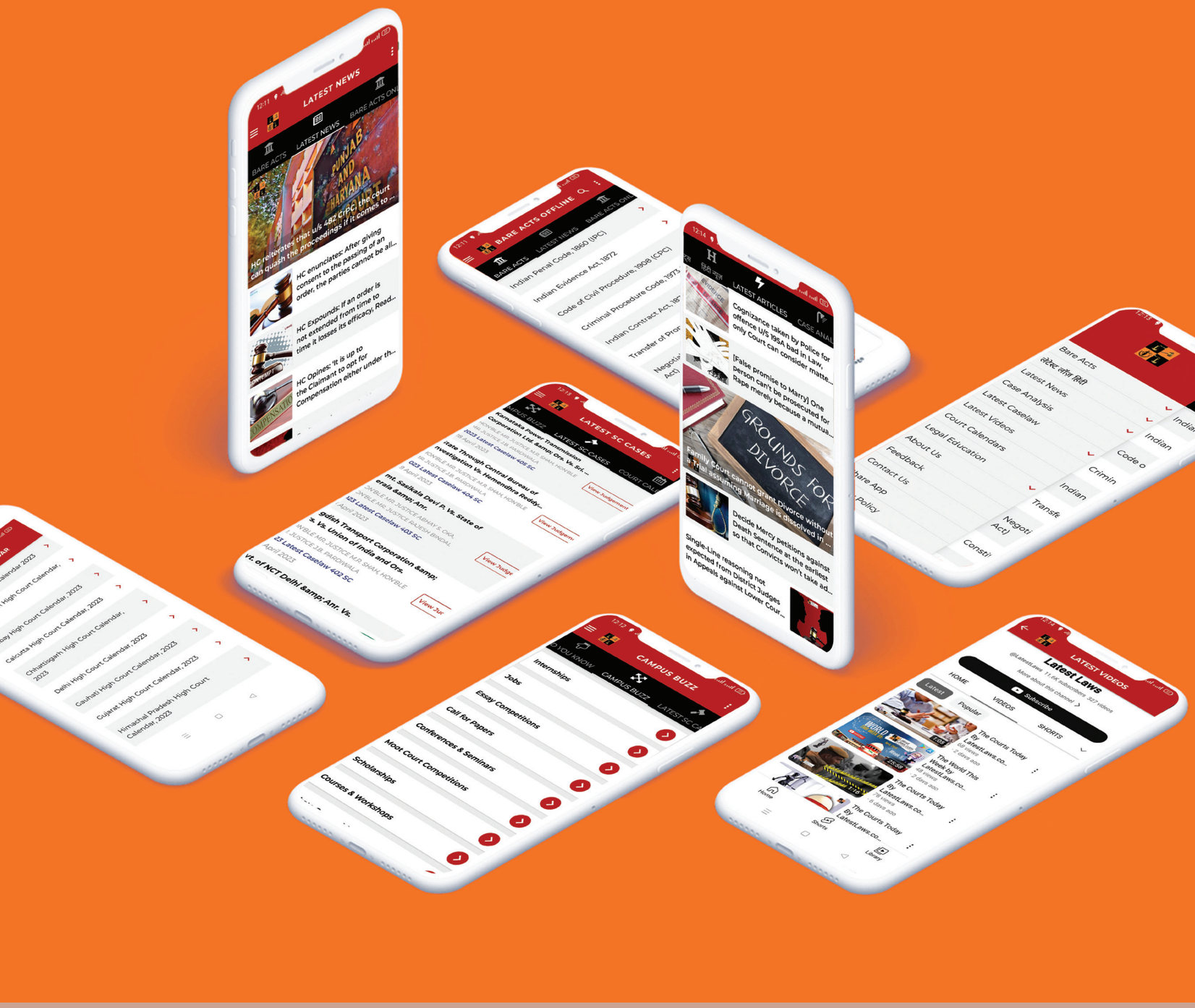

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