

Public Policy Post

Kautilya Society, NLUO Chapter

An initiative by
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FOREWORD

Dear readers,

With great pleasure, the **Kautilya Society NLUO Chapter**, presents the 3rd edition of **Public Policy Post**, the flagship e-newsletter of the society, which provides a window into the policy dynamics and societal transformations of the year 2023.

Artificial Intelligence and Technology have been two areas that have been rapidly emerging in the current era of innovation. The pace at which advancements are being made in these two areas is redefining lifestyles across the world. Keeping this in mind, this edition of the Public Policy Post focuses on Artificial Intelligence, Technology and their relation to Public Policy. It also offers insights as to how public policy has been shaping up in the past year, with the aim of making the readers stay up-to-date on contemporary issues relating to the same, through student submissions, trivia and monthly updates.

FOREWORD

I would like to extend my heartfelt gratitude to Mr. Kartik Pant and Mr. Ankit Tiwari for having contributed to the e-newsletter through their piece ‘Generative AI and Public Policy’. I would also like to thank Mr. Aditya Prasanna Bhattacharya for his insights on building a career in public policy. I believe that their invaluable insights will surely illuminate and enrich the understanding of the readers.

I also extend my heartfelt thanks to the diligent members of the Kautilya Society, NLUO, faculty and the University administration for their help and support in crafting this enriching edition. May it catalyze thought-provoking dialogues and informed discussions.

Happy reading!

Shivani Mamgain (they/she)
Faculty Advisor
Kautilya Society, NLUO Chapter



MONTHLY UPDATES

JANUARY

AMENDMENTS TO IT RULES, 2021 TO REGULATE ONLINE GAMING

In January this year, the **Ministry of Electronics and Information Technology (MeitY)** proposed amendments to the **Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (IT Rules, 2021)** relating to the regulation of online gaming and prohibition of fake news and sought public comments for the same. The final amendments were later notified in April. On January 2, 2023, the draft amendments pertaining to online gaming were published a week after MeitY was appointed as its nodal ministry. The Rules introduced provisions to define the nature and scope of online gaming and online gaming intermediaries. *Rule 2(1)(qa)* defines “online game” as a “game that is offered on the Internet and is accessible by a user through a computer resource if he makes a deposit with the expectation of earning winnings”. Both “deposit” and “winnings” have been defined to include both cash and kind. *Rule 2(1)(qb)* defines an online gaming intermediary as an intermediary that offers one or more than one online game. The draft amendment also introduced new due diligence requirements to be observed by online gaming intermediaries, meant to apply alongside the existing ones.



The 5-judge bench which delivered the Triple Talaq judgment, each judge hailed from a different religious community.

These requirements put in place a Know-Your-Customer (KYC) procedure to be followed by the online gaming intermediary for registration of users' accounts. Concerns have been expressed about the ambiguous and broad nature of the definitions involved. For instance, terms like 'wagering' have nowhere been defined in the Rules. Online gaming has also not been covered under the parent act resulting in concerns of executive overreach.

On January 17, the MeitY proposed yet another amendment which sought to introduce a new ground for taking down of social media and news media content i.e. any piece of information that had been identified as 'fake' or 'false' by the **Press Information Bureau (PIB)**, or any other agency of the Union Government, as may be decided. The amendment required intermediaries to inform their users through internal mechanisms, to not '*host, display, upload, modify, publish, transmit, store, update or share any information*' which is '*identified as fake or false or misleading by a fact check unit of the Central Government*'. The Fact Check Units (FCU) are supposed to be notified by the MeitY and are also empowered to instruct intermediaries to not host content deemed as false. The intermediaries are required to take down such content to retain the protection they enjoy under Section 79 of the Information Technology Act, 2000, which protects an intermediary from being held liable for user-generated content on its platform.

While the professed aim of this amendment is to tackle misinformation, the executive wielding a monopoly over defining what's fake/false creates fears of overbroad and arbitrary exercise of power especially targeting dissent. As such, an autonomous mechanism to constitute FCUs relatively free from complete executive control is greatly desirable.

Additional Readings:

1. <https://internetfreedom.in/public-brief-it-amendment-rules-2023/>
2. <https://prsindia.org/billtrack/amendments-to-it-rules-2021>
3. <https://www.epw.in/journal/2023/43/commentary/it-amendment-rules-2023.html>



The now universally recognizable Aadhar logo was the result of a nationwide competition launched by the UIDAI in February, 2010 which saw over 2000 entries. The winning design was submitted by Mr. Atul S. Pande of Pune.

FEBRUARY

BUDGET 2023: DRIVING GROWTH, INNOVATION AND SUSTAINABILITY

On 1 February 2023, the **Union Budget** was presented in the Lok Sabha. Infrastructure development is a top priority in the budget, with large sums set aside for transportation and communication projects, which will help the economy grow and create jobs. New healthcare programs are included in it, such as a **National Health Emergency Response Agency** and more money for healthcare facilities. By outlining a thorough strategy for managing air quality, the budget also tackles environmental sustainability. The government's dedication to modernization is further demonstrated by its emphasis on digital governance and technological integration. Economic resilience, public health, and technological advancement are all addressed in this flexible budget through careful allocation of funds.

GOVT'S PROPOSAL FOR CHANGE IN INSOLVENCY LAW

The Government of India released a discussion paper on changes in the **Insolvency and Bankruptcy Code, 2016** or **IBC**. Reducing recoveries for secured creditors like banks and bondholders, the proposed changes prioritize junior creditors like the government and unpaid vendors. To achieve its goal of a "*equitable scheme of distribution of proceeds*," the plan modifies the insolvency waterfall such that secured creditors can only collect up to the value of

the liquidation and any excess must be distributed to all creditors.

Some feel this would add further complexity to the already difficult IBC, which could discourage lenders and private credit funds. The ever-changing legal framework in India's bankruptcy procedures is causing some concern regarding the precarious equilibrium between promoting equity and protecting the rights of secured creditors.

CHANGES IN AGNIPATH SCHEME

After introducing the **Agnipath** initiative on June 14, 2022, the Indian Army made several changes to make it more appealing to young recruits. Despite initial disagreement, the army has expanded the eligibility standards to include pre-skilled kids and ITI/Polytechnics graduates in the technical category and raised the upper age limit to 23. Class 10 and 12 graduates can now join Agniveers in various roles, with a focus on vocational training and competent individuals. An online common entrance exam, fitness, and medical testing demonstrate the military's dedication to a thorough selection procedure. The government's '*Seva Nidhi Package*' provides tax-exempt ₹11.71 lakh to Agniveers after four years of service, making it a rewarding career choice for youth.



IndiaAI, the official AI portal of the Government of India utilises the AI assistant of Global Partnership on Artificial Intelligence (GPAI) as its chatbot. The GPAI is an international AI alliance founded in 2020 with 15 founding members including India.

Additional Readings:

1. <https://www.livemint.com/agnipath-scheme-govt-tweaks-rules-here-s-what-has-changed>
2. <https://www.pib.gov.in/PressReleasePage.aspx?PRID=1895315>
3. <https://www.livemint.com/economy/govt-proposes-changes-to-insolvency-law-here-s-how-creditors-will-get-hit-11677141058061.html>

MARCH

INTRODUCTION OF FINANCE BILL, 2023

The Finance Minister of India, Ms. Nirmala Sitharaman introduced the **Finance Bill, 2023** (now *Finance Act, 2023*) in the Lok Sabha in February 2023. In March 2023, the Bill underwent a series of amendments, and after considering representation from various stakeholders, the Bill was passed by the Lok Sabha in March 2023. The Bill outlines the tax proposals and the budgetary allocations of the Government for the financial year 2023-24. The Bill proposes broad changes with respect to the existing structure of taxation in India, which involves 64 official amendments to existing legislations in India.

Some of the broad changes under the Bill are as follows:

- In order to decrease the withholding of taxes by Indian companies, one of the changes implemented through the Bill was to increase the withholding tax rate on royalties and fee for technical services paid to non-residents from 10% to 20%.
- Further, the Finance Bill has also recommended the setting up of *GST Appellate Tribunals*, with a Principal Bench being set up at Delhi and several other State Benches. The Tribunal is proposed to be headed by a former Supreme Court judge or a retired Chief Justice of a High Court.



The Digital India Act proposed in 2023, which seeks to replace the IT Act, 2000 is expected to provide the definitions of many newly emerging cyber offences such as doxing, cybersquatting, astroturfing and dog-whistling.

- Under the scheme, all credit card payments for foreign tours are now to be considered a part of the *Liberalised Remittance Scheme* (“LRS”), and the *Reserve Bank of India* (“RBI”) is to act as a watchdog for payments made escaping *Tax Deducted at Source* (“TDS”).
- Additionally, Tax Collection at Source (“TCS”) is to apply to all LRS even if within India.
- The Bill also proposes enhanced tax benefits to offshore banking units operating in *Gujarat International Finance Tec-City* (“GIFT City”).
- Regarding the pension system, the Finance Secretary is to head a committee which would address the needs of employees and also exercise fiscal prudence.

The Bill can be said to be a pragmatic step by the Government, with an aim to crack down on potential tax evaders and also increase the Government income through tax. It is yet to be seen whether the changes introduced in the Bill have a real-world impact on the Indian economy as well as fulfilling its purpose.

Additional readings:

1. <https://www.indiabudget.gov.in/doc/memo.pdf>
2. <https://cag.gov.in/Compendium-of-Income-tax-Amendments-under-Finance-Act>
3. <https://www.taxmann.com/summary-of-the-amendments-made-by-the-finance-act>

APRIL

INDIAN SPACE POLICY, 2023

The year 2023 marked a pivotal moment for India's spacefaring aspirations with the unveiling of the Indian Space Policy 2023. This blueprint for the next decade lays the foundation for a thriving space ecosystem fueled by public and private forces.

At the heart of this transformative vision stands the Indian **National Space Promotion and Authorisation Centre (IN-SPACe)**. Empowered as a single window agency, IN-SPACe streamlines the process for government and non-government entities looking to embark on space endeavours. This shift signifies a bold embrace of private players, who are now empowered to undertake end-to-end space activities, from building and operating satellites and launch vehicles to delivering critical services like communication, remote sensing, and navigation.

The Indian Space Research Organisation (ISRO), the country's long-standing space champion, carves out a new role for itself in this dynamic landscape. ISRO's expertise will focus on the research and development of cutting-edge space technologies, readily sharing its knowledge and resources with private companies. This collaborative spirit ensures that India's technological prowess continues to propel its spacefaring ambitions.



The 2023 no-confidence motion brought against the current government in the Lok Sabha was the 28th such motion. Only once in 1979, did a no-confidence motion lead to the fall of the government.

Furthermore, the policy promotes data democratization by making high-resolution satellite data freely accessible. This open data initiative promises to unlock a wave of innovation, empowering diverse sectors and fostering groundbreaking applications across agriculture, climate monitoring, and disaster management. Perhaps the most ambitious goal enshrined in the policy is the pursuit of human spaceflight. ISRO sets its sights on demonstrating this critical capability, paving the way for a long-term roadmap towards establishing a sustained human presence in space. This audacious vision signifies India's commitment to pushing the boundaries of space exploration and claiming its rightful place among the leading spacefaring nations.

In conclusion, the Indian Space Policy 2023 paints a bold picture of a future where public and private forces join hands to propel India's space odyssey to new heights. With a streamlined regulatory framework, empowered private players, cutting-edge technological advancements, and an open data ecosystem, the stage is set for a vibrant and innovative space sector that will propel India to the forefront of global space exploration.

Additional Readings:

1. <https://www.impriindia.com/insights/indias-space-policy-2023/>
2. <https://www.iipa.org.in/cms/public/uploads/366111692781998.pdf>
3. <https://www.stimson.org/2023/indian-space-policy-and-the-new-lunar-space-race/>
4. <https://thegeopolitics.com/indias-new-space-ambitions-can-have-a-world-impact/>

MAY

OPEN NETWORK FOR DIGITAL COMMERCE AND APPREHENSIONS OF PRICE WAR

A report by **GlobalData**, a data analytics company, has furthered the apprehension of an upcoming price war that could be stirred by the introduction of **Open Network for Digital Commerce (ONDC)**. Since its introduction in 2022, ONDC has garnered a substantial user base; however, it still faces a considerable journey to rival the technological and service prowess of industry giants such as Amazon, Flipkart, Swiggy, Zomato, and similar companies.

ONDC represents the Indian government's most recent endeavour to foster a digital economy, following initiatives like the *BHIM unified payment interface* and the *RuPay credit card*. Launched as an open online sales platform, ONDC aims to support businesses of varying scales, including large, medium, and small enterprises. ONDC, in combination with BHIM and other payment applications, operates on an open market system which does not charge third party fees. This could severely affect the consumer market dominated by third-party players and charge severely high amounts for their service. ONDC, on the other hand, promotes fair competition and enhanced transparency, as consumers can make an informed choice among operators and choose the best available option for them. It also helps in providing an equal-playing playing field for all competitors, big or small, and hence fosters healthy, diverse competition.



If India implements the One Nation One Election system of simultaneous polls, it will only become the third country to do so after Sweden, Belgium and South Africa.

It also helps in providing an equal-playing playing field for all competitors, big or small, and hence fosters healthy, diverse competition. It also has its own regulatory framework which is aimed at prevention of monopolies and to see that the whole idea of free and healthy competition is abided by. This will incentivize platforms to compete on various fronts and be consumer-driven.

DOTTED LANDS

The Andhra Pradesh government has taken a noteworthy initiative to remove "*dotted lands*" from the prohibited list, enabling farmers to assert their complete rights over these disputed areas. The objective is to address ownership conflicts and furnish eligible farmers with clear land ownership documents. "*Dotted lands*" refer to disputed lands lacking clear ownership documentation, with multiple claimants including individuals and the government's Revenue Department. The term originates from British-era land surveys, where local revenue officials marked dots in the ownership column to signify contested ownership or cases where ownership couldn't be distinctly determined. Ownership disputes frequently emerge when landowners cannot establish clear inheritance through wills, leading to conflicts among multiple heirs vying for the same land. Additionally, government-claimed lands may face disputes when found occupied by private parties.

The Andhra Pradesh government has introduced a bill to grant land titles to farmers cultivating dotted lands for over 12 years, benefiting approximately 97,000 farmers. The removal of dots and entries from land registers will provide clear ownership documents. Landowners can use the lands as collateral for loans, apply for financial assistance, sell or gift them. The "*Jagananna Saswatha Bhu Hakku Bhu Raksha Scheme*" involves creating digital records to prevent tampering. In the first phase, the government has provided 7,92,238 permanent title deeds to farmers in 2,000 villages under this scheme. Over 100,000 applications were submitted to the Chief Commissioner of Land Ceiling to address dotted land disputes, highlighting the urgent need for resolution. In urban areas, illegal sale and construction on such lands have led to tax evasion and government revenue loss. The registration value of the 2,06,171 acres is over Rs 8,000 crore, with the overall land value exceeding Rs 20,000 crore.

Additional readings:

- <https://medium.com/reshaping-digital-commerce-the-ondc-initiatives-battle-against-high-prices-and-price-wars>
- <https://www.indiatimes.com/govt-backed-ondc-platform-price-war>
- <https://indianexpress.com/article/andhra-pradesh-dotted-lands-dispute>



Only one ground has been mentioned in the constitution under which a governor can reserve a bill for the consideration of the President namely if the bill affects the powers of the High Court in such a way as to endanger its constitutional position.

OTT REGULATION IN INDIA

Recently, the Digital Publisher Content Grievances Council (DPCGC) has proposed taking punitive measures against an OTT platform by the name of ULLU under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (hereinafter referred to as the “IT Rules 2021”). The DPCGC, established by the Internet and Mobile Association of India (IAMAI), is a self-regulatory body for publishers of online curated content and registered by the Ministry of Information and Broadcasting under the Rules. The DPCGC, through the Grievance Redressal Board (GRB), strives to put in place a redressal mechanism striking a balance between addressing audience grievances and showcasing content without ad-hoc interventions. OTT, or Over the Top Platforms, refer to services providing direct Internet access to movies, TV shows, and other media, bypassing traditional cable or satellite systems. Owing to their increasing popularity in recent times, regulation of OTT content has emerged as a pertinent issue.

Current Regulatory Framework

Online Curated Content: Audio-visual content available on demand, including through subscription-based OTT platforms, is subject to regulation in India. Existing laws such as the Information Technology Act 2000, Indian Penal Code 1861, and Indecent Representation

of Women (Prohibition) Act 1986 apply. The new IT Rules 2021 empower the Ministry of Information and Broadcasting to regulate content on OTT and online platforms, including a Code of Ethics for online news and digital media. India has adopted a co-regulation approach, combining self-regulation at the industry level with oversight by the Ministry of Information and Broadcasting.

Grievance Redressal Mechanism: A three-tier grievance redressal mechanism has been established under the IT Rules, including a Grievance Redressal Officer, self-regulatory bodies of publishers, and an oversight mechanism by the ministry. The DPCGC is a product of this approach, serving as the self-regulatory body.

Content Classification and Regulation: These aspects pertaining to social media and over-the-top (OTT) platforms are mainly governed under the IT Rules, 2021. These rules, enacted under section 87 (2) of the Information Technology (IT) Act, 2000, supersede the previous Information Technology (Intermediary Guidelines) Rules 2011. OTT platforms are required to self-classify content into age-based categories and implement parental locks for certain classifications.



The Way Forward

To address the diverse mechanisms and regulations among different broadcasters, there is a crucial need for a national broadcasting policy. Recognizing the distinction between online and conventional content is crucial, as online content tends to be more liberalized and innovative. To ensure awareness, industry associations could conduct campaigns about grievance redressal mechanisms. Regular audits by an independent body can assess the effectiveness of access controls, age verification mechanisms, and display of grievance redressal details. Engaging stakeholders is vital to fine-tune regulations, address implementation challenges, and prevent potential misuse of the framework. Further, through the Digital India Bill the government aims to regulate content on digital platforms, by introducing age-based categories like U, U/A 7+, U/A 13+, U/A 16+, and A (Adult).

Additional Readings:

- <https://www.communicationstoday.co.in/regulation-of-ott-platforms-in-india/>
- <https://blog.adif.in/p/ott-regulation-in-india-a-comprehensive>

JULY

AMENDMENT TO THE FOREST (CONSERVATION) ACT, 1980

The Lok Sabha has passed the **Forest (Conservation) Amendment Bill, 2023** to amend the Forest (Conservation) Act, 1980. The Act is a key national statute for the conservation of forests in India. The amendments expand the range of forest activities that are allowed on forest land. It excludes some types of land from the Act's jurisdiction. These include public roads that lead to habitations, small roadside amenities, and land within 100 km of India's border that is required for national security projects.

The Bill redefines the definition of a "*forest*" in India. It states that the only lands recognized as "*forests*" under the Act will be those that were designated as such under the **Indian Forest Act, 1927**, any other applicable law, or were documented as such in official government documents. This change is in sharp contrast to the current Act's broad scope, which states that it covers "*any forest land*." The phrase was widely interpreted by a 1996 ruling by the Supreme Court. It stated, among other things, that a "*forest*" is any land that is officially designated as such in government records, regardless of ownership, as well as "*deemed forests*," which are not officially designated as "forests" but nonetheless fit the definition of the word as defined by the dictionary: any sizable area with a significant amount of undergrowth and tree cover.



The New Parliament building includes numerous technological innovations such as multimedia display units, biometrics, digital translators, programmable microphones and an automated voting system.

The amendments have left a few concerns, due to which there has been widespread disapproval. For example, a general exemption for forest lands within a hundred kilometres of international borders could leave the entire Northeast region outside the scope of the 1980 rules, putting forests at risk of unlimited land use change.

AMENDMENT TO THE CINEMATOGRAPH ACT, 1952

The Cinematograph Amendment Bill, 2023 was another recently approved Bill by the Parliament. The amendment broadens the scope of the Cinematograph Act, 1952 from just censorship to include copyright and stringent anti-piracy measures. It introduces new age-based certificate categories under the law, allowing films to be certified for various categories which are (a) unrestricted (*U*), (b) unrestricted but subject to parental or guardian guidance for children under 12 (*UA*), (c) only for adults (*A*), or (d) only for members of any professional or social category (*S*). The *UA* categories have been sub-classified into three categories: *UA 7+*, *UA 13+*, and *UA 16+*. Age endorsement within the *UA* category by the Board will inform parental or guardian guidance and cannot be enforced by any other person except parents or guardians, thereby bringing the process in line with international standards.

The Bill is touted as being a major overhaul to counter transparency, which has become a huge challenge for film-makers, who already have a lesser viewing audience since the lockdown era. OTT has taken much of the viewing space and hence such anti-piracy measures are intended to help film-makers make their monetization prospects stronger. A heftier fine has also been added along with the already mentioned imprisonment in the original act and this move has been welcomed by the film industry at large. Moreover, the amendment ensures the perpetual validity of certificates issued by the CBFC for films, replacing the previous 10-year validity period. This added procedural change is designed to alleviate any burdens on movie producers who were previously obligated to adhere to certificate renewal regulations.

Additional Readings:

1. <https://prsindia.org/billtrack/the-cinematograph-amendment-bill-2023>
2. <https://www.thehindu.com/news/national/cinematograph-amendment-bill-piracy-age-certification-film-explainer-parliament/article>.
3. <https://nualslawjournal.com/2023/07/25/revolutionizing-the-silver-screen-the-cinematograph-bill-amendment-battles-the-menace-of-film-piracy/>



The J&K Reorganisation (Amendment) Act, 2023 nominates two members from the Kashmiri migrant community, and one displaced person from Pakistan-occupied Kashmir (PoK) to the Legislative Assembly.

AUGUST

INTRODUCTION OF NEW CRIMINAL LAW BILLS

In August 2023, three significant bills—**Bharatiya Nyaya Sanhita**, **Bharatiya Nagarik Suraksha Sanhita**, and **Bharatiya Sakshya Bill**—were introduced in the Lok Sabha to replace the **Indian Penal Code, 1860**, **Code of Criminal Procedure, 1973**, and the **Indian Evidence Act, 1872** respectively. The bills introduce several changes to the criminal justice system in India. For instance, offences relating to terrorism and organised crimes have been defined with punishments of life imprisonment and death penalty being prescribed for them. Other notable changes include the provision for death penalty for the gang rape of a woman below the age of 18, the admissibility of electronic evidence etc. There is a reformative tinge to the bills, which is a small step towards realising reformative justice in India. For instance, release of first-time offenders on bail is provided after they have completed one-third of their time of imprisonment (excluding life imprisonment). The government asserts that, unlike the preceding British-era bills primarily centered on punishment rather than justice, the new legislation aims to reform India's criminal justice system comprehensively. These bills are designed to digitize the entire process, from FIR registration to judgment.

The **Digital Personal Data Protection Act, 2023** was passed by the Parliament. It addresses the collection, usage, storage and sharing of personal data that has been digitised. It defines the rights and duties of the '*data principal*', or the one whose data is being processed. This includes seeking information, erasure of data and grievance redressal. Additionally, it recommends certain precautions to be taken by the entity processing the data – building safeguards, informing the authorities in case of a breach, and erasure of data once the result is achieved. The Act has the provision to frame rules if the necessity arises in the dynamic and fast-paced world of Information Technology – which must be used with care and proper reasoning. The incorporation of visual elements was also recommended to ensure inclusivity to illiterate data principles and make them aware of their rights.

The Bill seeking to amend the procedure for appointment of the Chief Election Commissioner was introduced in the Rajya Sabha. The bill proposes a selection committee that acts in advisory capacity to the President and is to consist of: the Prime Minister (Chairperson), Leader of Opposition in LS (Member), and a Union Cabinet Minister nominated by the Prime Minister (Member).



To facilitate indigenous research in leveraging emerging technologies in the power sector, the government launched a national mission in 2023 called Mission on Advanced and High-Impact Research (MAHIR).

The potential dominance of the process by the government through the selection committee will hamper the independence of the commission. The committee's validity even in the case of a vacancy (for example, before the general elections when the leader of the opposition post remains vacant) would be an issue as it would consist only of the members of the ruling party/coalition.

Additional Readings:

1. <https://prsindia.org/billtrack/prs-products/overview-of-criminal-law-reforms>
2. <https://prsindia.org/billtrack/the-bharatiya-nyaya-second-sanhita-2023>
3. <https://prsindia.org/billtrack/the-bharatiya-nagarik-suraksha-second-sanhita-2023>
4. <https://prsindia.org/billtrack/the-bharatiya-sakshya-second-bill-2023>

SEPTEMBER

INTRODUCTION OF WOMEN'S RESERVATION ACT, 2023

The Constitution (106th Amendment) Act, 2023, popularly known as the **Women's Reservation Act, 2023** (*Nari Shakti Vandan Adhiniyam*), was introduced and passed during the special session of Parliament. This legislation seeks to allocate 33% of the seats in the directly elected Lok Sabha and state legislative assemblies to women.

In recent years, global concerns have risen over the inadequate representation of women in legislative bodies, hindering rapid economic development. Addressing this democratic deficit is crucial for fostering a more participatory, responsive, inclusive, equitable, and accountable political decision-making process, with the amendment aimed at advancing these goals. It is the culmination of a legislative debate that had been ongoing for 27 years, including the lapsed Women's Reservation Bill (2010), due to the lack of consensus among political parties.

The bill was the first that was considered in the new parliament building. President Murmu signed the bill on 28th September 2023, and the gazette notification was also published the same day, which made it clear that the reservation will come into force soon after the first delimitation (frozen until 2026) and will continue for 15 years. Additionally, it mandates that one third of seats reserved for the Scheduled Castes and Scheduled Tribes be reserved for women of such communities.



The practice of the Governors of states also being the Vice Chancellors of universities doesn't stem from any constitutional provision. Rather it originated from a colonial convention to keep universities in check.

G20 NEW DELHI SUMMIT, 2023

The 2023 G20 New Delhi summit was the 18th meeting of G20 (Group of Twenty). It was held in *Bharat Mandapam International Exhibition-Convention Centre*, Pragati Maidan, New Delhi on 9 – 10 September 2023. It was the first G20 summit held in India and was chaired by the Indian Prime Minister, Narendra Modi.

India's presidency began on 1 December 2022, leading up to the summit in the third quarter of 2023. The G20 Leaders' Declaration was adopted at the G20 New Delhi Summit, stating their commitment towards the priorities discussed and agreed upon, during the respective ministerial and working group meetings. The successful outcomes of the Summit were:

- The **African Union** joined the G20 as a permanent member.
- A new organisation called the **Global Biofuel Alliance (GBA)** was launched, to promote the development and adoption of sustainable biofuels, and set relevant standards and certification.
- The **New Delhi Leaders Declaration** was adopted with consensus.

- A group of countries made a joint agreement to build a rail and shipping corridor linking India with the Middle East and Europe called the India-Middle East-Europe Economic Corridor. The group comprises India, Saudi Arabia, the United Arab Emirates, Jordan, Israel and the European Union.

Additional Readings:

1. <https://prsindia.org/billtrack/the-constitution-one-hundred-twenty-eighth-amendment-bill-2023>



First foreign military regiment to have taken part in the Republic Day Parade was from France in 2016. In 2023, a contingent of Egypt marched in the parade.

OCTOBER

REVAMPED TAX AND BANKING REGULATIONS

The Tax Collected at Source (TCS) rates were revised to relieve new start-ups and attract foreign businesses with a higher threshold applicability on TCS. The TCS applicable was increased from 5% to 20%. However, at the same time, TCS was modified to apply to any nature of the transaction, including international remittances, international trips, or even educational expenses abroad. This could prompt individuals to carefully weigh the decision of international travel or sending their child abroad for studies. The significant initial cash outflow, although refundable, may influence individuals to lean towards domestic options. The new TCS scheme would also affect investments in foreign stocks, since if one would like to convert the rupee, then a higher TCS would need to be shelled out, hence affecting several out-sourced start-ups negatively.

New debit and credit rules were also rolled out, which made it mandatory for new customers to choose their card network. Earlier, banks would tie up with a network such as Rupay, or Mastercard and have an exclusive dealing agreement with them and the consumer had to use that network. Still, now the consumer would enjoy free choice, hence making the banking experience consumer-centric and liberal.

From October onwards, perpetual Systematic Investment Plans (SIPs) would become obsolete since the maximum period for an SIP has been limited to 30 years. SIPs started before the

commencement of this notification remain unaffected and only apply to all SIPs started after this notification.

MoE's DRAFT GUIDELINES ON SUICIDE PREVENTION IN SCHOOLS

The Education Ministry released draft guidelines for inclusive education ensuring that primary education becomes uniform throughout India. The new pedagogy also involves sign and tactile learning, making it much more accessible for students with special needs. It also introduced Draft Guidelines for the prevention of suicides in schools. The recommendations include creating a **School Wellness Team (SWT)** at each school to help children who are identified as at risk of committing suicide, workshops on mental health and training teachers to tackle students at risk. These measures are intended to help the educational sphere become all the more inclusive and help with stress in these complex times of rigid competition.

AMENDMENT TO AIRCRAFT RULES, 1937

The Civil Aviation Ministry also notified changes to Aircraft Rules, 1937, which included increasing the validity of a pilot licence from 5 to 10 years, removing of requirement of validation of foreign licenses, and prohibition on false lights (flying lanterns, wish kites) which



2023 marked fifty years of the landmark Kesavananda Bharati judgment which gave us the Basic Structure doctrine. This doctrine was later expressly adopted by the Bangladesh Supreme Court too in 1989.

might look like a ground light has been increased from 5 km to 9 km to better flight safety.

Additional Readings:

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NOVEMBER

DIGITAL ADVERTISEMENT POLICY, 2023

In the month of November, the Ministry of Information and Broadcasting rolled out the **Digital Advertisement Policy, 2023**, which provides aid to the Central Bureau of Communication (CBC) to have a wider outreach among the public. Under the new policy, advertisement rates would be determined through bidding, while considering other factors such as the subscriber count of the digital platform. OTT platforms can be enlisted for both regular content advertisements and the creation of embedded/in-film advertisements, promotions, or branding activities as per CBC's Letter of Intent.

The CBC, a wing of the Information and Broadcasting Ministry, acts as a medium of communication between various government departments and the general public. It is also entrusted with the task of disseminating information about different government schemes and policies to the people. CBC has a wide range, of advertisements on OTT platforms, websites, mobile apps, and so on. The introduction of the Digital Advertisement Policy 2023 gives a much-needed push to the CBC's cause in disseminating information and creating awareness, especially during the time of a dynamic and ever-changing media landscape.



Even after the privy purse abolition, the Dang Kings of Gujarat are the only Indian royals who still receive an annual allowance from the government as continuation of a colonial custom.

LETTER OF INTENT (LOI) SIGNED BETWEEN KARNATAKA GOVERNMENT AND META

On 28th November, the Karnataka government signed a Letter of Intent (LoI) with WhatsApp and Facebook parent company Meta to bolster digital education and online user safety among the people of the state. According to state IT Minister Priyank Kharge, this 2-year partnership between the state government and the tech giant is a digital citizenship initiative, which aims to increase job opportunities, encourage entrepreneurship, and enhance the digital skills of the youth, which in turn, can positively affect their employability.

This initiative also aims to develop a WhatsApp chatbot specifically designed for providing information services across various departments of the government. Additionally, the chatbot also has the potential to streamline citizen communication. This joint program would also lead to regular training workshops and awareness sessions for colleges and universities via online and hybrid mode to polish the AR (*Augmented Reality*)/ VR (*Virtual Reality*) skills of students and teachers.

However, the collaboration does not end here. Plans are underway for both these institutions to work together on other important tech-related fields such as gaming, AI, and tackling the menace of deepfakes.

However, this ambitious partnership may face quite a few challenges during its implementation stage. An impediment in such a public-private collaboration is that the government and the private enterprise tend to move at their own pace. While the private entity desires quick actions and outputs to outrun their competitors, the government is riddled with heavy bureaucratic machinery which tends to delay any action. Therefore, establishing synergy in this public-private alliance to achieve the desired goals of digital awareness among citizens is of utmost importance.

Additional readings:

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DECEMBER

INTRODUCTION OF TELECOMMUNICATIONS ACT, 2023

The Telecommunications Act, 2023 was introduced and passed by the Parliament. It seeks to replace the *Indian Telegraph Act, 1885* and the *Indian Wireless Telegraphy Act, 1933*. The proposed legislation outlines a mechanism to exercise the right of way for laying telecom infrastructure in both public and private properties.

Under the Act, authorization from the central government will be necessary for

- (i) the establishment and operation of telecommunications networks,
- (ii) the provision of telecommunications services, or
- (iii) the possession of radio equipment.

The central government retains the authority to implement measures safeguarding users from incessant spam calls and texts, such as requiring prior consent for receiving specific messages and the creation of a "*do not disturb*" register. The legislation also makes it mandatory for companies to issue SIMs only after capturing the biometric data of the user. Under the Act, spectrum allocation will typically occur through auction, with exceptions for specific entities and purposes that will be assigned administratively. It allows interception on specified grounds, including the security of the state, public order, or prevention of offenses. Telecom services may be suspended under similar circumstances.

This legislation has raised numerous concerns, especially over the permission granted to the government to effectively conduct widespread and disproportionate digital surveillance or to curtail communication altogether which are telltale markers of a surveillance state. Procedural safeguards related to the authority to search premises and vehicles are not explicitly outlined in the bill either.

The mandatory requirement for biometric verification of users seems overarching and, as a result, could violate the fundamental right to privacy. Further, the government has also retained the ability to introduce, modify, or remove offenses in the Third Schedule to the bill through a notification. However, effecting such changes through a parliamentary Act seems like a more prudent measure.

RBI'S MONETARY POLICY COMMITTEE (MPC)

The RBI's Monetary Policy Committee met in December, and came up with key highlights of the committee which like a unanimous agreement to maintain the repo rate at 6.5%. A heightened repo rate results in increased borrowing costs, prompting businesses to potentially defer or reduce their investments. Conversely, a lower repo rate may incentivize businesses to borrow, fostering investment in growth and potentially stimulating economic activity. Also, a 5.4% CPI inflation for FY24 was decided.



SEBI had debarred certain Adani promoters for two years for stock price manipulation in 2008.

Consumer Price Index is a measure that examines the average change in prices paid by consumers for a specific goods/service over time. It is widely used as an indicator of inflation and reflects the cost of living for the average household. The CPI is calculated by comparing the current prices of a predefined set of items with their prices in a base year, providing insight into the general trend of price movements in the economy. The upcoming financial year (FY25) was given projected quarterly inflation at 5.2% for Q1, 4% for Q2, and 4.7% for Q3, thereby sirenning a stable inflation rate for the upcoming year. The upper limit of transactions in hospitals and educational institutions through UPI has been raised from Rs 1 lakh to Rs 5 lakh.

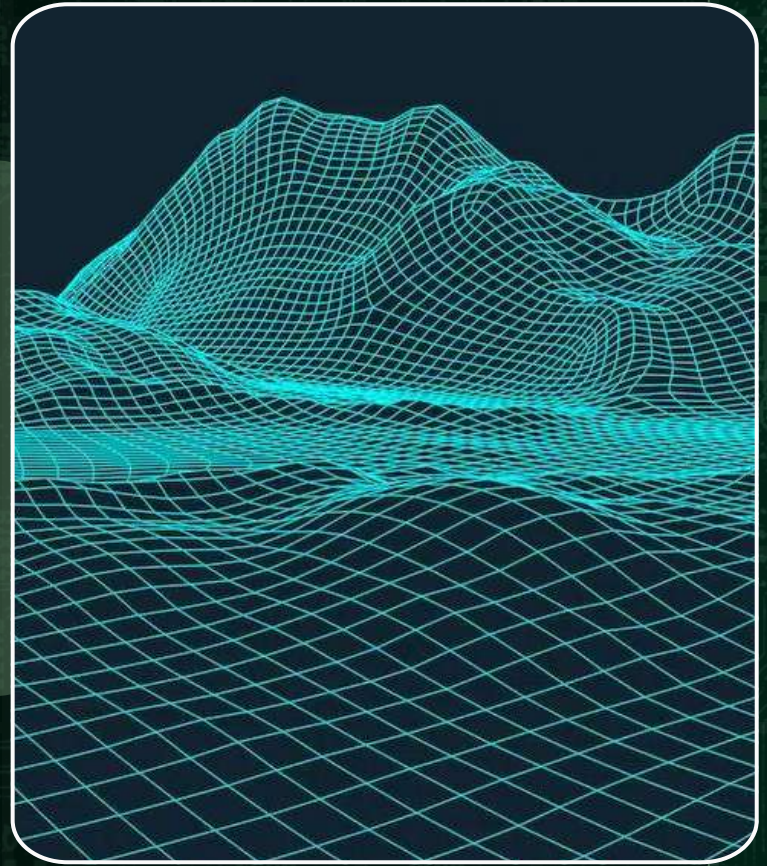
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1. https://rbi.org.in/Scripts/BS_PressReleaseDisplay.aspx?prid=56982
<https://www.bls.gov/news.release/pdf/cpi.pdf>
2. <https://www.livemint.com/money/personal-finance/how-rbi-s-repo-rate-hike-will-impact-the-economy-and-your-personal-finance-11664548286936.html>

STUDENT SUBMISSIONS

GEOSPATIAL DATA: MAPPING THE REGULATORY AND POLICY FRAMEWORK

By Aditi Verma and Aman Yuvraj
Chaudhary



The US-helmed Artemis Accords signed by India in 2023 which seeks to achieve human-led exploration on the Moon, is named after the Greek goddess of hunting, wilderness and childbirth who was also associated with the moon.

INTRODUCTION

Locational information, in the form of geospatial data, is a cornerstone of today's digital landscape, playing a pivotal role in various sectors and industries. This data encompasses details about physical and conceptual features, ranging from boundaries and points of interest to weather patterns and statistical information. Technological advancements have greatly improved the collection of geospatial data through methods like ground-based surveys, aerial photogrammetry, mobile mapping systems, LIDAR, RADAR interferometry, satellite-based remote sensing, and mobile phone sensors. The emergence of publicly available geospatial services has made previously restricted data freely accessible, reducing the need for extensive regulation. This evolution underscores the democratisation of geospatial information, promoting innovation and economic growth across various sectors in India.

The Department of Science and Technology's Geospatial Guidelines, 2021 (DST Guidelines)[1] and the Survey of India's National Geospatial Policy, 2022[2] are two important instruments that aim to liberalise and regulate the geospatial sector in India. The Geospatial Guidelines, 2021 allows Indian entities to collect, use, publish and share geospatial data without prior government approval while placing several restrictions upon the foreign entities in the field including barring them from creating or collecting geospatial data finer than the accuracy threshold defined therein. The National Mapping Policy, 2022 provides a framework for the development of a geospatial ecosystem in India, including goals and strategies to achieve it. These policies are expected to boost innovation, economic growth and social welfare in various domains that rely on geospatial data and services with a special emphasis upon Atma Nirbhar Bharat.

The Government of India recognizes the pivotal role of robust geospatial data in national growth and development. As part of its goal to achieve self-reliance and become a five trillion-dollar economy, India seeks to reduce its reliance on foreign mapping resources. The country's geospatial economy is expected to exceed ₹63,100 crore by 2025, creating over a million job opportunities, mainly through the growth of geospatial startups.[3] To support this industry, a Geospatial Incubator has been established by the government. This incubator is backed by guidelines released by the Department of Science and Technology which demarcate the ways through which geospatial data is to be processed in India. Following this, national organizations like the Survey of India, Geological Survey of India, and ISRO have initiated GIS-based pilot projects[4]. The government has made it mandatory for phone companies to use ISRO-made NAViC software[5], essentially aiming to replace GPS in India. Private companies like Amazon and Zomato utilize geospatial technology[6] for optimizing deliveries and generating employment. Indian companies are developing their geospatial apps, aligning with the 'Make in India' initiative[7]. Integrating geospatial technology into national schemes, such as 'PM GatiN Shakti'[8] streamlines implementation and enhances crisis management. Geospatial data also plays a pivotal role in India's blue economy, contributing to sectors like fisheries, deep-sea mining, and offshore oil and gas exploration. Initiatives like the Sagarmala project and the 'Deep Ocean Mission' underscore the importance of geospatial data in these areas.

Albeit, the current geospatial data framework is riddled with loopholes that are actively being exploited by international corporations. The geospatial policy and subsequent guidelines expressly detail the



Special Protection Group is an elite armed force of the Union for providing proximate security only to the present and former Prime Ministers and their immediate family members.

restriction on off-shoring of Indian geospatial data which never materializes into action due to inadequate provisions. Moreover, the infrastructure and procedures required for the de facto implementation of these guidelines are also notably absent from the regulatory framework. The first part of this article identifies the problems with the existing framework of creation and dissemination of geospatial data. It goes on to describe the inherent shortcomings of the framework. Problems linked to bypassing of guidelines, lack of enforceability, absence of teeth in current legislations, and requirement of a regulatory body have been discussed with a special reference to Google's Street View program and its mapping tactics. In addition, the enforceability of DST's Geospatial Guidelines of 2021 has been discussed in light of deriving enforcement through various penal legislations like the IT Act, IPC, NSA, and OSA inter alia. This piece concludes with making robust policy recommendations about the changes required in the current framework.

CURRENT LEGAL/REGULATORY AND POLICY FRAMEWORK

The usage, collection, and acquisition of geospatial data and its related services are now governed by the DST Guidelines of 2021. The Guidelines are a part of the government's objective to liberalize regulations related to geospatial laws and open up avenues of collaboration and access to the same. In addition to this, the new guidelines call for a distinction to be made between the modes of operation of Indian and foreign entities about the acquisition, usage, and treatment of geospatial data. Key features of these guidelines include allowing Indian entities to self-certify the conformity of their geospatial data products with specified spatial accuracy thresholds without requiring prior government approval. They also remove restrictions on various aspects of geospatial data collection, dissemination, and storage.

Additionally, the guidelines support the use of modern technologies for geospatial data capture and analysis, promote the development of domestic geospatial industries and startups, and recognize the importance of geospatial data in various sectors, including e-commerce, agriculture, and disaster management. The new guidelines nullify the application of any law that existed on the subject before.

While the DST guidelines ensured that distinctions between Indian and foreign entities are made, the National Geospatial Policy 2022 takes a more citizen-centric approach. The inward-looking Policy aims to strengthen the geospatial sector within the country to foster a flourishing information economy. The goals and visions of the Policy have been outlined such that the Policy is equipped with direction and strategy. Notable features include the classification of 14 Geospatial Data Themes[9] to support commercial applications, the establishment of an Integrated Data and Information Framework[10], the development of a National Digital Twin, the creation of a Geospatial Data Promotion and Development Committee, and the implementation of a legal framework to support the liberalization and democratization of the geospatial sector. These policies collectively set the stage for India to harness the full potential of geospatial data for its growth and development.

GEOSPATIAL LAWS AROUND THE WORLD

All around the world, remarkable geospatial laws have been developed across various jurisdictions. The primary objective of all such legislations or regulations is to strike a fine and functional balance between national security and the economic well-being of the country. This objective is undertaken in furtherance of the goal to make geographic information available and accessible. Enforceability of such regulations



INS Vikrant, India's first indigenous aircraft carrier, has its own motto- "Jayema Sam Yudhi Sprdhah", which is taken from Rigveda and can be translated as "I defeat those who fight against me".

Geospatial information must be treated with utmost caution and circumspection as they are ultimately used by both public offices and consumers.

In the European Union (EU), the INSPIRE directive[11] seeks to establish a unified framework for sharing and utilizing geospatial data among member states. It focuses on making geospatial data more accessible, interoperable, and reusable following the FAIR principles[12], emphasizing common rules in areas like metadata, data specifications, and service sharing. While it doesn't impose sanctions, it governs access and usage of spatial data collected by public authorities. In the UK, the Ordnance Survey (OS) provides geospatial data under the Public Sector Geospatial Agreement (PSGA), overseen by the Geospatial Commission. OS permits free or low-cost access to its data, adhering to UK geospatial data standards. Violations may result in legal action or data access termination.

The United States lacks a central authority for geospatial data. Instead, agencies and organizations collaborate through the National Spatial Data Infrastructure (NSDI) framework. The Federal Geographic Data Committee and the Geospatial Data Act, 2018[13] mandate its implementation, with federal agencies like the Department of State ensuring compliance. Singapore's OneMap[14] is an open-sourced geospatial portal offering government-contributed location-based data and services. Maintained by the Singapore Land Authority, OneMap facilitates data access, analysis, and innovation. In Australia, ANZLIC coordinates geospatial policies and standards. The Foundation Spatial Data Framework (FSDF)[15] provides essential geospatial data, promoting open data via platforms like data.gov.au and NationalMap.

COMPLIANCE: DST GUIDELINES AND NATIONAL MAPPING POLICY, 2022- DOES THE INDUSTRY HEED THE FRAMEWORK?

The DST has issued comprehensive guidelines regarding geospatial data acquisition and production within India. These guidelines supersede any previous directives from DST, the Ministry of Defence (MoD), or any other government department, serving as the primary reference on this subject. They apply to a wide range of entities, including government agencies, research institutions, private organizations, non-governmental organizations (NGOs), and individuals.

Under Clause 8 of these guidelines, there is no requirement for prior approvals, security clearances, licenses, or any restrictions on various geospatial data-related activities conducted within India. Self-certification is considered sufficient for compliance. Moreover, the guidelines establish specific accuracy thresholds for geospatial data, with only Indian companies being permitted to collect data that is finer than these defined thresholds. Specific accuracy thresholds are outlined in the guidelines, and only Indian companies are allowed to collect data finer than these thresholds. Foreign entities can only gain access to data finer than the accuracy threshold through API (Application Program Interface) licensing. The accuracy thresholds include spatial accuracy of 1 meter (horizontally) and 3 meters (vertically), gravity accuracy of 1 milli-gal, and bathymetric data accuracy of 10 meters up to 500 meters from the shore and 100 meters beyond that. Mobile mapping surveys, street view surveys, and territorial water surveying are activities exclusively allowed for Indian entities. Furthermore, any maps or geospatial data exceeding the prescribed threshold values must be created and owned only by Indian entities and processed and stored within the country. These guidelines provide clarity and flexibility for geospatial data management within India.



M. Fathima Beevi (1927-2023) became the first woman Supreme Court judge in 1989. She later went on to become the Governor of Tamil Nadu following her distinguished career in the judiciary.

However, Google's Street View serves as an example of a breach of the accuracy thresholds stipulated in the guidelines. Because Google is a foreign company, it is not permitted to acquire and publish street view data by the policy. As a workaround, Google is now licensing imaging data[16] for its Street View program from Indian entities Tech Mahindra and Genesys and does not own the data itself. In response to the same, MapMyIndia has released its indigenous street view facility.

Another workaround to bypass the DST guidelines is to share the geospatial data in video format (".mkv" format) rather than through API licensing as the guidelines are silent about sharing information with foreign entities through video format. Bypassing the API protocols exposes data to potential risks of theft, misuse, or leakage. Further, as another bypassing tactic, Google is crowd-sourcing photos and images of locations through public platforms which risks exposing negative/prohibited attributes on public platforms.

Street view imagery may inadvertently reveal critical facility signage, although these disclosures can be controlled through the negative attribute clause in the guidelines (clause 8. iii). However, displaying security personnel and equipment deployments in street view could pose security risks to these facilities, necessitating the development of procedures to identify and rectify such lapses. According to the current DST guidelines, geospatial data with horizontal spatial accuracy finer than 1 meter should exclusively be generated by Indian entities and stored within India (clause 8. vii). While Google and other map services may present imagery with apparent resolutions better than 1 meter on their websites, verifying this accuracy from the website alone is challenging, given that the guidelines do not explicitly address resolution thresholds, making it difficult to take action against violations thereof.

Both street view and mobile mapping survey data, obtained through vehicles, inherently possess finer details than the specified thresholds[17]. Consequently, any Indian entity obtaining such data should only license it to foreign entities through APIs, bypassing direct access by the licensees, for the exclusive purpose of serving their Indian customers.

ANALYSIS AND POLICY RECOMMENDATIONS

A bare perusal of the DST guidelines shows that there is a need for reevaluating the provisions enshrined therein. Currently, the guidelines have tried to reflect the spirit of the policy regarding the liberalization of the geospatial data framework, however, in attempting the same it has failed to make a robust system for its implementation.

Firstly, entities sidestepping the guidelines is a big issue that needs to be dealt with. Activities requiring self-certification are not well defined. The practical implementation of the self-certification procedure falls short, primarily due to its failure to guarantee compliance with these guidelines. Further, the policy does not regulate the crowd-sourcing of mapping data through public platforms (like Google does) which directly bypasses the accuracy threshold requirement. It is also mum on sharing data in video format (“.mkv” format) to bypass the API licensing requirement. This is further aggravated by a lack of provisions for the processing of such data. Another issue is that foreign entities may easily work around the requirement of Clause 8 by incorporating subsidiaries in India. There is also no dispute resolution mechanism for disputes arising out of the guidelines. These issues in addition to the ones highlighted previously arise from the core inadequacies of the guidelines:



In *Shilpa Shailesh v. Varun Sreenivasan* (2023), the Supreme Court ruled that it had the power under Article 142 to dissolve a marriage on the ground that it had broken down irretrievably.

- *Need for a Regulatory Watchdog:* The establishment of a regulatory watchdog is essential to enforce the geospatial policy's mandatory guidelines effectively. However, the nature of geospatial technology, which is highly dynamic, necessitates a uniquely adaptable regulatory body. Without an empowered and agile authority governing geospatial laws, the law itself could become obsolete in the face of rapid technological advancements. To ensure the efficacy of both the legislation and the authority, it's crucial that the watchdog remains dynamic and capable of addressing evolving challenges in the geospatial tech sector. This dynamic watchdog should actively monitor data collection practices and identify security threats while leveraging the expertise of members in technology, geospatial mapping, and law. Periodic and surprise audits should be conducted to ensure stakeholders' compliance with regulations. The watchdog's mandate should encompass maintaining the legal framework for policy implementation and involve vetting organizations specializing in geospatial data generation, processing, and dissemination. Additionally, the body should possess investigative, quasi-judicial, and punitive powers to enforce its mandate effectively. This comprehensive approach is necessary to keep pace with the ever-changing landscape of geospatial technology.
- *Need for Drafting Novel Legislation for Governing Geospatial Data:* The enforcement of the current guidelines is dependent on extended interpretation of offenses mentioned in penal statutes and leads to tedious litigation which defeats the purpose of liberalization and simplification envisioned by the policy. Therefore, it is suggested that dedicated and comprehensive legislation must be formulated that expressly deals with the aspects of enforceability and punitive aspects at once. At present, the provisions in Clause 8 provide no penal provision or enforcement mechanism. When violated,

enforceability and penal action have to be derived from penal provisions in other statutes like the Information Technology Act, 2000 [18], the Indian Penal Code, 1860 [19], the Official Secrets Act, 1923 [20], the National Security Act, 1980, [21] etc. For example, the violation highlighted in Clause 8 (iii) (a) parallelly constitutes a violation of section 43A of the Information Technology Act. Clauses 8 (ii) (1), 8 (ii) (2), 8(iv) (a,b), 8 (v), 8 (VI) (a), 8 (VI) (b), 8 (vii) and 8 (ix) are provisions that lack enforceability through express punitive action in the guidelines itself. These violations enlisted in the aforementioned clauses can incur criminal liability for fraud, forgery (fake certificates), trespassing (items on the negative lists), etc. under the relevant provision of the Indian Penal Code.

For reference, a table listing violations of the DST guidelines with their corresponding penal provisions is produced below:

DST Guidelines Violation	Corresponding Penal Provision
Clause 8 (ii) (1) [Self Certification]	Section 193 of IPC, Section 197 of IPC, Section 199 of IPC, Section 463 of IPC, Section 465 of IPC, Section 464 of IPC,
Clause 8 (ii) (2) [Physical Access to Territories]	Sec 441,442,443,445 of IPC w.r.t Criminal Trespassing
Clause 8 (iii) (a) [Negative List of Attributes]	Section 188 of IPC, Section 43A of the Information Technology Act, 2000



BNS contains a separate chapter dealing with offences against women and children.

DST Guidelines Violation	Corresponding Penal Provision
Clause 8 (iv) (a,b) [Accuracy Threshold Values]	Section 188 of IPC.
Clause 8 (VI) (a) [Restriction-free access to real-time positioning data only for Indian Entities]	Section 3 of the OS Act, Section 4 of the OS Act, Section 5 of the OS Act
Clause 8 (vi) (b) [Terrestrial Mobile Mapping survey, Street View etc. permitted only for Indian Entities irrespective of accuracy]	Sections 2,3,4,5 and 13 of the National Security Act, 1980
Clause 8 (viii) [Foreign Companies may only license geospatial data through API Licensing. Bar on reuse and resale of Licences]	(i)Corporate Fraud Company Act, 2013. (ii) IPC-186 (iii) Criminal breach of Trust sec 405. (iv) Cheating (Section 415) (v) Fraud Against Creditors Section 421 to 422. (vi)
Clause 8 (ix) [Data finer than threshold accuracy must be stored on servers physically located in India]	Criminal Law Amendment Act, 1961, Sections 69A & 79 of the Information Technology Act, 2000

- *Need for Revisiting the Definition of Mapping Accuracy Thresholds:* One of the steps toward enforcing the guidelines is putting a cap on the resolution of imaging that can be processed. This bar is solely on the ability of foreign entities to publish data beyond a set threshold. It aimed to allow domestic players to maintain a regional monopoly over the generation and processing of data and ultimately lead to the growth of the geospatial market in India. However, the current guidelines are vague on the exact threshold to be followed.

Therefore, with reference to the sharing of geospatial data, remote sensing satellite data, which comes under the ambit of geospatial data, is dealt with in terms of spatial resolution. It is crucial to establish that up to what meter/cm spatial resolution is equivalent to 1 m horizontal accuracy so that Geospatial Guidelines can be followed strictly. This clarification is essential to ensure strict adherence to Geospatial Guidelines. Presently, the Department of Space (DOS) adheres to its 2011 Remote Sensing Data Policy, which allows data with a spatial resolution exceeding 1 meter to be accessible without any screening, while data with a resolution finer than 1 meter undergoes masking. To maintain consistency, it is advisable to provide further clarification on location data (x, y, z) and annotation data within these definitions.



Current Mizoram CM and former IPS officer Lalduhoma became the first MP to be disqualified under the anti-defection law (Tenth Schedule) in 1988 when he gave up membership of the INC.

Intersection Between National Security and Geospatial Data: Geospatial data provides detailed information about a country's infrastructure, critical facilities, and sensitive areas. If this information falls into the wrong hands or is freely available without oversight, it can be exploited by malicious actors for nefarious purposes. This could include planning attacks on critical infrastructure, tracking military movements, or identifying vulnerabilities in security arrangements. This leads to a breach of sovereign security which is a serious threat to the security of the nation. This has been listed as a violation under paragraph 8 of the DST guidelines. However, no positively enforceable penalty is listed in the same. To safeguard national security, it's crucial to regulate the dissemination, and access of geospatial data, ensuring that sensitive information remains protected and only accessible to authorized entities.

CONCLUSION: GROWING DISCOURSE AROUND DATA AND REQUIREMENT OF STRICTER ENFORCEABILITY

The discourse on data is rapidly evolving, emphasizing its growing importance in our modern world. Often referred to as "the new oil," data is now generated, used, and collected at an unprecedented scale, sparking discussions on privacy, data ethics, security, and its wide-ranging applications. Data wields immense power, capable of shaping political narratives, influencing consumer behaviour, and revolutionizing technology and industries. However, as the proliferation of data continues, concerns about security and privacy breaches loom large, given the sensitive information it encompasses.

In response, legislative measures such as geospatial data guidelines and data protection laws emerge as essential tools to strike a balance between innovation and accountability. Geospatial data, providing real-time geographic information integrated into various applications, shares common ground with data protection laws in terms of safety, security, and responsible data handling. Harmonizing these regulations ensures that sensitive location and movement data remains uncompromised.

Nevertheless, the effectiveness of any guideline or regulation hinges on its enforceability. Presently, the guidelines lack robust mechanisms for enforcement, potentially allowing violations to go unpunished, undermining their purpose and objectives. In contrast, global geospatial laws come with strict enforcement mechanisms. Therefore, establishing a statutory watchdog, alongside dedicated legislation, becomes imperative to empower the policy with the necessary enforcement capabilities, aligning it with the vision of Atma Nirbhar Bharat (Self-Reliant India).



In November 2023, the Kerala High Court became the first Indian court to facilitate filing functions through a mobile application. It's also the first court to introduce machine scrutiny of bail applications.

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20. Official Secrets Act 1923 (IND)
21. National Security Act 1980 (IND)

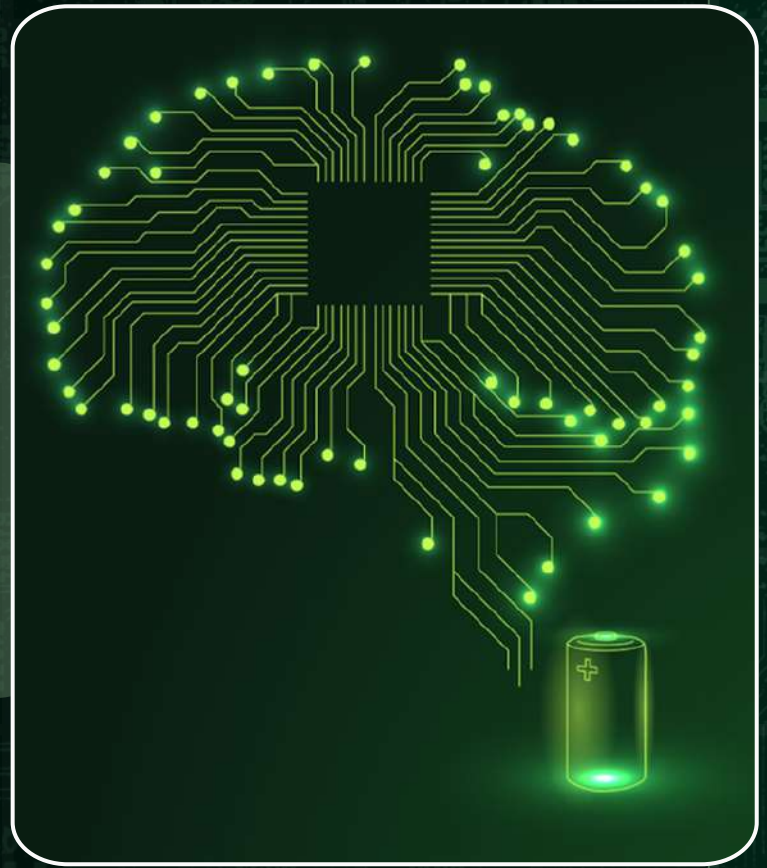


The President's Bodyguard Regiment only recruits from three communities- Jat Hindus, Jat Sikhs and Rajputs from Punjab, Haryana and Rajasthan. The minimum height requirement is 1.83 m.

STUDENT SUBMISSIONS

BITS, BYTES, AND BEYOND:
CRAFTING INNOVATIVE
SOLUTIONS FOR INDIA'S
FUTURE IN AI

By Khushi Ruchandani and Aadi Jain



INTRODUCTION

With a robust ecosystem of start-ups, research institutes, and multinational enterprises, India has emerged as a global hub for technology innovation. AI adoption in different industries, such as healthcare, finance, and education, has the potential to revolutionize service delivery and increase efficiency. However, the increasing adoption of AI raises a slew of ethical, legal, and societal issues. Concerns about privacy, algorithm bias, accountability, and the influence on employment have become critical policy considerations for legislators. Many countries as well as International institutions such as China and the European Union have promulgated preliminary policies for the regulation of artificial intelligence and there have been international conferences such as the Bletchley Declaration where countries came together to deliberate upon the opportunities as well the risks associated with the emergence of artificial intelligence. Among these numerous regulations, some policies have stringent provisions that require strict compliance to operate in those jurisdictions, while others have adopted a liberal approach as of now, India follows a hybrid method by balancing between governance and advancement.

However, this act of balance is not a deliberated decision but rather an outcome of a jungle of regulations by various ministries, centres, and institutions. This commenced with the Ministry of Commerce and Industry establishing the Artificial Intelligence Task Force in August 2017 to embed AI in our Economic, Political, and Legal approaches so that there is a systematic aptitude for advancing the aim of India transforming into one of the leaders of AI-rich states. Then, in 2018, the NITI Aayog unveiled India's AI strategy document. Aayog established #AIforAll, a multi-pronged approach to



In March, 2023 the government while responding to a question in the Lok Sabha revealed that EVMs and VVPATs are manufactured indigenously by 2 PSUs called Bharat Electronic Limited (BEL) and Electronic Corporation of India Limited (ECIL).

improve employment opportunities, and investment techniques, and promote AI manufactured in India. In addition, the Ministry of Electronics and Information Technology established four AI committees to examine the impact of AI on the economy and society and to develop a regulatory framework. Moreover, the Indian Government launched the National Artificial Intelligence Portal on 30th May 2020, which will work as a one-stop digital platform for AI-related developments in India. Lastly, a committee has been formed under the Department of Telecommunications in September 2019 for the standardization of Artificial Intelligence technology by utilizing the expertise of diverse stakeholders. India has officially published over 28 policies on artificial intelligence and its regulations for various sectors,[2] however, no concrete law has yet been developed to formalize its stance on the issue.

NEED TO REGULATE ARTIFICIAL INTELLIGENCE

There exists a dire need to regulate Artificial intelligence in India not only because there exists an invisible competition in the geopolitical lobby but also because the absence of a cohesive regulatory structure would deter foreign investors and digital titans from fully participating in the Indian market. Investors may be reluctant to fund AI-related enterprises if there is a lack of clarity in the regulations, as they frequently look for clarity to reduce risk. India runs the risk of lagging behind in the global competition for artificial intelligence leadership since nations such as China and the European Union have already put in place legal frameworks. This could affect India's ability to compete in the technology-driven global economy. Furthermore, companies involved in the AI space may face ambiguity due to the lack of a clear policy. The absence of policies regarding algorithmic accountability, data privacy, and ethical AI practices could result in more litigation and ad hoc rulings, further complicating the business

environment. AI has the power to completely transform several sectors, including healthcare, banking, and education. India would not be able to fully utilize AI's economic potential without a clear policy, which would limit the technology's revolutionary effects on job creation, efficiency, and service delivery. Furthermore, without defined policies, concerns regarding job displacement brought on by the use of AI may not be sufficiently addressed. A well-thought-out AI strategy might incorporate measures to upskill the labor force, guaranteeing a more seamless shift to an AI-driven economy while preserving jobs. Hence, the creation of a forward-thinking AI strategy is not just a regulatory requirement but also a calculated economic move, given the nation's aspiration to lead the world in AI-rich economies.

ANALYSIS AND POLICY RECOMMENDATIONS

Given the number of challenges at hand from defining AI to deciding jurisdiction and guaranteeing accountability in the face of quickly expanding technology navigating the complicated environment of AI governance is undoubtedly difficult. But as we move deeper into developing regulations that particularly address AI, it becomes clear that there is a critical gap that has to be filled between identifying these issues and making practical recommendations for solutions. First and foremost, the definition of artificial intelligence should be taken into consideration in the pursuit of effective regulation. We need to establish a starting point that stresses autonomy and creates outputs influencing environments by looking at already developed legal frameworks such as those of the European Union.[3] Moving past these definitional quirks, a strategic policy becomes apparent, one that uses liability safe harbor safeguards to promote ethical and responsible AI development. This can be achieved by providing incentives for organizations to voluntarily implement globally accepted



In November 2023, Jana Sena, the party floated by actor Pawan Kalyan in Andhra Pradesh, was allotted the symbol of 'glass tumbler' to contest in 32 constituencies.

standards, certification processes, and validation regimes, the authors propose a regulatory framework that places a high value on adopting best practices. It's crucial to strike a balance between accountability and governance. This can be done in addition to establishing an 'AI Responsibility Deposit' mechanism, which compels companies to reserve money as insurance against liabilities or losses arising from incidents resulting from AI. In the event of AI failures or ethical transgressions, the deposited funds would be stored in a reserve account overseen by an authority appointed by the government, with specific rules governing their disbursement. Additionally, by consistently adhering to ethical AI practices, organizations could receive a percentage of their deposit back, providing a financial incentive for continuous progress. The efficacy and transparency of this system would be further ensured by public participation and monitoring, a risk assessment framework, and frequent compliance audits. This fresh approach not only guarantees responsibility but also incentivizes moral behavior by returning deposits, encouraging an ongoing dedication to advancement.

Lastly, it is critical to keep accountability, justice, and transparency front and center as we negotiate the complex regulatory landscape surrounding AI. When combined with legislative frameworks and industry self-regulation, AI auditing becomes a vital instrument. AI auditing involves a meticulous examination of algorithms and AI systems to identify ethical concerns like bias, discrimination, etc. Governments can impose specific regulations, such as requiring companies to perform AI audits on a regular basis, and industry bodies can provide best practices and standards. An additional degree of assurance is provided by the involvement of independent auditing firms that specialize in AI ethics. Most importantly, a concrete step toward upholding ethical norms in the rapidly changing field of artificial intelligence is the appointment of a senior AI ethical officer within enterprises, who will supervise compliance and risk assessments via an AI Ethics Board.

CONCLUSION

In conclusion, India is an emerging player in the technology sector and has a lot of potential in its untapped and developing market. However, in the ever-changing field of artificial intelligence regulation, problems call for more than just recognition—rather; proactive remedies must be strategically adopted. The way forward is a complex mix of clear definitions, financially motivated moral behavior, and stringent auditing—a multidimensional strategy that strikes a balance between responsibility and innovation. Policy in India should demonstrate a commitment to balancing innovation and accountability as the country negotiates the difficult task of regulating artificial intelligence. In this case, ethics and technology collaborate seamlessly to provide a well-rounded strategy for regulating AI.

ENDNOTES

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2. AI in India, <https://oecd.ai/en/dashboards/countries/India>>accessed on November 10, 2023.
3. European Commission 2021/0106 (Cod) on Laying Down Harmonised Rules On Artificial Intelligence (Artificial Intelligence Act) And Amending Certain Union Legislative Acts, Article 3 “*artificial intelligence system (AI system) means a machine-based system that is designed to operate with varying levels of autonomy and that can, for explicit or implicit objectives, generate outputs such as predictions, recommendations, or decisions, that influence physical or virtual environments.*”



Justice Pamidighantam Sri Narasimha is in line to become the third CJI to have been directly elevated to the Supreme Court from the Bar in 2027.

GUEST ARTICLE

GENERATIVE ARTIFICIAL INTELLIGENCE: LAW AND REGULATION



Mr. Kartik Pant is the founding Partner at Prakant Law Offices and actively consults companies on Public Policy, Artificial Intelligence and Technology and its application in law.

Mr. Ankit Tiwari is an Associate at Prakant Law Offices and demonstrates expertise in the matters of Corporate Advisory, Labour, and Cyber Law.



INTRODUCTION

The concepts like deep learning, natural language processing, and computer vision result from contributions from many pioneers rather than one person. AI is a technology that mimics human cognitive abilities to process data and provide fast, accurate results. Over the last decade, technology has profoundly impacted humanity, improving ease of living and connectivity and making decision-making and operational tasks easier.

The growth of AI has been stellar and data-driven. However, the unregulated growth of AI raises complex issues around data protection, management, and alteration, along with ethical use, commercial implications, ownership, and liability. It also entails potential risks of opaque decision-making and discrimination and raises IPR and data privacy issues. These aspects require legal regulation. Despite the slow start, some jurisdictions have begun to take steps to regulate AI with legal instruments.

Among the multiple trends emerging in AI, the most profound one that has captured everyone's attention is Generative Artificial Intelligence ("GAI"). GAI is an AI type that can quickly generate diverse content using inputs like text, images, sounds, and 3D models. It's versatile and useful for creative applications across various domains. A well-known example of it is Chat GPT.

It is evident that the quality and accuracy of work produced by generative AI systems are starting to reach a level previously only possible for human creation. It has led to an abundance of personalised content, as evidenced by the variety of questions you might have posed on ChatGPT as a user.



Jammu and Kashmir and Pondicherry are the only two union territories which have a Legislative Assemblies.

Despite their effectiveness, they have blurred the line between concepts like authorship and work in the domain of intellectual property rights and raised multiple questions on who owns the work generated by the AI, exposing an underlying trend that there might be a gap between the new generation methods and existing copyright law.

Another question is whether GAI generates a unique and original work, whether it might be eligible for copyright protection, and whether the creator or author of the AI could be considered the owner. However, the ownership of GAI might also involve considerations beyond intellectual property laws. For instance, contractual agreements between developers, organisations, or individuals creating or training the generative AI might define ownership rights. Further, in the case of ownership of data, all the platforms have their own stand.

DIFFERENT APPROACHES TO OWNERSHIP OF DIFFERENT COMPANIES

- Google Bard: It states that the license holder does not have the right to claim ownership of content other than for personal use. [1]
- ChatGPT: It makes it clear that the owner and affiliates own the title, interests and rights of this platform provided that it may be duplicated across prompts. [2]
- Scribe: It claims ownership over graphics, designs, services, transcriptions, etc and entails that no one may use such services until expressly agreed by the owner. [3]
- Copilot: It covers third-party claims based on copyright, patent, trademark, and right to publicity, but surprisingly, it makes no claims regarding commerce, defamation, false light or any other causes related to Intellectual Property Rights. [4]

- **Writesonic:** In it, owners hold complete rights over deliverables, and the user cannot distribute them without prior permission. [5]

Thus, in the absence of clear legal regulations, each company has its perspective and Terms of Use on who owns the content being created by the GAI.

ETHICAL ISSUES IN GENERATIVE ARTIFICIAL INTELLIGENCE

There are multi-dimensional ethical concerns that arise concerning GAI:

- **Dissemination of Toxic Content:** Deepfakes are being used for unethical purposes, such as creating misleading content. [6]
- **Copyright Infringement and Legal Issues:** GAI models rely on diverse datasets, which raises the risk of unintentional copyright infringement. Brands using GAI may unknowingly incorporate intellectual property from competitors, hence leading to potential legal disputes.
- **Data Privacy Violations:** Training GAI models with datasets containing sensitive information, such as personally identifiable information, pose a risk.
- **Disclosure of Sensitive Information:** Rapid democratisation of AI increases the likelihood of unintentional disclosure of sensitive information. Legal issues may arise from AI-generated content revealing compromising details about individuals.
- **Biases in AI Models:** GAI models reflect the biases in the data they are trained on, potentially perpetuating societal prejudices. The scale of hate speech and toxicity could be substantial if deep-seated biases are fed into these models. [7]



The first Republic Day Chief Guest was Indonesian president Sukarno. In the years 2021 and 2022, no one could be invited on account of the pandemic restrictions.

- **Workforce Displacement:** GAI's ability to outperform humans in writing, coding, and content generation raises concerns about widespread workforce displacement.
- **Lack of Transparency:** The opaque nature of GAI processes raises ethical concerns. Without transparency, there is an increased risk of biased outcomes, inaccurate decisions, and harmful consequences.

GLOBAL AND NATIONAL LEGAL FRAMEWORK

Governments worldwide are emphasising the need for responsible development and ethical use of AI. While there is no unified global framework, there are various regions which have implemented their approaches:

- **United States of America:** The USA lacks a comprehensive federal AI law but relies on sector-specific regulations and general principles. For instance federal agencies like the Federal Trade Commission (FTC) provide guidance on fairness and transparency. States such as California have enacted privacy laws affecting AI-driven data processing. [8]
- **China:** China released the *'New Generation AI Development Plan'* [9] in the year 2017, which covered data security and AI ethics, including export control. There are still ongoing efforts, which include the development of AI standards and certification processes with public inputs sought on new rules in China.
- **United Kingdom:** The UK government has published AI ethics guidelines and strategies titled *'The Ethics Guidelines for Trustworthy AI'* [10] for AI development. The Information Commissioner's Office (ICO) oversees AI's data protection and privacy aspects.

- **India:** The Information Technology Act, 2000 was the first legislation to address cybersecurity in India. Although the act doesn't define AI explicitly, it does prioritise cybersecurity. Despite undergoing amendments, the IT Act doesn't have provisions for addressing risks posed by emerging technologies like AI, blockchain, and cloud computing. The Digital Personal Data Protection (DPDP) Act of 2023 focuses on the automated processing of personal data, but it still doesn't mention AI explicitly.
- **European Union:** There is a political agreement in Europe on the Artificial Intelligence Act ("EU AI Act") [11] proposed by the European Commission in April 2021, which aims to balance innovation with ethical and responsible use of AI.

BEST REGULATORY PRACTICE

The EU AI Act serves as a model for global discussions on responsible AI governance, emphasising the importance of transparency, accountability, and the ethical use of artificial intelligence.

This Act will apply to both the providers and deployers of AI systems that fall under its scope. This includes any AI systems that are used or have an effect in the European Union, regardless of where the providers or deployers are located. This means that even third-country providers or deployers of AI systems will have to comply with this Act if their output is being used in the EU.

- However, the Act defines a few exceptions. The Act will not apply to:
- AI used exclusively for military/defence purposes,
- AI used solely for research and innovation,
- AI used for non-professional reasons.



The 5-Judge bench in the Triple Talaq judgement were from different religions.

The Act further categorise risks caused by AI and related regulations:

- **Unacceptable Risk:** AI systems pose a high risk and may be banned due to practices such as social scoring, workplace emotion recognition, and biometric categorisation. These practices may infer sensitive data, such as sexual orientation, and are considered a threat to individuals.
- **High-Risk:** High-risk AI systems in sensitive areas such as welfare, employment, education, and transit will require a mandatory impact assessment. Citizens have the right to receive explanations regarding judgments made using high-risk AI that affect their rights.
- **Limited risk:** The systems exposed to less harsh monitoring are subjected to more light touch transparency obligations, such as alerting the users that the content they are engaging with is AI-generated.

For violating the laws or non-compliance with this Act, several fines will be enforced. Fines would range from 35 million Euros or 7 % of the global turnover (whichever is higher) for violating banned AI applications, 15 million Euros or 3 % for violating other obligations, and 7.5 million Euros or 1.4 % for supplying incorrect information. However, appropriate caps will be in effect when issuing administrative fines against small and medium firms and start-ups. Citizens will be able to launch complaints against the use of AI systems that impact them.

REGULATION OF GENERATIVE ARTIFICIAL INTELLIGENCE UNDER THE EU AI ACT

The regulation mandates that the creators of foundational models are responsible for ensuring the protection of fundamental rights, health, safety, environment, democracy, and the rule of law. To comply with the design, information, and environmental requirements, they need to assess and mitigate the risks associated with a particular model. After fulfilling those obligations, they need to register the model in an EU database.

It is important for generative foundational AI models, such as Chat GPT, which generates art, music, and other content using large language models (LLMs), to abide by transparency obligations.

The creators of such models and generative content must disclose that the content was generated by AI and not by humans. They also need to design their models to prevent the generation of illegal content. Moreover, they should publish information on the use of training data that is protected under copyright law.

Finally, all foundational models must provide all necessary information for downstream providers to comply with their obligations under the EU AI Act. Although the EU AI Act requires model providers to conduct a risk assessment, this is the first legislation to regulate Generative AI, which creates a balance between self-regulation and deterrence by imposing appropriate fines. The scope



The Supreme Court Collegium consisted of 6 members from November, 2022 to May, 2023.

and impact of the regulation on safeguarding the rights of various stakeholders remains to be seen, but the regulatory framework is comprehensive and has a solid foundation.

LESSONS FOR INDIA

Digital technology has become central to almost every aspect of people's lives in India, resulting in a vast amount of data being generated. This data can be utilized by companies and model developers to further train and enhance their LLMs. Therefore, it is essential to regulate the usage, training, and development of GAI in India. In India, as we are yet to implement the DPDP Act of 2023, the EU AI Act, which is in addition to the General Data Protection Regulation (GDPR), will provide an opportunity for lawmakers in India to comprehensively assess and create regulatory structures that enable fair and equitable development and use of AI and cater to the best interest of the country.

CONCLUSION

The development and widespread use of Generative AI is a global phenomenon that will have an impact on all of us. As with any new technology, Generative AI presents both opportunities and risks. Without proper regulation, people may face unequal access to information due to algorithmic decision-making, as well as potential misuse by corporations. Therefore, conversations about GAI regulations should prioritise fundamental human rights, such as dignity, inclusivity, non-discrimination, and privacy protection. This approach will allow for the growth of GAI in a transparent, inclusive and accountable manner and will ensure the social and economic well-being of all stakeholders.

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10. Centre for Data Ethics and Innovation, The Ethics Guidelines for Trustworthy AI (2019).
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The Annual Status of Education Report (ASER), 2023 found out that about 25% of Indian students in the 14-18 age group were unable to read a Std II level text fluently in their regional language.



INSIGHTS TO BUILDING A SUCCESSFUL PUBLIC POLICY CAREER

IN CONVERSATION WITH MR. ADITYA PRASANNA BHATTACHARYA

(Senior Resident Fellow, Vidhi Centre for Legal Policy)

Mr. Aditya Prasanna Bhattacharya serves as a Senior Resident Fellow in the Research Director's Office (RDO) at Vidhi Centre for Legal Policy. His areas of expertise include constitutional law, dispute resolution, arbitration law, and civil procedure.





Can you tell us something about your journey from graduating NLSIU to becoming a Senior Resident Fellow at the Vidhi Centre for Legal Policy?
Were you always someone policy-oriented?

When I was in law school, I decided to be a litigator and not looking to enter the public policy space. With the onset of the pandemic in 2020, I began working at Vidhi as it was one of the few places offering remote internships. I started working on a project on revamping the tribunal ecosystem (which eventually culminated in the Tribunals Reforms Act, 2021) and my interest in public policy grew tenfold. The thorough research along with the acute drafting skills required to give shape to a landmark Bill were eye-opening for me. I was offered an Associate Fellowship at Vidhi while in my fifth year and decided to accept it. In June 2021, after finishing law school, I was offered a full-time Research Fellowship. Since then, I have not looked back!



Rajasthan became the first state in India to pass a legislation regulating the gig economy in 2023.



Could you shed some light as to how your academic background has influenced your approach to public policy work? How have your interest areas in law contributed to your current role in public policy?

First, law and economics had been a key area of interest for me while in law school. Putting it simply, I see this subject as a study of how the law (be it statutes, subordinate legislation, judgments etc.) influences individual behaviour, markets, and societal outcomes. A thorough understanding of this subject helps me immensely in the public policy work we do at Vidhi since it offers me a ready framework to analyse the effect of laws that we assist the Government in putting together and in drafting provisions best suited for the public at large. Colloquially, constitutional law has always been my mainstay. At Vidhi, this has helped me immensely, as it enables me to instinctively draft provisions which are in alignment with the requirements of the bare text, read along with the catena of judgments delivered by our constitutional courts over the years.



What kind of educational background and skills, do you believe are essential for someone aiming for a career in public policy?

The key skill required is a willingness to learn – and to also accept that sectoral expertise is sometimes a myth. Let me take an example. We have been working on reforms for the regulation of the coffee sector through the Coffee (Promotion & Development) Bill – which is yet to be introduced in Parliament. Drafting this Bill required us to gain a solid understanding of not only the coffee market in India, but also coffee as a global commodity. We then had to marry this with our expertise in legislative drafting, regulatory design, constitutional law etc. It is very difficult to find a group of people who are sectoral experts in ‘coffee law’ (for the lack of a better phrase) – and so we had to learn.



The Foucault pendulum named after French physicist Léon Foucault, was conceived as an experiment to demonstrate the Earth's rotation. One such device has been installed in the new Parliament.



For someone starting their career, what kind of internships would be helpful to gain experience in public policy?

I do not think there is one kind of internship – it is best to work at a wide range of places and experience diverse areas of work and working cultures. The usual internships at law chambers, law firms, NGOs, and think tanks are always helpful. Several ministries of the Government of India have started offering research internships to law students – it may be worthwhile to look out for them.



What aspects of your work in public policy do you find most rewarding?

One of the most rewarding aspects for me is the direct impact that our work has– both in terms of scale and depth.



How can individuals interested in legislative/policy drafting enhance their skills and stand out in this field?

I think having a working knowledge of Artificial Intelligence as well as data analytics will enable a person to stand out in this field. Both these subjects can enable researchers to make evidence-based policy interventions and as such, are valuable assets in the toolkit of any public policy professional.

For drafting, it is essential to carefully study legislation such as the General Clauses Act, 1897 which in many ways serves as the basis for legislative drafting. I also encourage everyone to closely study statutes such as the Indian Contract Act, 1872 and the Code of Civil Procedure, 1908 – both instances of masterfully drafted statutes which simplify otherwise complex areas of law mired with legal technicalities.



34.8% of MGNREGA job card holders still remain ineligible for payments under Aadhar-Based Payments System (ABPS) which has been mandatory from this year.



How important is networking in the field of public policy? What strategies would you recommend for building meaningful connections with professionals in the industry?

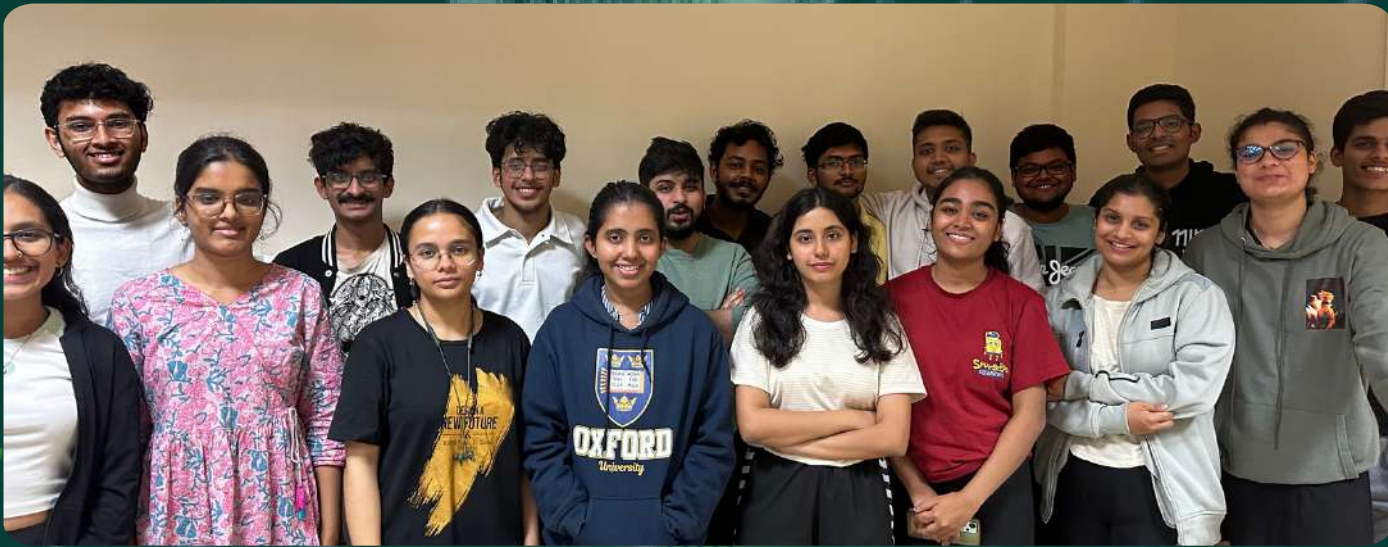
I do not think there is any field where networking is unimportant – but in my limited experience in the public policy space, I have found that pure merit is always rewarded above anything else!



What is your advice for students/young professionals who want to pursue a career in Public Policy? What are the avenues open in this field?

Always be willing to learn, and take it slow and easy! The field is replete with avenues – both in government and the private sector.

The Team



Kautilya Society, NLUO (2023-24)