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ABOUT THE JOURNAL

The *CPUH Multidisciplinary Journal of Research in Social Sciences* is an international, double-blind peer-reviewed online journal published by Career Point University, Hamirpur, Himachal Pradesh, India. It stands as a vibrant academic platform dedicated to advancing interdisciplinary research across the broad spectrum of social sciences. Reflecting the university's vision of academic excellence and innovation, the journal bridges regional scholarly talent with global research standards.

This multidisciplinary journal invites original and thought-provoking contributions from a wide array of disciplines, including but not limited to sociology, psychology, political science, economics, education, law, commerce, management, and anthropology. Its core mission is to break down traditional academic silos, fostering an inclusive intellectual environment where diverse perspectives and methodologies converge to address complex social issues.

What sets the CPUH journal apart is its unwavering commitment to both academic rigor and accessibility. It seeks to engage scholars, researchers, and practitioners from varied academic and cultural backgrounds, encouraging submissions that apply multi-dimensional lenses to contemporary societal challenges. The journal's editorial philosophy promotes the democratization of knowledge by ensuring that impactful research remains accessible and relevant to a wide academic audience.

With an international outlook and a firm grounding in the Indian socio-cultural context, the journal aims to contribute meaningfully to global discourses in the social sciences. It serves not only as a repository of quality research but as a dynamic forum for scholarly exchange**,** inspiring researchers to challenge disciplinary boundaries and embrace the interconnectedness of human social experience.

In essence, the *CPUH Multidisciplinary Journal of Research in Social Sciences* embodies the spirit of collaborative inquiry, offering a platform where innovation, inclusivity, and intellectual integrity come together to shape the future of social science research.

Aim:

The CPUH Multidisciplinary Journal of Research in Social Sciences aims to advance scholarly understanding of complex social phenomena through interdisciplinary research and collaborative inquiry. The journal seeks to create a dynamic intellectual platform that transcends traditional disciplinary boundaries, fostering innovative approaches to social science research that address contemporary challenges facing societies globally. By promoting rigorous academic discourse while maintaining accessibility, the journal aspires to contribute meaningfully to the evolution of social science knowledge and methodology across diverse fields including law, management, commerce, and business studies.

Scope:

The journal welcomes original research contributions that explore the multifaceted dimensions of human social experience across diverse contexts and scales. The editorial scope encompasses but is not limited to the following areas:

- **Interdisciplinary Social Research:** Studies that integrate methodologies and theoretical frameworks from multiple social science disciplines to examine complex social phenomena, including urbanization, migration, social stratification, and cultural transformation.
- **Regional and Global Perspectives:** Research that examines local social dynamics within broader national and international contexts, particularly focusing on South Asian societies while maintaining global relevance and comparative analysis.
- **Legal Studies and Social Justice:** Investigation of legal systems, jurisprudence, and their social implications, including studies on legal reforms, access to justice, human rights, constitutional law, and the intersection of law with social policy and community development.
- **Management and Organizational Studies:** Research examining organizational behavior, leadership dynamics, human resource management, strategic management, and organizational culture within diverse social and cultural contexts, including public administration and non-profit management.
- **Business and Commercial Studies:** Analysis of business practices, entrepreneurship, corporate social responsibility, market dynamics, and commercial law, with emphasis on sustainable business models and ethical business practices in global and local contexts.
- **Commerce and Economic Development:** Studies addressing commercial activities, trade patterns, financial systems, and their social impacts, including research on digital commerce, international trade, and economic policy implications for social development.
- **Social Policy and Development:** Investigation of social policies, development initiatives, and their impacts on communities, with emphasis on evidence-based approaches to social intervention and community empowerment.
- **Technology and Social Change:** Exploration of how technological advancement shapes social relationships, institutions, and cultural practices, including digital sociology, social media impacts, fintech developments, and technological adoption in diverse social contexts.
- **Education and Human Development:** Research examining educational systems, learning processes, and human development across various social and cultural settings, including innovative pedagogical approaches, educational policy analysis, and management education.
- **Gender, Identity, and Social Justice:** Studies addressing issues of gender equality, identity formation, social inclusion, and justice across different social groups and institutional contexts, including workplace diversity and legal protection mechanisms.

- **Environmental and Social Sustainability:** Investigation of the intersection between environmental challenges and social structures, including community responses to climate change, sustainable development practices, and corporate environmental responsibility.
- **Cultural Studies and Social Anthropology:** Research exploring cultural practices, belief systems, and social rituals within contemporary and historical contexts, emphasizing the relationship between culture and social organization, including business cultures and legal traditions.
- **Economic Sociology and Social Economics:** Analysis of economic behaviors, institutions, and their social implications, including studies of informal economies, social entrepreneurship, economic inequality, and the social dimensions of business and commercial activities.
- **Public Policy and Governance:** Research on governance structures, policy implementation, administrative efficiency, and the role of institutions in social development, including comparative studies of governance models and policy effectiveness.
- **Financial Studies and Social Impact:** Investigation of financial systems, banking practices, investment patterns, and their social consequences, including microfinance, financial inclusion, and the social dimensions of economic decision-making.
- **Research Methodology and Social Science Innovation:** Contributions that advance methodological approaches in social science research, including mixed-methods research, participatory research techniques, and innovative data collection and analysis methods across legal, management, and business research contexts.

Objectives

1. **Foster Interdisciplinary Research:** To promote collaborative research that bridges traditional disciplinary boundaries across social sciences, law, management, commerce, and business studies, encouraging innovative approaches to complex societal challenges.
2. **Advance Academic Excellence:** To maintain rigorous peer-review standards while ensuring accessibility, creating a platform for high-quality scholarly discourse that contributes meaningfully to global academic knowledge.
3. **Encourage Regional and Global Perspectives:** To provide a forum for research that examines local social dynamics within broader international contexts, particularly highlighting South Asian perspectives while maintaining universal relevance.
4. **Support Methodological Innovation:** To promote the development and application of novel research methodologies and analytical frameworks that enhance understanding of contemporary social, legal, and business phenomena.
5. **Bridge Theory and Practice:** To publish research that connects theoretical insights with practical applications, addressing real-world problems in social policy, legal reform, organizational management, and business development.

6. **Facilitate Knowledge Exchange:** To create an intellectual platform for scholars, practitioners, and policymakers to engage in meaningful dialogue, fostering collaboration across academic institutions and professional communities.
7. **Promote Social Impact:** To prioritize research that addresses pressing social issues and contributes to sustainable development, social justice, and positive transformation in communities and organizations.

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Message from the Editorial Desk

It is with great pleasure that we present the inaugural issue of the CPUH Multidisciplinary Journal of Research in Social Sciences, Volume I, Issue I, December 2025. This journal is a sincere academic endeavor of Career Point University, Hamirpur, Himachal Pradesh, aimed at fostering high-quality interdisciplinary research and promoting meaningful scholarly dialogue across the broad spectrum of social sciences.

In an era marked by rapid social, legal, economic, and technological transformations, the need for multidisciplinary and integrative research has never been more pressing. The CPUH Multidisciplinary Journal of Research in Social Sciences seeks to respond to this need by providing a robust, inclusive, and intellectually stimulating platform for scholars, researchers, and practitioners from diverse disciplines such as sociology, law, management, commerce, economics, education, political science, and allied fields. The journal aspires to transcend traditional disciplinary boundaries and encourage innovative perspectives that address complex contemporary societal challenges.

This issue reflects the journal's commitment to academic rigor, originality, and relevance. All manuscripts published herein have undergone a double-blind peer-review process, ensuring adherence to high scholarly and ethical standards. The contributions featured in this volume engage with pressing themes such as legal reforms, technology and social change, social justice, governance, mental health, gender issues, business ethics, and emerging challenges in law and policy. Together, these papers demonstrate the richness and diversity of contemporary social science research and its potential to inform policy, practice, and future scholarship.

We extend our sincere gratitude to the authors for their valuable contributions, the reviewers for their insightful evaluations, and the editorial and advisory members for their constant guidance and support. We also acknowledge the unwavering encouragement and vision of the university leadership, which made the launch of this journal possible.

We hope that readers find this issue intellectually enriching and inspiring. We warmly invite scholars and researchers from across the globe to contribute to future issues and be a part of this growing academic community dedicated to collaborative inquiry, innovation, and social impact.

Editor-in-Chief
Dr. Sanjeev Kumar Sharma
Vice Chancellor
Career Point University, Hamirpur
Himachal Pradesh, India

Special Purpose Acquisition Companies and Cross-Border Mergers: Evaluating the Feasibility of an Indian Space Framework

Aditya Singh[a*], Suresh Kumar[b]
[a] Symbiosis Law School, Pune, Symbiosis International (Deemed University), Pune-411014, Maharashtra, India
[b] Department of Law, Career Point University, Hamirpur-176041, Himachal Pradesh, India
*Corresponding author's E-mail address: aditya.singh@symlaw.ac.in

Abstract

Special Purpose Acquisition Companies (SPACs) have gained popularity as an alternative to conventional initial public offerings, providing quicker access to market and fewer regulatory obstacles. The United States and Singapore have seen the trend of SPAC listings with the strength of well-established legal systems and investor protection. In India, SPACs continue to be on the periphery even as there is increasing interest from private equity funds and start-ups in the technology sector looking for cross-border expansion. This paper analyzes the feasibility of adopting a comprehensive SPAC regime in India. It seeks to identify the salient legal, regulatory, and policy factors that would facilitate Indian companies to make use of SPAC structures for domestic and foreign mergers while ensuring investor protection and market integrity. The study takes a doctrinal and comparative method for legal examination of SPAC regulations in the United States and Singapore by highlighting listing rules, rights of shareholders, and disclosure standards. Main sources are statutory law, SEBI (Issue of Capital and Disclosure Requirements) Regulations, the Companies Act, 2013, and policy documents published recently. Secondary sources are academic writing, market statisticson SPAC performance, and litigation patterns. India's present legal environment specifically, prohibitions on blank-cheque firms, tight capital-raising requirements, and restricted cross-border merger options constitute substantial impediments to SPAC adoption. However, specific reforms, such as modifications to the Companies Act to acknowledge SPACs, sensitive SEBI guidelines for sponsor responsibility, and alignment with FEMA and cross-border merger regulations, can develop an even-handed framework. U.S. lessons focus on strong disclosure and redemption rights, whereas Singapore underscores the significance of sponsor reputation and escrow protection.

Keywords: *Comparative corporate law, Companies Act 2013, Corporate finance, Cross-border mergers, SEBI ICDR Regulations, SPAC*

1. Introduction

India's capital markets have become much more developed over the last twenty years, with strong equity raising by way of traditional initial public offerings (IPOs) and an emerging private equity and venture capital landscape. However, even with all these advancements, the nation still lacks a specific mechanism for so-called "blank-cheque" companies, listed companies that exist purely to acquire or merge with an operating business. This regulatory

void has become increasingly significant as entrepreneurial, capital-needy companies increasingly seek quicker, more adaptable channels to tap international capital.

Globally, Special Purpose Acquisition Companies (SPACs) have evolved from a specialist financing tool to a standard capital-raising vehicle. In the US, the contemporary SPAC market rebounded after 2019 to a high in 2021 with more than 600 listings and total proceeds of over USD 160 billion.[1] The SPACs enable a sponsor group to raise funds with an IPO and subsequently target an operating company to merge into, thus taking the target public without the time and disclosure-intensive mechanisms of a traditional IPO. Key features, such as shareholder redemption rights, sponsor "skin in the game," and a fixed deadline for consummating a merger, offer investors both protection and optionality.[2]

Realizing these benefits, Singapore launched a tailored SPAC structure in 2021 following wide-ranging consultation, positioning the city-state as Asia's pre-eminent center for such listings.[3]The Monetary Authority of Singapore (MAS) and Singapore Exchange (SGX) drew up rules that strike a balance between market vibrancy and robust investor protections, such as minimum market capitalization hurdles and improved disclosure requirements. Initial outcomes show Singapore's measured strategy has lured responsible sponsors without repeating the speculative excesses in some U.S. transactions.[4]

Indian law, on the other hand, remains tethered to presumptions inherent in the ***Companies Act, 2013, and the Securities and Exchange Board of India*** (SEBI) *Issue of Capital and Disclosure Requirements (ICDR) Regulations, 2018*, both of which presume the availability of an identifiable operating business at the time of public issuance.[5] As a result, Indian entrepreneurs who desire SPAC financing have resorted to foreign exchanges, listing in the United States or Singapore, and thus routing capital formation and regulatory supervision offshore.[6] Not only does this deny Indian exchanges revenue and liquidity opportunities, but it also undermines the ability of the country to exercise corporate governance control over

[1]U.S. Securities and Exchange Commission. (2022). *Special purpose acquisition companies: Investor bulletin*. Retrieved July 19, 2025, from https://www.sec.gov.
[2]Klausner, M., Ohlrogge, M., & Ruan, E. (2022). A sober look at SPACs. *Yale Journal on Regulation, 39*(2), 228–280.
[3]Monetary Authority of Singapore. (2021). *MAS consults on framework for special purpose acquisition companies*. Retrieved July 19, 2025, from https://www.mas.gov.sg.
[4]Low, C., & Tan, P. (2023). Singapore's SPAC experiment: Early observations. *Asian Journal of Comparative Law, 18*(1), 45–72.
[5] Companies Act, 2013, No. 18, Acts of Parliament, 2013 (India); Securities and Exchange Board of India (Issue of Capital and Disclosure Requirements) Regulations, 2018.
[6] Singh, R., & Sharma, P. (2023). The SPAC opportunity for Indian start-ups. *Indian Journal of Corporate Law, 5*(1), 45–67.

high-growth companies that are functionally Indian in substance but foreign in regulatory residence.

Against this background, the real question is no longer whether SPACs can do good for India, but how and when the regulatory landscape will catch up. If there is no policy response in time, India risks losing ground to rival financial hubs, losing both investment flows and strategic leverage over the shaping of its own rising champions.

1.1 Research Questions & Objectives

This paper solves the central issue of regulatory deficiency; India's current laws on corporations and securities do not allow the formation of blank-cheque companies or listing SPACs. The research questions:

1. What legal and regulatory changes are needed to make SPAC structures possible in the Companies Act, 2013, and the Securities and Exchange Board of India (SEBI) Issue of Capital and Disclosure Requirements (ICDR) Regulations, 2018, while protecting investors?
2. What are the lessons from the well-developed U.S. SPAC market and the newly introduced Singapore model that Indian policymakers can learn from?

The aim is to construct a logical legislative roadmap that strikes an equilibrium between entrepreneurial choice and market integrity and investor protection so as to avoid further capital outflows and re-establish India's credibility in world capital markets.

1.2. Methodology

The study is entirely doctrinal and comparative. The primary sources are statutory materials, such as ***the U.S. Securities Act of 1933 and Securities Exchange Act of 1934***, Singapore Exchange (SGX) listing rules, the ***Companies Act, 2013, the SEBI ICDR Regulations***, and provisions of the Foreign Exchange Management Act, and landmark judicial and administrative rulings. Secondary sources include peer-reviewed scholarship, regulatory consultation documents, and expert commentaries on corporate finance and capital markets. The analysis is based solely on systematic comparison and critical interpretation of policy documents and legal instruments.

1.3 Scope & Limitations

The research focuses on three jurisdictions: the United States, Singapore, and India. The United States has the most developed SPAC market and richest jurisprudence; Singapore has a newly developed, regulator-led structure appropriate for an emerging market; and India is the potential adopter. The exchange is limited to policy and legal arenas and does not aspire to quantify investor sentiment or forecast market performance. Economic factors like macro-financial cycles that may determine the success of an Indian SPAC regime fall beyond the ambit of this paper.

2. Concept and Evolution of Spacs

2.1 Definition and Lifecycle

A Special Purpose Acquisition Company (SPAC) is a publicly traded shell company formed for the exclusive purpose of acquiring or merging with an ongoing operating business. Unlike traditional issuers, a SPAC does not have commercial operations and generally only reports on the industry or geographical region in which it plans to seek out a target. Investors invest capital largely on the basis of the reputation of the sponsor team and structural protections contained within the offering documents.[7]

The lifespan of a SPAC follows through on three main phases:

1. **Formation and Sponsorship-**The process starts with the formation of a new corporate entity by a group of sponsors, usually private-equity professionals, investment bankers, or experienced industry executives, who put in a token amount of "risk capital," sometimes called the "promote".[8] This capital pays for the initial formation costs and serves as working capital up to the time of the pre-acquisition period. Sponsors generally receive founder shares equal to approximately 20 percent of the post-IPO equity, which can be converted to common shares following a successful merger.
2. **Initial Public Offering (IPO)-**The SPAC subsequently carries out an IPO to raise money from public investors, selling "units" that typically include one common share

[7] Klausner, M., Ohlrogge, M., & Ruan, E. (2022). A sober look at SPACs. *Yale Journal on Regulation, 39*(2), 228–280.
[8] Rodrigues, U., & Stegemoller, M. (2021). Redeeming SPACs. *University of Chicago Law Review, 88*(6), 1715–1772.

of stock and a portion of a warrant to buy more shares at a predetermined price.[9] The proceeds of the IPO are deposited in a trust account or escrow, invested in low-risk government bonds. Investors can tender their shares for a pro rata share of the trust funds if they don't like the final business combination or if the SPAC is unable to consummate a transaction within a specified time frame, usually 18 to 24 months. This redemption feature is an important investor safeguard, essentially transforming the SPAC into an almost risk-free treasury investment until a merger is put forth.[10]

3. **De-SPAC Transaction or Merger Stage**-Subsequent to the IPO, the management team looks for an appropriate target of acquisition. When there is a final agreement, shareholders approve the contemplated business combination. On approval and completion, the target corporation merges with the SPAC and acquires its stock exchange listing. This process, the "de-SPAC,"converts the private target into a public company without the typical IPO's lengthy regulatory examination or underwriting process.[11] If a target is not identified within the given time frame, the SPAC dissolves and reimburses investors.

This format combines aspects of a private-equity fund, a shell company, and an IPO vehicle, providing sponsors with a way to take companies public quickly and giving public investors downside protection and optionality.

2.2 Historical Development

2.2.1 Early U.S. "Blank-Cheque" Companies

The theoretical forerunner to the SPAC appeared in the United States in the 1980s under the name “blank-cheque companies”. They collected money from the general public without revealing precise business intentions, usually in order to take advantage of regulatory loopholes for speculative purchases.[12]Loose regulation spawned many abuses, such as pump-and-dump operations and fake reverse mergers. In reaction, the U.S. Congress passed the *Penny Stock Reform Act of 1990, and the Securities and Exchange Commission (SEC)*

[9]U.S. Securities and Exchange Commission. (2022). *Investor bulletin: What you need to know about SPACs*. Retrieved July 19, 2025, from https://www.sec.gov.
[10] Sjostrom, W. K. (2021). SPACs and the trust account. *Delaware Journal of Corporate Law, 46*(1), 1–35.
[11] Gahng, M., Ritter, J. R., & Zhang, D. (2022). SPACs. *Review of Financial Studies, 35*(10), 4755–4799.
[12] Floros, I. V., & Sapp, T. R. A. (2011). Shell games: The long-term performance of shell companies. *Financial Management, 40*(2), 367–394.

implemented Rule 419, requiring escrow of offering proceeds, strict disclosure, and shareholder approval requirements.[13]

While these reforms stanched open fraud, they also made old-fashioned blank-cheque offerings economically unappealing. Entrepreneur financiers, however, believed there was potential in applying the idea under a more transparent and investor-protective format. This led to the modern SPAC, which was first developed in the mid-1990s by investment banker David Nussbaum and attorney David Miller, who crafted deals in a way to meet Rule 419 but provide investors with warrants and redemption rights to offset risk.[14]

2.2.2 Modern Resurgence

For about a decade, SPACs were a specialist product of interest mainly to small-cap investors and opportunistic sponsors. From the late 2000s, two events spurred their expansion. Firstly, the 2008 global financial crisis sharpened the market's desire for alternative capital-raising forms. Secondly, a spate of regulatory constraints surrounding conventional IPOsincreased disclosure requirements, longer timeframes, and increased underwriter risk, making SPACs relatively appealing.[15]

The actual turning point came in 2019–2021, when secularly low interest rates and excess liquidity transformed into a confluence with increasing valuations of technology and high-growth businesses. In 2021 alone, U.S. markets saw 613 SPAC IPOs of more than USD 160 billion, surpassing classic IPOs for the first time in history.[16] Prominent transactions like Virgin Galactic's 2019 merger with Social Capital Hedosophia and DraftKings' 2020 merger with Diamond Eagle Acquisition Company proved the model possible for famous consumer brands.[17] Concurrently, developments in Europe and Asia took place: Euronext Amsterdam and the London Stock Exchange evolved listing rules, while in 2021, Singapore became the

[13] Penny Stock Reform Act of 1990, Pub. L. No. 101–429, 104 Stat. 931 (U.S.); SEC Rule 419, 17 C.F.R. § 230.419.
[14] Miller, D., & Nussbaum, D. (1995). Special purpose acquisition companies: New blank check alternative. *Journal of Corporate Law, 20*(1), 27–45.
[15] Rodrigues, U. (2013). The twilight of equity markets and the SPAC renaissance. *Fordham Journal of Corporate & Financial Law, 18*(3), 879–915.
[16]U.S. Securities and Exchange Commission. (2022). *Special purpose acquisition companies: Investor bulletin*. Retrieved July 19, 2025, from https://www.sec.gov.
[17]Gahng, M., Ritter, J. R., & Zhang, D. (2022). SPACs. *Review of Financial Studies, 35*(10), 4755–4799.

first big Asian market to launch an extensive SPAC regime specifically designed for its regulatory landscape.[18]

This worldwide diffusion reflects the model's flexibility. Governments that achieve successful integration in their jurisdictions generally include three essential protections: escrow of IPO proceeds, shareholder approval requirements, and a specified timeline for effecting a business combination. These provisions maintain investor confidence while enabling entrepreneurs to take advantage of the structure's built-in speed and adaptability.

2.3 Economic Rationale and Critiques

2.3.1 Economic Rationale

The contemporary SPAC is attractive to sponsors, targets, and investors for different reasons.

Speed and Certainty of Closing:For private firms, a merger with a SPAC is faster to public markets than an ordinary IPO, which may take months of regulatory consideration, lengthy roadshows, and exposure to market fluctuations. A negotiated merger can close in just a few weeks after SEC clearance of the proxy statement or registration statement.[19]

Negotiation of Valuation: The target firm and SPAC sponsors agree on valuation in private discussions, offering more certainty than a book-built IPO's pricing dynamic. This can secure good terms for both parties in frothy or volatile markets.[20]

Access to Sophisticated Capital: Hedge funds and institutional investors prefer SPACs due to the "SPAC arbitrage" strategy: buying units and selling shares while holding warrants for potential gains, essentially a low-risk, option-like investment.[21]

Flexibility in Deal Structure: The possibility of raising further financing through private investment in public equity (PIPE) transactions at the time of merger confers a hybrid nature on SPACs, combining public and private sources of funding.[22]

2.3.2 Criticisms and Risks

[18]Monetary Authority of Singapore. (2021). *Consultation on SPAC listing framework*. Retrieved July 19, 2025, from https://www.mas.gov.sg
[19]Sjostrom, W. K. (2021). SPACs and the trust account. *Delaware Journal of Corporate Law, 46*(1), 1–35.
[20]Rodrigues, U., & Stegemoller, M. (2021). Redeeming SPACs. *University of Chicago Law Review, 88*(6), 1715–1772.
[21]Klausner, M., Ohlrogge, M., & Ruan, E. (2022). A sober look at SPACs. *Yale Journal on Regulation, 39*(2), 228–280.
[22] Id.

Notwithstanding these benefits, SPACs are subject to strong criticisms.

Dilution:Sponsors' promotion, underwriting commissions, and warrant overhang can substantially dilute post-merger stockholders. Research indicates that the median SPAC returns less than the cash per share originally raised after adjusting for dilution.[23]

Conflicts of Interest:Sponsors are highly motivated to close a transaction prior to the expiration date, even an inferior one, since their founder's shares will be worthless upon sale. This misalignment can lead to overpayment or the purchase of inappropriately targeted acquisitions.[24]

Regulatory and Accounting Complexity:The de-SPAC process involves negotiating through complicated SEC filing rules, such as merger proxies and possible re-audit of the target's financials. Current SEC proposals seek to apply traditional IPO-type liability to SPAC participants, which may undermine the structure's relative advantage.[25]

These criticisms have spurred strengthening regulation in the United States, the United Kingdom, and Singapore. Planned SEC regulations in 2022 call for more disclosure of conflicts, financial estimates, and sponsor fees, whereas Singapore's system has minimum market-capitalization requirements and escrow deposits to shield retail investors.[26]

3. Comparative Legal Framework

3.1 United States

Nowadays U.S. SPAC framework is mainly dependent on the provisions of the ***1933 Securities Act and the 1934 Securities Exchange Act***. Together, these acts create the legal basis for registration, disclosure, and post-listing reporting for all public offerings.[27] The IPO of a SPAC is accomplished through filing a Form S-1 registration statement under the Securities Act, which is accompanied by the same antifraud provisions as Section 11 (liability for materially false statements) and Section 12(a)(2) (liability for false or misleading

[23]Gahng, M., Ritter, J. R., & Zhang, D. (2022). SPACs. *Review of Financial Studies, 35*(10), 4755–4799.
[24]Rodrigues, U., & Stegemoller, M. (2021). Redeeming SPACs. *University of Chicago Law Review, 88*(6), 1715–1772.
[25] U.S. Securities and Exchange Commission. (2022). *Proposed rules on SPACs, shell companies, and projections.* Retrieved July 19, 2025, from https://www.sec.gov.
[26]Monetary Authority of Singapore. (2021). *MAS consults on framework for special purpose acquisition companies*. Retrieved July 19, 2025, from https://www.mas.gov.sg.
[27] Securities Act of 1933, 15 U.S.C. §§ 77a–77aa; Securities Exchange Act of 1934, 15 U.S.C. §§ 78a–78qq.

prospectuses) are mentioned.[28] From the moment the SPAC IPO is out on the market, it is an "issuer" under the Exchange Act, thus having the obligation to submit periodic reports on Forms 10-K, 10-Q, and 8-K.[29]

The U.S. Securities and Exchange Commission (SEC) has provided a lot of insight and shared its views on enforcing regulations for SPAC, among those, it makes a point that de-SPAC events, when the SPAC becomes the merged entity, are fundamentally a "sale of securities" subject to either a Form S-4 or a proxy statement under Regulation 14A.[30] The SEC in 2022 had also drawn up a few recommendations for the de-SPAC process, in which the changes, such as increased underwriter responsibility, a greater sponsor-related disclosure requirement, including conflictsof interest, etc., as well as a limitation on unaudited financial forecast use, would make the de-SPAC process more similar to the traditional IPO route.[31]

Investor Protections: Disclosure, Redemption, Sponsor Liability

i. **Disclosure Obligations**- The SPAC prospectus has to include information about management, the investment idea, sponsor fees, as well as the manner in which investor redemption works.[32] When the choice of the target company has been made, the proxy or registration statement has to include not only the target company's complete financial statements but also a wide range of risk factors similar to those in the IPO.[33]

ii. **Redemption Rights-** Investors who are not in favor of the merger are allowed to redeem their shares at the proportionate value of the trust account in which the money was deposited (usually within 18–24 months if the combined venture is not implemented). These rights limit the risk to the bearer and have been, historically, the subject of several discussions by courts about SPAC fairness being in the focus of adjudication.[34]

[28]**S**ecurities Act of 1933, § 77k, § 77l(a)(2).
[29] 17 C.F.R. §§ 240.13a-1, 240.13a-13, 240.13a-11.
[30]U.S. Securities and Exchange Commission. (2021). *CF Disclosure Guidance: Topic No. 11 (Special Purpose Acquisition Companies)*. Retrieved July 19, 2025, from https://www.sec.gov.
[31] U.S. Securities and Exchange Commission. (2022). *Special Purpose Acquisition Companies, Shell Companies, and Projections, Proposed Rule*. Retrieved July 19, 2025, from https://www.sec.gov.
[32]U.S. Securities and Exchange Commission. (2022). *Special Purpose Acquisition Companies, Shell Companies, and Projections, Proposed Rule*. Retrieved July 19, 2025, from https://www.sec.gov
[33]U.S. Securities and Exchange Commission. (2022). *Special Purpose Acquisition Companies, Shell Companies, and Projections, Proposed Rule*. Retrieved July 19, 2025, from https://www.sec.gov; Regulation 14A, 17 C.F.R. § 240.14a-101.
[34] Sjostrom, W. K. (2021). SPACs and the trust account. *Delaware Journal of Corporate Law, 46*(1), 1–35.

iii. **Sponsor Liability-** Directors, underwriters, and sponsors can be sued under Sections 11 and 12 of the Securities Act in the case of material misstatements included in the proxy/registration statement related to the de-SPAC or IPO prospectus. Among the SEC enforcement actions, e.g., In re Stable Road Acquisition Co. (2021), several instances have been given where the courts sum up the argument that the sponsor is not freed from the responsibility by making a statement that they are only a "blank-cheque"promoter group.[35]

Judicial Precedents: SPAC governance has been shaped by several court decisions:

Multiplan Corp. Stockholders Litigation (Del. Ch. 2022) – The Delaware Chancery Court was inclined to the position that the entire fairness standard would be used when directors of a SPAC, to be precise, failed to disclose the facts that have a significant impact on redemptions deliberations. The court indicated the possibility of conflict arising from the sponsor-promote issue, as at the center of the court's decision, where it also hinted that fiduciary duties are still alive even in the realm of blank-cheque vehicles.[36]

In **re GigCapital3, Inc. Stockholders Litigation (Del. Ch. 2023)** – SPAC boards have the usual care and loyalty, as in the case of merging in discussions over the triggering of sponsor compensation, where the court decision reaffirmed.[37]

These judgments, together with the SEC's proposals, foreshadow the transition to IPO-like scrutiny of de-SPAC transactions, allowing for less distinction between SPACs and conventional offerings**.**

3.2 Singapore Regulatory Genesis:

Singapore was the first of the major Asian jurisdictions to create a tailor-made SPAC regime when the Monetary Authority of Singapore (MAS) and the Singapore Exchange (SGX) revised their Mainboard Listing Rules in September 2021.[38] The reforms followed a public consultation that aimed to weigh market dynamism against investor protection, and drew on both U.S. practice and local concerns about speculative excess. A SPAC is required under the

[35]*In re Stable Road Acquisition Co.* (SEC Release No. 33-10955, July 13, 2021).
[36]*In re Multiplan Corp. Stockholders Litigation*, 268 A.3d 784 (Del. Ch. 2022).
[37]*In re GigCapital3, Inc. Stockholders Litigation*, C.A. No. 2021-1191 (Del. Ch. 2023).
[38]Monetary Authority of Singapore (MAS). (2021). *Response to feedback on proposed regulatory framework for SPAC listings.* Retrieved July 19, 2025, from https://www.mas.gov.sg

revised rules to have a minimum market capitalization of SGD 150 million at listing.[39] Deposit at least 90 percent of IPO proceeds in an escrow account maintained by an independent agent, invested in allowed instruments until the occurrence of a business combination.[40] Effect a qualifying acquisition within 24 months of listing, extendable by 12 months, subject to shareholder approval.[41] Sponsor and Escrow Requirements Sponsors must meet fit-and-proper criteria under MAS guidelines, including a demonstrable track record in corporate finance or private-equity management. Sponsors must retain at least 2.5 percent to 3.5 percent of the SPAC's post-IPO equity, depending on capitalization tier, aligning their interests with public shareholders.[42] The escrowed funds can only be drawn down to pay for an approved business combination or to pay for redeemable shares in case of liquidation. All shareholders have redemption rights, and a merger must have at least 75 percent of independent shareholders in attendance and voting present.[43] These percentages are higher than those in most U.S. jurisdictions because Singapore has a more conservative investor-protection approach. Early Application and Case Examples Despite Singapore's system being comparatively young, some SPACs-VTAC and Novo Tellus Alpha Acquisition, among them, have listed successfully and commenced target searches. No de-SPAC transaction has as yet challenged the regime in court, but MAS has been keen to apply continuing disclosure requirements and to review related-party transactions in order to deter abuse. Market commentators point out that the high capitalization and shareholder-approval hurdles may discourage speculative listings but potentially trap deal flow as well vis-à-vis U.S. markets.

3.3 Synthesis of Comparative Insights

The U.S. and Singaporean models disclose differing philosophies of regulation. The United States is based on ex-post liability and market discipline, supported by general antifraud rules and an engaged plaintiffs' bar.

Singapore, on the other hand, focuses on ex-ante eligibility criteria and structural protections to avoid opportunistic actions in advance.

Feature	**United States**	**Singapore**
Minimum market capitalization	No statutory minimum; exchange listing standards	SGD 150 million Mainboard minimum

[39] SGX Mainboard Rule 210(1)(k).
[40] SGX Mainboard Rule 210(11)(m).
[41] SGX Mainboard Rule 210(11)(n).
[42] SGX Mainboard Rule 210(11)(o).
[43] SGX Mainboard Rule 210(11)(p)

	apply	
Trust/Escrow of IPO proceeds	100 % in trust, invested in U.S. Treasuries	≥ 90 % in escrow, limited to permitted investment
Time limit for merger	Typically 18–24 months (set in charter)	24 months, extendable 12 months with shareholder vote
Shareholder approval threshold	The majority of voting shares	≥ 75 % of independent shareholders voting
Redemption rights	Mandatory, pro-rata share of trust	Mandatory, pro-rata share of escrow
Sponsor promote	~20 % founder shares; subject to SEC disclosure	2.5–3.5 % minimum equity stake; fit-and-proper test
Regulatory oversight of projections	SEC proposes enhanced liability for forward-looking statements	MAS requires conservative disclosure; no special safe harbor
Judicial enforcement	Extensive Delaware fiduciary-duty jurisprudence	No reported cases yet; MAS administrative enforcement

Table 1. A Comparison between the features of the US and Singapore relating to philosophies of regulation.

Assessment of Effectiveness

i. **Protection of Investor**: Singapore's tight front-end restrictions, high minimum capitalization, super-majority voting, and fit-and-proper sponsor testsprovide a strong safety net for retail investors but may constrain access for smaller but valid sponsors and stifle innovation. The U.S. system places greater reliance on private litigation and SEC enforcement. Flexible though it is, it has generated bouts of dilution and post-merger underperformance, which indicate that ex-post remedies are perhaps insufficient to safeguard uninformed investors.[44]

ii. **Market Stability:** The United States provides unparalleled liquidity and deal volume but has seen spells of boom-and-bust, most recently the 2020–2021 boom followed by its steep reversal in 2022. Singapore's conservative framework strives for steady, sustainable expansion, but the comparatively limited number of SPACs to date precludes long-term inferences. Lessons for India: For an emergent Indian SPAC regime, the synthesis proposes a hybrid model: Emulate Singapore's ex-ante sponsor and escrow conditions to safeguard retail investors in an emerging market. Include U.S.-type private-litigation rights and fiduciary-duty standards to provide for accountability after a transaction announcement. Institute more robust disclosure of dilution and sponsor incentives, the root cause of investor injury in the U.S.

[44] Gahng, M., Ritter, J. R., & Zhang, D. (2022). SPACs. *Review of Financial Studies, 35*(10), 4755–4799.

experience. This hybrid approach would harmonize market dynamism with investor trust, which is essential for India's vision to emerge as a competitive global capital-raising center.

4. Indian Legal Landscape

India's securities and corporate legislations have adapted to support a broad menu of capital-raising vehicles, but they are inherently unfriendly to the SPAC model. This section canvases the primary statutes and regulations collectively responsible for creating that unwelcoming environment, describing both the doctrinal foundations and practical hindrances. It then provides an integrated explanation of why the existing setup hinders the introduction of a domestic SPAC framework.

4.1 Companies Act, 2013

The Companies Act, 2013 (CA 2013) is the principal legislation governing company formation, capital raising, and corporate restructuring in India. Several provisions effectively foreclose the creation of "blank-cheque" entities.

Restrictions on Incorporation and Object Clause- Section 4(1)(c) of CA 2013 mandates that each company must include in its memorandum of association a distinct statement of objects for which the company is to be incorporated.[45] A SPAC, by definition, does not have a determinable operating business at the time of incorporation; it merely exists in order to raise capital and subsequently to find a merger target. Indian company law does not recognize an "object" which is only the acquisition of an unspecified business. The Registrar of Companies generally refuses registration of companies whose objects are too indefinite or vague.[46]

Minimum Subscription and Allotment Rules-Sections 39 and 40 place conditions on a valid public offer, such as minimum subscription levels and compulsory listing of securities on a recognized stock exchange.[47] These conditions, though not exclusively Indian, assume a company with real operations and assets, qualities a SPAC does not possess at the date of its IPO.

[45] Companies Act, 2013, § 4(1)(c) (India).
[46] Ministry of Corporate Affairs. (2019). *Manual of e-filing and incorporation guidelines.*
[47] Companies Act, 2013, §§ 39–40 (India).

***Amalgamation and Compromise Provisions*-**SPACs finalize their business combination in the form of a merger or amalgamation with the target company. While the provisions in Sections 230–234 of CA 2013 establish procedures for compromises, arrangements, and amalgamations, these regulations envision deals among operating companies with existing businesses, not between an idle cash shell and a private target. Specifically, Section 234 allows cross-border mergers only with notified jurisdictions of the central government.[48] Although many large economies are on the notified list, the procedural hurdle and regulatory oversight make it unsuitable for the time-framed merger a SPAC needs (usually in 18–24 months of listing).

4.2 SEBI ICDR Regulations, 2018

The Securities and Exchange Board of India (SEBI) oversees public offers under the SEBI (Issue of Capital and Disclosure Requirements) Regulations, 2018 (ICDR Regulations). These regulations impose the most straightforward obstacles to a domestic SPAC IPO.

***Eligibility Norms*-**Regulation 6 requires that an issuer issuing an IPO should have net tangible assets of not less than INR 3 crore and average operating profit of not less than INR 15 crore in the last three financial years, except in the case of listing on the Innovators Growth Platform.[49] A SPAC does not possess tangible assets (except in cash) and does not have operating profits, and hence, compliance is not possible.

Disclosure Requirements- Schedule VI Part A requires an issuer to disclose substantial information regarding its business model, financial statements, and risk factors. Once again, a SPAC cannot give historical financials or operating information since it has no business aside from maintaining funds in trust.

***Pricing and Utilisation of Proceeds*-**Rules 29 and 32 mandate definite disclosure of the objects of the issue and the means of financing, including the particular purpose for which the proceeds are to be used. SPACs explicitly raise capital without any specified use, a characteristic inherently inconsistent with these requirements.

***Escrow and Refund Mechanisms*-**Although the ICDR Regulations allow for the utilization of escrow accounts, the regime does not contemplate the investor redemption rights or binding trust arrangements that are the hallmark of the SPAC structure.

[48]Companies Act, 2013, § 234.
[49] SEBI (Issue of Capital and Disclosure Requirements) Regulations, 2018, Reg. 6.

Briefly stated, the SEBI regime contemplates a traditional issuer with traceable financial performance and defined funding targets, not a vehicle whose exclusive purpose is to find a future acquisition.

4.3 Cross-Border Merger Rules

One of the central draws of SPACs is that they can enable cross-border mergers that are inbound or outbound. In India, these deals are regulated by the Foreign Exchange Management (Cross Border Merger) Regulations, 2018, and the Companies (Compromises, Arrangements and Amalgamations) Rules, 2017.

The 2017 Rules, when combined with Section 234 of CA 2013, allow mergers between an Indian company and a foreign company that is registered in a notified jurisdiction of the central government, subject to Reserve Bank of India (RBI) approval.[50] The 2018 FEMA Regulations supplement this scheme by providing for valuation standards and reporting requirements.[51] Even though such provisions represented a liberalization of cross-border M&A, they are still cumbersome. Court-approved schemes involve numerous regulatory approvals and tend to take several months, often longer than the limited "completion window" characteristic of SPACs. Additionally, FEMA places sectoral caps and price guidelines that may limit the freedom of a SPAC to purchase targets in sensitive sectors like defense, telecommunications, or finance.

4.4 Other Relevant Legislation

A number of other laws indirectly discourage a local SPAC market.

Income-Tax Act, 1961- SPAC transactions may give rise to capital gains tax on transfer of shares, and the lack of special tax pass-through relief opens up the threat of double taxation. Although U.S. law makes provision for certain tax-free reorganizations, Indian law makes no analogous safe harbour for a de-SPAC merger.[52]

Competition Act, 2002-A business combination over stipulated thresholds needs to be approved by the Competition Commission of India (CCI).[53] Even though most SPAC targets

[50] Companies (Compromises, Arrangements and Amalgamations) Rules, 2017, Rule 25A.
[51] Foreign Exchange Management (Cross Border Merger) Regulations, 2018, Regs. 4–6.
[52] Income-tax Act, 1961, §§ 47–50B (India).
[53] Competition Act, 2002, §§ 5–6 (India).

would be below thresholds, uncertainty about whether the SPAC itself is a "combination" can slow down transactions.

***Securities Contracts (Regulation) Act, 1956 and Listing Obligations*-**Even if SEBI were to introduce a carve-out in the ICDR Regulations, changes to the Securities Contracts (Regulation) Rules and the SEBI (Listing Obligations and Disclosure Requirements) Regulations, 2015 would be required in order to support the bespoke disclosure cycle and shareholder voting arrangements of SPACs.

4.5 Analytical Discussion: Why the Current Framework Impedes SPAC Adoption

The combined impact of these statutory provisions is a regime that is operationally and conceptually unsuitable for SPACs. Three themes are prominent.

***1. Object and Disclosure Inflexibility*-**The necessity of a clear object clause and precise utilization of proceeds goes against the very essence of a SPAC, raising money first and then finding a target. Undergoing no basic legislative change, the Companies Act and ICDR Regulations cannot harbor a vehicle whose "business plan" is deliberately vague.

***2. Lack of Investor-Protection Mechanisms Specific to SPACs*-**U.S. and Singaporean law investor protections are not contractual alone but are entrenched within listing rules and securities legislation. Indian law provides no such framework, leaving investors vulnerable unless special provisions are designed.

3. Procedural Delays in Mergers and Cross-Border Transactions- The SPAC model is based on a tight timeline (typically 18–24 months) to effectuate the de-SPAC merger; else, funds need to be refunded to investors. India's scheme-approval process, National Company Law Tribunal sanction, RBI/FEMA approvals, and at times, CCI scrutiny, is not geared for such tight timelines.

These are the reasons Indian sponsors and targets in search of SPAC financing have always gone abroad, most notably to the United States and, more recently, to Singapore. Prominent instances include Indian tech start-ups going public via U.S. SPACs, essentially relocating capital formation and regulatory management overseas.[54] Unless India initiates concerted

[54] Singh, R., & Sharma, P. (2023). The SPAC opportunity for Indian start-ups. *Indian Journal of Corporate Law, 5*(1), 45–67.

reforms under the Companies Act, SEBI rules, taxation legislation, and merger-control regulations, the home market will be a spectator to the international SPAC phenomenon.

5. Feasibility of an Indian Spac Regime

Implementing a homegrown regime for Special Purpose Acquisition Companies (SPACs) within India would demand immense legislative and regulatory creativity. Although the international popularity of SPAC listings may portend economic advantage, India's existing legal architecture, focusing on the Companies Act, 2013 (CA 2013), SEBI regulations, and the Foreign Exchange Management Act (FEMA), demonstrates structural challenges. This phase evaluates feasibility along three dimensions: regulatory gaps and challenges, doctrinal compatibility with constitutional and policy fundamentals, and cross-border aspects.

5.1 Regulatory Gaps and Challenges

Legal Recognition of Shell Entities-The defining characteristic of a SPAC is that it is a "blank-cheque" company without a pre-determined operating business. Indian company law currently prohibits such entities. Section 4(1)(c) of CA 2013 requires a company to define its objects with enough clarity; a memorandum invoking only "to acquire or invest in any business" would fall short.[55] Providing legal recognition to a SPAC would necessitate either a clear statutory modification or a SEBI-initiated carve-out allowing incorporation for the acquisition of an unspecified business within a specified timeline.

Redemption Rights and Escrow of Proceeds- International SPAC regimes shield investors from potential abuse by mandating that a minimum of 90 percent of IPO funds be deposited in an escrow or trust account and permitting shareholders to redeem their shares when they object to the contemplated business combination.[56] Neither the CA 2013 nor the SEBI (Issue of Capital and Disclosure Requirements) Regulations, 2018 (ICDR Regulations) has such features. Existing escrow arrangements apply only to public offer refunds and are not capable of duplicating the statutory redemption right at the heart of investor confidence. Implementing these safeguards would mean new SEBI regulations on trust accounts, voting

[55] Companies Act, 2013, § 4(1)(c) (India).
[56]U.S. Securities and Exchange Commission. (2022). *Special purpose acquisition companies: Investor bulletin.* Retrieved July 19, 2025, from https://www.sec.gov

percentages, and timeframes, possibly borrowing from the Singapore Exchange's mandatory minimum 90 percent cash payment and two-thirds shareholder consent.[57]

Sponsor Capital and Liability- International practice expects SPAC sponsors to commit "at-risk" capital, typically 2–3 percent of IPO proceeds, and to forfeit their promotion if no acquisition occurs. Indian securities law contains no concept of sponsor,promoter, or carried interest. A domestic regime would have to define sponsor fiduciary duties, minimum capital contributions, and penalties for conflicts of interest or misrepresentation, alongside clear disclosure standards to satisfy SEBI's investor-protection mandate.

Time-Bound Business Combination- U.S. and Singaporean laws have a stringent deadline, typically 24 months, to close out the de-SPAC transaction. Indian merger clearances currently require the National Company Law Tribunal, Reserve Bank of India (RBI), and occasionally the Competition Commission of India, a process that can take longer than this period.[58] Legislative simplification or a special fast lane path would need to be adopted to preserve the time discipline inherent in the SPAC model.

5.2 Doctrinal Evaluation

Right to Trade and Occupation- Article 19(1)(g) of the Constitution of India assures the right to pursue any profession or engage in any occupation, trade, or business subject to reasonable restrictions in the public interest.[59] A complete ban on blank-cheque companies must be said to violate this right by withholding entrepreneurs from a valid means of business organization. Article 19(6) permits restrictions for the protection of investors and for upholding market integrity. A SPAC-specific framework with robust safeguards can thus be defended as a "reasonable" regulatory regime that harmonizes entrepreneurial liberty and consumer protection.

Investor Protection as a Directive Principle- Protection of the investor is a central goal of the SEBI Act, 1992. The Supreme Court has consistently stressed that regulation of securities must protect against speculative excess and information asymmetry.[60] Any SPAC regime in India must thus include structural protections, prescribed disclosures, independent director protection, and escrow arrangements, to pass the court of public opinion. Comparative

[57] Singapore Exchange Regulation. (2021). *Rules of SGX-ST, Chapter 2: Listing of SPACs*.
[58] Companies (Compromises, Arrangements and Amalgamations) Rules, 2017; Foreign Exchange Management (Cross Border Merger) Regulations, 2018.
[59] Constitution of India, art. 19(1)(g), 19(6).
[60] *SEBI v. Shri Ram Mutual Fund*, (2006) 5 SCC 361.

evidence from Singapore, where MAS inserted such safeguards to pre-empt abuse, confirms that a thoughtfully drafted framework can pass constitutional proportionality tests as well as enhance capital-market efficiency.

Corporate Governance and Fiduciary Duties- CA 2013 imposes fiduciary obligations on directors in Sections 166 and 245, including duties of care and loyalty. Directors and sponsors of a SPAC would have to live up to these requirements even in the absence of an operating business. Making it clear that sponsor-promoted structures do not give rise to irreconcilable conflicts of interest—and requiring stronger disclosure requirements in cases where there are conflicts of interest—would be essential to doctrinal consistency.

5.3 Possible Cross-Border Aspects

Since several Indian growth businesses search for overseas capital or cross many jurisdictions, a home SPAC structure should integrate with India's cross-border merger and foreign-exchange regulations.

FEMA Regulations and Outbound/Inbound Mergers-The Foreign Exchange Management (Cross Border Merger) Regulations, 2018, permit mergers of Indian companies with foreign companies incorporated in government-notified jurisdictions, subject to RBI approval.[61] A SPAC targeting an overseas company would need to navigate sectoral caps, pricing guidelines, and reporting obligations. On the other hand, a foreign SPAC to merge with an Indian target will have to adhere to inbound investment regulations, such as restrictions in sectors like telecommunications, defense, or financial services. Such requirements generate uncertainty and time frame delay, not consistent with the conventional 18–24-month SPAC timeline.

Taxation Considerations- Cross-border de-SPAC mergers may give rise to capital-gains tax and transfer-pricing concerns under the Income-tax Act, 1961. Without a special exemption or rollover relief similar to U.S. “tax-free reorganizations,” target shareholders and sponsors may experience substantial tax leakage, eroding deal economics.[62]

Securities Market Recognition of Foreign Listings-Indian business persons might want to list a SPAC on an overseas exchange and subsequently consolidate with a local target.

[61] Foreign Exchange Management (Cross Border Merger) Regulations, 2018, Regs. 4–6.
[62] Income-tax Act, 1961, §§ 47–50B (India).

Uncertainty on how these offshore entities mesh with Indian takeover rules and the SEBI (Foreign Portfolio Investors) Regulations will be essential in preventing regulatory arbitrage.

5.4 Synthesis: Pathways to Feasibility

Notwithstanding daunting challenges, an Indian SPAC regime is doctrinally not impossible. The Companies Act can be modified to allow the incorporation of a "Special Purpose Acquisition Company" that is defined as a public company incorporated solely for the purpose of raising funds for acquiring an unknown target in a specific timeframe. SEBI can introduce a parallel chapter in the ICDR Regulations stating:

a) Minimum sponsor capital and forfeiture of promotion on failure to effect a business combination.
b) Requirement to invest at least 90 percent of IPO proceeds in an interest-bearing trust or escrow account.
c) Redemption rights for dissenting holders of shares and a two-thirds majority vote to sanction the de-SPAC transaction.
d) Maximum 24-month completion period, with automatic liquidation upon passage of the deadline.

Supporting reforms to the FEMA framework would provide a fast-track approval mechanism for cross-border mergers satisfying specified prudential criteria, while a modification to the Income-Tax Act would grant rollover relief for qualifying SPAC mergers.

This integrated strategy would put India on a par with international best practice yet within domestic constitutional limitations. It would also serve both policy objectives of increasing capital-market competitiveness and keeping high-performance Indian firms within the domestic regulatory boundary.

6. Reform Proposals and Lessons

Establishing a tenable Indian model for Special Purpose Acquisition Companies (SPACs) necessitates a concerted bundle of legislative reforms, regulatory reforms, and administrative directions. Based on comparative experience from the United States and Singapore, this part sets out the key reforms required to operationalize an Indian SPAC regime while protecting investor interests.

6.1 Legislative Amendments

Carve-outs in the Companies Act, 2013-The initial and most intrinsic step is to give express legislative recognition to SPACs. A new chapter or a series of specialized provisions could define a "Special Purpose Acquisition Company" as a public company formed exclusively to raise funds for acquiring or merging with an unseen target within a defined time frame. Important carve-outs could be:

a) **Object Clause Flexibility**: Section 4(1)(c) can be modified to permit a memorandum of association with the condition that the company's sole object is finding and merging with one or more operating businesses within a certain time period.[63]
b) **Fast-track Amalgamation:** Sections 230–234 can be supplemented with an expedited approval pathway for SPAC business combinations, with timelines tied to an 18–24months de-SPAC deadline.
c) **Investor Protection**: A new section may require at least 90 percent of IPO proceeds to be maintained in an interest-bearing escrow or trust account, only available for an approved business combination or redemption.

Adjustments to the SEBI ICDR Regulations, 2018- SEBI may add a stand-alone chapter under the ICDR Regulations specifically for SPAC listings. The chapter would:

a) Exclude SPACs from the standard profitability and asset tests of Regulation 6, substituting them with minimum sponsor capital reserves and a higher minimum issue size.[64]
b) Enjoin elaborate disclosure standards on sponsor background, structure, and potential conflict of interest, based on the U.S. S-1 registration statement.[65]
c) Enjoin shareholder approvalby no less than a two-thirds majority voteof any contemplated business combination and provide dissenting shareholders with an unconditional right to redemption.

6.2 Best Practices from the U.S. and Singapore

The experience of the United States and Singapore offers a blueprint for balancing capital-market dynamism with investor protection.

[63] Companies Act, 2013, § 4(1)(c) (India).
[64] SEBI (Issue of Capital and Disclosure Requirements) Regulations, 2018, Reg. 6.
[65]U.S. Securities and Exchange Commission. (2022). *Special purpose acquisition companies: Investor bulletin.* Retrieved July 19, 2025, from https://www.sec.gov

Time-bound De-SPAC Process- The two jurisdictions stipulate a mandatory timeframe, usually 24 months, to effect the business combination, with default leading to the SPAC having to be wound up and redemonstrate funds. U.S. practice provides some scope for limited extensions subject to shareholder approval,[66] Whereas Singapore prescribes a 24-month timeline with a potential 12-month extension subject to exceptional circumstances.[67] An Indian framework should learn from this discipline to avoid open-ended capital lock-up.

Escrow and Redemption Mechanisms- Singapore mandates that at least 90 percent of IPO proceeds be deposited into an escrow account and paid back to investors with interest in the event of no qualifying acquisition.[68] American law also provides for trust accounts and allows for redemption upon voting on the de-SPAC. Implementing a similar mechanism would give confidence to Indian investors who are not aware of the blank-cheque structure.

Increased Disclosures and Sponsor Responsibility-U.S. rules focus on healthy pre- and post-merger disclosures, such as target financial statements and conflicts of interest that include sponsors.[69] Singapore introduces additional safeguards, like minimum sponsor equity and transfer restrictions on founder shares until after the de-SPAC. Indian regulations may adopt the same standards and mandate independent director certification of fairness, boosting faith in governance.

6.3 Roadmap for SEBI and the Ministry of Corporate Affairs

Reform has to go forward in well-sequence steps to control regulatory risk and market perception.

Phase 1: Stakeholder Consultation and Concept Paper

The Ministry of Corporate Affairs (MCA), together with SEBI and the Reserve Bank of India (RBI), needs to come out with a concept paper detailing the reasons, global experience, and possible safeguards. Public consultations with market participants, institutional investors, and consumer groups would reveal sector-specific issues—like the effects on retail investors and systemic risk.

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[66] Klausner, M., Ohlrogge, M., & Ruan, E. (2022). A sober look at SPACs. *Yale Journal on Regulation, 39*(2), 228–280.
[67] Singapore Exchange Regulation. (2021). *Rules of SGX-ST: Listing of SPACs*.
[68] Monetary Authority of Singapore. (2021). *MAS consults on framework for special purpose acquisition companies*. Retrieved July 19, 2025, from https://www.mas.gov.sg
[69] U.S. Securities and Exchange Commission. (2021). *SPACs: Key disclosure considerations*. Retrieved July 19, 2025, from https://www.sec.gov

Phase 2: Pilot Regime

SEBI may then pilot a framework under its Innovators Growth Platform, enabling a limited number of SPAC listings with elevated capital thresholds (e.g., minimum issue size of INR 500 crore) and participation to be limited to qualified institutional buyers. The controlled platform would provide empirical evidence and stress administrative capacity.

Phase 3: Legislative Integration

Parliament may modify the Companies Act based on pilot experience to add SPAC provisions outlined herein. While this is being done, SEBI would finalize its standalone SPAC chapter under the ICDR Regulations, and RBI would issue simplified guidelines for cross-border mergers in FEMA. Tax authorities may introduce rollover relief for eligible de-SPAC transactions to ensure non-duplication of tax.

Phase 4: Market Expansion and Ongoing Regulation

After a solid ecosystem is in place, the regime may be thrown open to the wider investor community. Ongoing monitoring by regular quarterly disclosures, separate audits of escrow accounts, and regular review by SEBI would facilitate adherence to compliance standards and early identification of speculative excesses.

6.4 Synthesis

The reforms suggested here do not transplant foreign models in a blanket fashion; they take international best practices and fit them to India's constitutional and market realities. By infusing tight investor protections, escrow of proceeds, right of redemption, and capital at risk of the sponsor, while offering entrepreneurs an expedited, more nimble path to public markets, India can strike a balance between innovation and prudence. The comparative experience from the United States and Singapore shows that a well-calibrated SPAC regime is feasible and desirable, as long as it is rolled out through phased legislation and close regulatory vigilance.

7. Conclusion

This research has critiqued the conceptual underpinnings, historical development, and comparative regulatory models of Special Purpose Acquisition Companies (SPACs) to evaluate their viability in India. Starting from the definition and life-cycle of SPACsfrom

incorporation and initial public offering (IPO) to the de-SPAC or merger phase, it follows the manner in which the United States made the erstwhile contentious "blank-cheque" company a capital-raising staple, and how places like Singapore have modified the model with stronger investor protections.

The Indian legal environment was analyzed to identify several structural constraints. The Companies Act, 2013, does not support entities that exist only for future purchases, and its amalgamation rules necessitate definite objects and ongoing business operations.[70] The SEBI (Issue of Capital and Disclosure Requirements) Regulations, 2018, demand profitability and asset-based criteria, which are in conflict with the shell-company status of SPACs.[71] Cross-border merger regulations under the Companies (Compromises, Arrangements and Amalgamations) Rules, 2017, read with the Foreign Exchange Management Act (FEMA), introduce additional complexity, while income-tax and competition laws create uncertainty regarding rollover relief and market-concentration analysis. Collectively, these restrictions mean that SPACs cannot currently list or consummate a business combination in India without significant regulatory innovation.

In spite of these challenges, the economic logic of SPACs continues to be sound. They can speed up capital creation, provide certainty of valuation in turbulent markets, and provide other exit choices for private equity sponsors. However, critics would advise caution against potential dilution risks, conflicts of interest, and information asymmetry.[72] Lessons from comparative experience indicate that such concerns can be addressed by strong escrow arrangements, redemption rights on demand, and better disclosures, practices already embedded in the United States and Singapore.[73]

Policy implications for Indian capital markets are substantial. An SPAC regime carefully calibrated could augment current IPO and reverse-merger channels, draw in international capital, and enable cross-border M&A. For technology start-ups growing rapidly, an Indian SPAC market can offer a local exit channel comparable to foreign listings, hence making domestic capital markets deeper. From a cross-border perspective, harmonized rules under

[70] Companies Act, 2013, §§ 4(1)(c), 230–234 (India)
[71] SEBI (Issue of Capital and Disclosure Requirements) Regulations, 2018, Regs. 6 & 26.
[72] Klausner, M., Ohlrogge, M., & Ruan, E. (2022). A sober look at SPACs. *Yale Journal on Regulation*, *39*(2), 228–280.
[73]Singapore Exchange Regulation. (2021). *Rules of SGX-ST: Listing of SPACs*; U.S. Securities and Exchange Commission. (2022). *Special purpose acquisition companies: Investor bulletin*. Retrieved July 19, 2025, from https://www.sec.gov

FEMA would allow Indian SPACs to acquire offshore targets and enable foreign SPACs to merge with Indian companies, provided investor-protection standards remain rigorous.

Legislative reform should proceed in stages. Initial pilot programs limited to sophisticated investors could be launched under SEBI's Innovators Growth Platform to generate empirical data and market familiarity. Future Companies Act and ICDR Regulations amendments might enshrine critical components: SPACs' existence as a valid corporate structure, escrowing of IPO proceeds, de-SPAC deadlines within specified timeframes, and independent shareholder approval of mergers. At the same time, tax authorities and the Competition Commission of India need to verify rollover and antitrust treatment to bring certainty to transactions.

Subsequent research will be crucial once India accepts even a pilot SPAC model. Empirical analysis might quantify investor behavior, pricing efficiency, and post-merger performance, whereas doctrinal analysis might analyze constitutional issues such as the right to trade and proportionality of investor-protection policies. Cross-jurisdictional research comparing Indian SPAC results to Southeast Asia and the Gulf Cooperation Council (GCC) would enhance knowledge of emerging markets' ability to adopt the model.

Overall, the Indian capital market is at a crossroads. SPACs are no magic bullet, butwith firm controls in place, they may prove to be a useful tool in the financial arsenal of the nation. A gradual phase-in, married with legislative changes and watchful regulatory scrutiny, presents the most cautious route to tapping the potential of this novel financing tool while maintaining the faith of investors and the purity of India's capital markets.

Artificial Intelligence: Examining the Benefits and Risks of Artificial Intelligence in Age of Social Media and its Legal Implication in India

Anita[a]*, Manjinder Gulyani[b]
[a] Department of Law, Kurukshetra University, Kurukshetra–136119, Haryana, India
[b] Institute of Law, Kurukshetra University, Kurukshetra–136119, Haryana, India
*Corresponding author's E-mail address: anita80539@gmail.com

Abstract

The introduction of artificial intelligence into social media platforms has transformed user interaction, content distribution, and communication in the digital age. However, these changes raise important ethical and legal issues and challenges. The regulatory frameworks controlling AI applications on social media are the main focus of this paper, which explores the nexus between AI and social media, addressing key topics such as content moderation, algorithmic transparency, data privacy, and disinformation, as well as major legal ramifications and issues associated with the use of AI in social media. It is crucial to carefully assess the use of AI, as it has the potential to impact public opinion and behavior. AI algorithms are being utilized more to recognize and eliminate offensive content, including explicit material, disinformation, and hate speech. But these algorithms' opacity begs questions about responsibility, transparency, and possible biases. Legal frameworks must address how to protect free speech while maintaining an appropriate balance in content regulation. Key legal concerns include the possibility of over-censorship, which could lead to the unwarranted removal of legitimate content and the exaggeration of preexisting prejudices in AI systems. Ethical implications of AI in social media are finally being considered. This paper emphasizes the need for ethical standards that focus on the well-being of users and the overall benefit to society. With the aid of literature reviews and various AI and social media-related papers and study of some real incidents of misuse of AI technology And social media, this study has made an effort to offer a thorough and workable framework to solve issues that are anticipated to arise as a result of the growing use of various AI in social media platforms.

Keywords: *Artificial Intelligence, Social media, Digital Age, legal implications.*

1. Introduction

The artificial intelligence (AI) is leading a technological revolution that is radically changing the face of contemporary society. Social media is the one area where this change is most noticeable. AI has been ingrained in online interactions due to its unmatched ability to digest large volumes of data, identify complex patterns, and make judgments on its own.

In recent years, AI has dramatically changed how content is created, filtered, and consumed on social media sites. AI technologies are improving user experiences and streamlining marketing tactics with anything from automatic moderation and real-time data analysis to

tailored content recommendations. For example, chatbots offer real-time customer support, picture recognition tools assist with photo organization and labeling, and algorithms evaluate user behavior to recommend relevant material.

The ethical ramifications of AI-driven decision-making, algorithmic prejudice and privacy are some of the important issues that this integration also brings up. Concerns about AI's ability to reinforce preexisting biases or introduce new ones, as well as its potential to violate user privacy through mass data gathering and analysis, are substantial. Furthermore, there are still arguments for stronger legislative frameworks to guarantee the ethical application of AI, and the accountability and transparency of AI systems continue to be controversial topics.

This research seeks to investigate the complex relationship between artificial intelligence (AI) and social media, looking at both the advantages and drawbacks. We want to comprehend how artificial intelligence (AI) is changing the social media landscape and what this means for consumers, content creators, and society at large by examining existing uses and potential future developments. This research will offer insights into the changing dynamics of AI and social media through a review of the literature and case studies. It will also provide recommendations for striking a balance between innovation and ethical issues.

AI-Driven Social Media: Enhancing Connectivity and Content

Now a days we are living in a digital world it change our way of living, mindsets, with the advancement of information communication of technology Artificial Intelligence came into existence. There is hardly any sector which remains untouched from Artificial Intelligence and Social media is one of them. Social media become a most powerful mean of communication in digital age. Websites, apps, and other digital platforms that facilitate content sharing, interaction, communication, and teamwork are collectively referred to as social media. Social media is used by people to maintain relationships with friends and family. Social media offers countless opportunities for human connection and interaction; Above all, social Media has made it possible to converse and connect instantly through real-time texting. Utilizing a variety of multimedia formats, such as text, pictures, emoticons, audio and video. This has made communication easier to reach and more efficient, especially considering that many people now hold cell phones with remote access capabilities for social media apps. Social media and artificial intelligence are closely related, as AI is crucial to improving user experiences and maximizing marketing tactics. Artificial intelligence (AI) has many positive effects on social media like Personalization, efficiency, and content

suggestions are among the advantages of implementing AI in social media platforms[1]; yet, there are a number of ethical problems, including those related to privacy, algorithmic bias, disinformation, job displacement, and mental health. Effectively utilizing AI in the social media realm requires striking a balance between these benefits and drawbacks.

5 "I" CONCEPT[2]

In his G20 statement on the digital economy and artificial intelligence, Prime Minister Narendra Modi outlined his vision for maximizing the benefits of digital technology for society. The five "I's" are International collaboration, indigenization, innovation, infrastructure investment, and inclusivity, At G-20 Summit Prime Minister of India call the international Co-operation for Artificial Intelligence advancement and to deal with the concerns associated with the Artificial Intelligence. Prime Minister of India said, we are living in the digital world and digital advancement is important not only for individual development but also for international development.

"Ethical issues in artificial intelligence (AI) and spread of fake news are global concerns and India is committed to addressing these challenges through robust debate and responsible innovation, while fixing accountability on social media platforms[3]" ***Union Minister of Electronics and Information Technology Ashwini Vaishnaw, said***,
The minister emphasized the need for strong legislative frameworks, social media accountability, and the significant difficulties presented by the developing AI landscape. The minister emphasized how crucial it is to strike a balance between the right to free speech and the need to prevent false news and guarantee truthful stories in the digital era.

2. AI Tools in Social Media are Game Changer

Artificial intelligence is still revolutionizing a lot of areas in our lives. One area where this effect is most noticeable is in the social media space. From the automated content moderation to the commercials we view, artificial intelligence (AI) is transforming how we communicate and engage online and personalized suggestions, big data analytics, sentiment analysis, and content creation will help your social media approach. Tools for artificial intelligence (AI)

[1]"Mohamed, E. A. S., Osman, M. E. & Mohamed, B. A. (2024). The Impact of Artificial Intelligence on Social Media C. Journal of Social Sciences, 20(1), 12-16. https://doi.org/10.3844/jssp.2024.12.16"
[2] The Economic Times, June 29, 2019, 08:24:00 AM IST
[3] "Addressing ethical challenges of AI, making social media accountable on fake news: Ashwini Vaishnaw,. ibtimes.co.in,11 dec, 2024"

help to enhance social media platforms' functionality and manage social media operations at scale. In a range of applications, including influencer research, brand awareness campaigns, social media monitoring, ad management, and the creation of textual and visual content, among others This will improve your decision-making, help you comprehend your audience, and free up time for other, more important tasks. Some examples of AI tools: StoryChief, AICarousels, Typeframes, TweetGen, Canva, Typefully, BlogToPin, Perplexity AI, ChatGPT,. Xnapper[4]

Artificial Intelligence (AI) in social media Can make life significantly easier in several ways[5]:

a) ***Personalized Content Recommendations:*** Algorithms with artificial intelligence (AI) are made to learn from user behavior and provide recommendations and tailored information. AI is used, for instance, by social networking sites like Facebook, Instagram, and Twitter to recommend pages, groups, and posts that you might find interesting. Your prior activities with the site, such as your likes, shares, and comments, are the basis for these recommendations. Social media companies may enhance user engagement and lengthen users' stays on their platforms by leveraging artificial intelligence to tailor content.

b) ***Enhanced User Experience:*** • By offering a more fluid and user-friendly interface, social media networks are using AI to improve the user experience. For instance, image recognition technology can improve the accuracy of photo and video labeling, and chatbots with artificial intelligence (AI) can help clients with their inquiries. In order to increase user safety and reliability, AI can also help platforms identify and remove spam and fraudulent accounts.

c) ***Recognition of Images and Videos:*** These days, AI systems can identify photos and videos that have been posted to social media sites. Because of this, social media companies are now able to provide additional features like automatic tagging, which recognize objects and individuals in pictures.

d) ***Trend Evaluation***: Social media data can be analyzed by AI systems to find trends and patterns. Because of this, social media platforms can now offer

[4] Ai Social Media tools, https://www.insidr.ai

[5] "Tamara Biljman, AI in Social Media: Benefits, Tools, and Challenges, https://www.sendible.com," 4 June, 2024

marketers and businesses insightful information. For example, Twitter's, Instagram, Facebook AI algorithms can identify hot topics and hashtags, allowing businesses to stay up to date with the newest trends and modify their marketing tactics appropriately.

e) ***Business and marketing***: Social media influencers may now be found using AI algorithms based on parameters like followers, engagement rates, and other data. Because of this, it is now simpler for companies to find influencers who fit in with their target market and brand.

f) ***Chatbots:*** Another area on social media where AI has had a big impact is chatbots. Computer programs that mimic human dialogue are called chatbots. They are frequently employed in customer service, where their ability to reply to questions and offer solutions promptly is valued. For instance, Facebook Messenger leverages chatbots to let companies automate sales and customer support queries[6].

g) ***Time-Saving:*** Artificial intelligence (AI) frees up time for more creative and strategic endeavors by automating repetitive chores like scheduling postings, moderating comments, and answering frequently asked questions.

h) ***Accessibility:*** AI makes social media more inclusive for people with diverse needs by enhancing accessibility features like automatic captioning and translation.

i) ***Effective Customer Service:*** AI-driven chatbots instantly respond to consumer questions, addressing problems and raising customer satisfaction levels.

Risks or Challenges of use of AI technology in social media platforms:

Use of Artificial Intelligence technology in Social media: a hub of cyber crime

Increasingly, individuals of all ages and genders are creating profiles on online social networks so they can communicate with one another in this virtual environment. Some people have thousands or even hundreds of friends and followers split over several accounts. However, the expansion of phony profiles is also occurring at the same time. Oftentimes, fraudulent profiles bombard authentic people with offensive or unlawful stuff. Additionally, false profiles are made, portraying well-known individuals in order to harass them.

[6] "Yage Liu 2023, AI Chatbots in Social Media: Ethical Responsibilities and Privacy Challenges of Information and Communication Technology, IMMS '23: Proceedings of the 2023 6th International Conference on Information Management and Management Science, https://doi.org/10.1145/3625469.3625483"

The most popular targeted websites/apps used to create Fake Profiles are: Facebook, Instagram, Twitter, LinkedIn, Whatsaap, Snapchat.

Use of AI technology in social media is responsible for emergence of cyber crime like-

Online Threats, Stalking, Cyber bullying:

People threatening, harassing, stalking, and intimidating people online are the most frequently reported and seen crimes on social media.

Hacking and fraud:

Although it may be acceptable among friends to publish a degrading status update on a friend's social media account, doing so is technically against the law. Furthermore, making a phony account or impersonating someone else in order to deceive others may also be considered fraud, depending on the actions of the person utilizing the account.[7]

Artificial intelligence and social media: privacy concerns*:*

The right to privacy is recognized as a fundamental human right by several international and regional human rights treaties, including Article 12 of the Universal Declaration of Human Rights and Article 17 of the International Covenant on Civil and Political Rights. Article 21 of the Indian Constitution guarantees the right to life, including the right to privacy. The ability to live in safety and dignity depends on one's right to privacy. Since algorithms use personal information to choose what information is presented to each person and distort their capacity for autonomous decision-making, the right to privacy and data protection may be violated.

Social media use of AI raises privacy concerns, especially when it comes to personal information. Social media and AI systems commonly employ vast volumes of data to improve performance and train their algorithms. In addition to private information like names, residences, gender, age, and financial information, this data may also include sensitive information such social security numbers. The collection and processing of the data may raise questions about how it will be used and made available. The possibility of data breaches and unauthorized access to personal data are the main privacy issues with AI. Due to the volume of data being collected and processed, there is a possibility that it could be

[7] Danny D'Cruze, Jan 18, 2024,AI is making cyber criminals dangerous with tools like FraudGPT, https://www.buinesstoday.in

abused by hackers or other security vulnerabilities.Generative AI can be abused to alter images or create false profiles. Social media accounts provide scammers with enough information to snoop on individuals, steal identities, and perpetrate frauds. Due to loopholes in privacy measures and data protection concerns, user information may be at risk when using social media. Social media accounts may not be as private as people think. For example, everything that a user shares with a friend can be viewed by the friend's friends if it is reposted. A completely different audience now views the content that the user originally uploaded. Posts in closed groups may not be completely private because they can be searched, including comments. Malware that attacks users with advertisements, slows down computers, and steals confidential data can be distributed over social networking networks. Hackers take control of the social media account and spread malware to all of the user's friends and contacts as well as the compromised account.

Deepfake technology:

The term "deepfake" describes the creation of textual, audio, visual, or video content (SMS or written content) using cutting-edge artificial intelligence and machine learning technologies. Technology has the ability to create media that mimics the voice and appearance of people. Deepfakes are artificial intelligence (AI) and deep learning algorithm-generated synthetic media, frequently presented as images, audio, or movies. These algorithms seamlessly superimpose the likeness of one person over another by altering or replacing existing content using enormous databases. Shallow fakes are a kind of misleading media that is comparable to but maybe less well-known than artificial intelligence (AI) in that the media is edited using basic editing tools rather than AI. It can be difficult to distinguish between real and false content due to the intricacy of this procedure.

a) Online controversy has erupted around a purported video of actress Rashmika Mandanna entering an elevator. What looks real at first is actually a "deepfake" of the actress. Zara Patel, a British Indian girl, was featured in the original video; however, Mandana's face was substituted for Zara's. The Union Minister for Electronics and Technology, Rajeev Chandrasekhar, responded to the video by saying on the social networking platform X that deep fakes are the newest and a “more dangerous and damaging form of misinformation” that social media platforms should be handling.

He also mentioned IT regulations concerning digital deception and social media companies' legal responsibilities[8].

b) The 73-year-old victim, Radhakrishnan, got a WhatsApp contact from a person posing as Venu Kumar, a former colleague. The caller's appearance and voice were an exact replica of Venu Kumar due to deepfake technology. The caller claimed to be in dire need of money and begged Radhakrishnan for a ₹40,000 loan. With complete confidence that the caller was, in fact, his old colleague, Radhakrishnan sent the money[9].

c) According to a ToI report from November 30, thieves used a video that had the voice and face of a retired IPS officer from the UP Police to extort a 76-year-old man. The senior citizen ended up making repeated payments to the thieves out of concern that authorities would take action against him.[10]

***Violence and Indecent Representation of women and children by using AI tools in social media*:**

AI technology used in online platform to create illicit, obscene and pornographic content. Artificial intelligence (AI) has been linked to violence and abuse. For example, a person's face could be digitally merged into already-existing pornographic photos or films using AI-assisted applications and tools to produce so-called "deep fake" imagery, as demonstrated in Image-Based Abuse. Because we still live in a society where outdated ideas about a woman's sexual reputation or character still determine her value and appropriateness as a worker, mom, or friend, fake sexual imagery can still be immensely destructive to women. In a case, two siblings in Maharashtra's Palghar district are suspected of using artificial intelligence (AI) to produce and share obscene and pornographic videos of women and girls on social media.[11]

Will and preferences of the social media users are controlled by the marketing companies using Artificial intelligence technology:

[8]Ankita Deshkar, Deepfake' video showing Rashmika Mandanna, THE INDIAN EXPRESS JOURNLISM OF COURAGE
November 7, 2023 12:03 IST
[9] Kerala's deep fake Fraud, Indian cyber squad Nov 27, 2023
[10] Times of India report, November 30, 2023
[11] Mayank Kasyap, AI generated obscene videos circulated on social media by sons of mumbai cop, News24, Aug 24, 2023 06:55 IST

AI is significantly changing the way businesses utilize social media. Facebook, Instagram, Twitter, LinkedIn, and other social media platforms are more than just instruments for communication. They are now an essential part of any company's marketing toolkit for those looking to build a significant internet presence. In order to properly utilize these dynamic platforms, businesses need to stay up to date on the latest advances in social media trends, which are always evolving. It may be perfectly fine to use social media to communicate with people for commercial purposes or to buy legal goods or services. Nonetheless, it is most likely unlawful to use social media to purchase narcotics or other regulated, controlled, or prohibited goods. In one the report it is stated that digital data collected by unauthorized agencies is a big concern they control the mind and activities of the user of Social media. Collected data is used for the purpose of profit earning as they show their product and sell on online platform according to the interest of individual[12]. Sometimes business companies share and transfer collected data even cross boundaries for profit earning.

***Artificial technology and the spread of fake, misinformation and disinformation*:**

Artificial intelligence Technology poses a challenge to democratic representation, democratic accountability, and social and political trust because of its capacity to spread false information and misinformation at large. It is true that social media sites and artificial intelligence (AI) are major contributors to the propagation of hate speech, rumors, and false information. AI techniques exacerbate the disinformation phenomenon online AI methods are opening up new possibilities for text creation and manipulation, as well as for image, audio, and video content. The efficient and quick spread of misinformation online is greatly aided by the artificial intelligence (AI) algorithms that internet platforms design and implement to increase user engagement.

Artificial intelligence and social media: threat to democratic values:

The rapidly developing field of generative AI revolutionizing the fields of journalism, economics, and medicine, and also has a significant impact on politics. WhatsApp, YouTube, Instagram, and other social media channels are now essential to Indian political campaigns. By utilizing these channels, political parties may communicate with voters directly and go beyond traditional news gatekeepers like journalists. On social media, falsehoods, twisted messages, malevolent assertions, and artificial intelligence-powered fabrications are

[12] Clodagh O'Brien, AI in Social Media, digital marketing institute, May 01, 2024

commonplace. These components are frequently employed with little accountability in order to malign opponents and sway voter opinions. Deepfake films, AI-generated memes, and other synthetic media are being used more frequently to spread misinformation and sway public opinion. Election Commission rules[13] pertaining to the use of AI and social media in campaigns are difficult to implement. It is challenging to control hate speech and false information online due to the large volume of activity and the usage of shadow accounts.

Artificial intelligence and social media: threat to national security:

Because of its revolutionary implications, the employment of AI in national security poses special challenges. In the context of the changing security landscape, artificial intelligence (AI) has caused disruption due to the emergence of hybrid warfare, cyber security threats like ransomware, and the development of technologies like the Internet of Things (IoT). The situation has become more complex due to cyber-physical systems. The dual use of AI (military and civil applications) has made it easier and more accessible for non-state actors, making efforts to control the flow of technology even more difficult. Additionally, artificial intelligence (AI) has become a key element of social media as its popularity has increased, and it is being used to spread false information, hate speech, and radicalization, hence increasing national security risks.[14]

***Artificial Intelligence and social media: threat to human rights and values*:**

The fundamental, inalienable rights that every individual possesses, regardless of gender, nationality, ethnicity, religion, or any other distinction, are known as human rights. Civil and political rights like the right to life, liberty, privacy, expression, and participation are among them, as are economic, social, and cultural rights like the right to work, health care, education, and culture[15]. Numerous people's human rights have continued to be infringed and abused as the use of AI has risen. Some of the rights like right to privacy and data protection, right to freedom of speech and expression, right to profession and right to livelihood, right against indecent representation of women in online platforms using AI tools and right against defamation. The advancement of AI technology in India has given rise to grave concerns over

[13] "https://www.eci.gov.in/eci-backend/public/api/download?url=LMAhAK6sOPBp%2FNFF0iRfXbEB1EVSLT41NNLRjYNJJP1KivrUxbfqkDatmHy12e%2FztfbUTpXSxLP8g7dpVrk7%2FeVrNt%2BDLH%2BfDYj3Vx2GKWdqTwl8TJ87gdJ3xZOaDBMndOFtn933icz0MOeiesxvsQ%3D%3D"

[14] "Sharma Sanur, AI and National Security: Major Power Perspectives and Challenges, Manohar Parrikar Institute for Defence Studies and Analyses, New Delhi September 12, 2022"

[15] Universal Declaration of human right 1948

human rights. The human rights of women, children, migrants, and refugees have been negatively impacted by AI, which frequently results in bias, discrimination, inequality, and privacy abuses. Artificial intelligence technologies provide significant obstacles to India's well-established human rights law frameworks. The swift advancements in artificial intelligence have often left conventional laws in India behind, leading to substantial legal issues due to uncertainty and confusion over legal personality, responsibility, accountability, and liability.

3. Ethical implications:

The digital ecosystem's AI techniques provide up new avenues for efficiently and widely manipulating people, rising or exacerbating a number of ethical issues.

One of the first ethical values that the modern digital ecosystem challenges is human dignity. Regardless of the quality of the material, AI algorithms are designed to modify what is displayed to users based on their data-ficated profile in order to maximize engagement; these users are viewed as nothing more than tools for profit. Most of the time, people are unaware of how AI approaches in the digital ecosystem alter reality, which increases the potential for successful opinion manipulation. Targeted persons do, in fact, rarely understand the present digital ecology and typically believe that the misinformation they encounter online is universal and objective.

Second, the inability to obtain knowledge and the prevalence of false information on the internet significantly reduce people's ability to make free and informed decisions, which is a necessary condition for their autonomy. The value of autonomy "refers to the capacity of individuals to construct their own identity, to determine their own 'good', their own vision of a good life in respect of others' similar capacity, and therefore to contribute fully to collective deliberation.[16]

4. Legal Implication of AI in Content Moderation and Censorship

Monitoring, evaluating, and controlling user-generated information on websites and social media platforms are referred to as content moderation and censorship. Content moderators are essentially in charge of making sure user-posted content conforms to community

[16] Goutham Krishnan and Adv Rebecca Sara George, THE IMPACT OF AI ON HUMAN RIGHTS", Academic

standards and legal requirements, including those pertaining to hate speech, harassment, violence, and nudity. Content moderation and censorship are significant because they are essential to preserving a polite and safe online environment. They aid in stopping the dissemination of damaging information that might encourage hatred, prejudice, and violence. Additionally, they safeguard the privacy and rights of users of social media platforms and websites,

The rapid expansion of social media and the democratization of content production in recent years have increased the urgency of the need for efficient content filtering. It is nearly difficult to manually examine and control all of the content on social media platforms, as billions of individuals create and share content every day. The need for automated solutions that can instantly scan and filter massive amounts of data is therefore growing.

Important moral and legal questions are also brought up by content moderation and restriction. For instance, there are worries about how censorship affects the right to free speech as well as the possibility of prejudice and discrimination in automated content moderation. Therefore, it's critical to find a balance between shielding people from damaging content and making sure that their freedom of speech isn't unfairly curtailed.

5. Role of judiciary:

> "*Relying on AI for legal research comes with significant risks as there have been instances where platforms like CHAT GPT have generated fake case citations and fabricated legal facts while Ai can process vast amounts of legal data and provide quick summaries, it lacks the ability to verify sources with human level discernment. This led to situations where lawyers and researchers, trusting AI generated information, have unknowingly cited non-existent cases or misleading legal precedents, resulting in professional embarrassment and potential legal consequences*," ***JUSTICE GAVAI***

The judiciary plays a crucial role in analyzing the advantages and dangers of artificial intelligence (AI), especially in the age of social media.

a) The Indian Supreme Court affirmed the right to privacy as a basic right guaranteed by the Indian Constitution in the historic decision of Justice K.S. Puttaswamy (Retd.) v. Union of India (2017)[17]. This decision highlights how important it is to protect personal information from AI-based systems.

[17] AIR 2018 SC (SUPP) 1841

b) The Delhi High Court ruled in the Gramophone Company of India Ltd. v. Super Cassettes Industries Ltd[18]. case that computer-generated music without human originality is not entitled to copyright protection. This case makes it clear that AI-generated output in India is copyrightable.

c) The Prajwala v. Union of India case highlights the shortcomings of the current legal system, specifically the Protection of Children from Sexual Offenses (POCSO) Act, and centers on the concerning problem of child sexual abuse material (CSAM) being extensively disseminated online. A proactive move was made by Hyderabad-based NGO Prajwala, which sent a letter to the Supreme Court of India that was later turned into a Public Interest Litigation (PIL). This case highlights the need for stricter legislation to prevent child sexual exploitation online, an area in which the POCSO Act was deemed deficient. After considering the case, the Supreme Court noted that the POCSO Act was not prepared to handle the difficulties posed by child-related cybercrimes.

   The Court emphasized the need for a comprehensive strategy that would include more accountability for internet intermediaries, stronger rules, and better technology for identifying and eliminating unlawful content.
   The Court ordered the government to form a committee to create policies that would better prevent and combat child exploitation online, acknowledging the growing menace of this crime.

d) Arijit Singh v. Codible Ventures LLP, COM IPR SUIT (L) NO.23443 OF 2024[19] The Bombay High Court upheld the singer's personality rights, ruling that unauthorized use of his name, voice, and image by the defendants, including AI-generated replicas, violated his rights. The court emphasized that celebrities have the right to control it.\

e) The court granted Mr. Anil Kapoor temporary relief to protect his name, likeness, voice, persona, and other aspects of his personality from unauthorized commercial use in Anil Kapoor vs. Simply Life and Others, 30 April 2024[20], after the defendants were found to have violated Anil Kapoor's personality rights by using generative artificial intelligence to superimpose his face on the bodies of other well-known actors and create cartoon characters.

[18] 2010 SCC Online Del 4743
[19] https://www.livelaw.in
[20] Ipandlegalfilings.com

6. Laws related to Ai technology in India[21]

Information Technology Act, 2000 (IT Act)

India's primary legislation governing cyber security, digital governance, and electronic commerce is the Information Technology Act of 2000. Even though the IT Act was enacted before AI technology gained popularity, a few of its restrictions still apply to actions involving AI.

Digital personal data protection act 2023

India has a thorough framework for securing personal data thanks to the Digital Personal Data Protection Act, 2023, which was signed into law on August 11, 2023. The Act is extremely pertinent to AI systems that manage vast amounts of personal data since it addresses the collection, storage, processing, and sharing of data.

a) Data Protection Principles: These guidelines require AI systems to get user consent before processing personal information, maintain openness, and provide users the option to revoke their consent.
b) Data Localization: AI systems that depend on cross-border data transfers are impacted by the Act's requirement that some sensitive data be kept in India.
c) Data Breaches: To further ensure accountability, businesses using AI are required to notify regulatory bodies of data breaches within a certain amount of time.

Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (IT Rules 2021)

Intermediaries including social media sites, digital news outlets, and over-the-top (OTT) services are governed by the IT Rules 2021. These regulations require intermediaries to make sure that their platforms don't host, show, or send illegal content, which is relevant for AI systems that produce content like automated media or deep fakes.

Rule 3(1) (b): "This rule specifically mandates that intermediaries should not allow users to upload or share any information that is "grossly harmful, harassing, or defamatory." AI platforms that fail to comply with these provisions may lose their intermediary "safe harbour" protections and face legal penalties".

[21] AI Laws in India, https://LawBhoomi.in

Principles for Responsible AI (2021)

In 2021, NITI Aayog published the Principles for Responsible AI. These guidelines, which emphasize ethical issues, direct AI development in India[22].

The society concerns center on how AI will affect the automation of industries and the generation of jobs, while the system considerations address concepts like accountability, transparency, and inclusion in decision-making. By establishing rules for AI governance, this paper makes sure that AI systems follow morally righteous and open procedures.

Digital Advertisement Policy, 2023[23]

On November 10, 2023, a groundbreaking Digital Advertisement Policy, 2023 was authorized by the Ministry of Information and Broadcasting. Its goal is to give the Central Bureau of Communication (CBC), the government's advertising arm, the ability and authority to run campaigns in the digital media space. The Policy will allow CBC to include agencies and organizations in the video-on-demand and over-the-top (OTT) space.

Bhartiya Nyaya Sanhita, 2023

Section: 196, 197,353etc, which deals with the creation, dissemination, or publication of false assertions, false statement, rumors through electronic means that cause public harm and mischief.

Solutions for Addressing the Benefits and Risks of AI in Social Media

Enhanced Privacy Protection: Use strong data encryption techniques to safeguard user information, and anonymize data to prevent the disclosure of personal information.

Regulation Compliance: Verify that AI systems abide by data protection laws like the GDPR and the Personal Data Protection Act of India. Establish clear guidelines for data collection, storage, and usage.

Regular Audits: Conduct regular audits and assessments of AI algorithms to detect and correct biases. Implement transparent reporting mechanisms to track the performance and fairness of AI systems.

Combating Misinformation by fact checking

[22] "Principle of Responsible AI, NITI Aayog, https://www.niti.gov.in"

[23] "Ministry of Information and Broadcasting approves Comprehensive "Digital Advertisement Policy, 2023, https://pib.gov.in"

Create and integrate artificial intelligence (AI) techniques that can recognize and highlight misleading material. Work together with fact-checking groups to ensure the accuracy of the content.

Public Awareness: Educate users about the risks of misinformation and the importance of verifying sources before sharing content. Promote digital literacy programs that teach users how to critically evaluate information online

Comprehensive AI Legislation: Develop comprehensive AI legislation that addresses ethical, legal, and social implications. Ensure that the legal framework covers data protection, algorithmic accountability, and user rights.

Multi-Factor Authentication (MFA): Promote the adoption of MFA to strengthen user accounts' security and make it more difficult for hackers to access them without authorization.

Biometric Authentication: To improve security and confirm user identities, use biometric authentication techniques like fingerprint scanning and facial recognition. Never divulge private information to somebody you've only spoken to on the phone or online.

7. Conclusion

It seems sense to infer that artificial intelligence (AI) is currently one of the most important factors in a person's life after taking into account all of its features and how it relates to social media platforms. Artificial intelligence is the foundation of modern technology, which affects social networking sites. Since this is a relatively young industry, the majority of Indian consumers are not aware of the implications. AI has the potential to be just as harmful as it is helpful; it might interfere in some way and disturb a person's daily life and tranquility.

India is leading the way in the development of AI. But developing a strong legal framework for AI remains a difficulty for the nation. The framework for regulating AI is provided by current laws such as the IT Act, Digital Personal Data Protection Act, and IT Rules; but, in order to handle the intricacies and moral dilemmas of AI technologies, legislation tailored to AI is obviously required. as AI continues to change sectors and societies India must find a balance between encouraging innovation and guaranteeing acceptable, ethical AI practices comprehensive legislation that address bias, discrimination, accountability, and privacy issues while promoting AI's enormous potential to propel economic growth and societal advancement are probably going to be a part of India's future AI regulations. These days, social media and artificial intelligence permeate every aspect of our life. All we can do is be vigilant and proactive, and cautious enough to steer clear of any scams or damage that can arise from using these online portals.

Legal Assessment of Drug Abuse in Nigeria

Ofodum Chukwunonso Charles
CEO, ALSA University, Nigeria
Corresponding author's E-mail address: chukwunonsocharles@gmail.com

Abstract

The work titled illegality of drug abuse in nigeria, discussed illegality of drug abuse. Nigeria's laws against drug abuse are primarily governed by the National Drug Law Enforcement Agency Act (NDLEA Act) (Cap N30, Laws of the Federation of Nigeria 2004)[1], which establishes the NDLEA to enforce drug laws, alongside other statutes such as the Dangerous Drugs Act of 1935 [2] and the Indian Hemp Act of 1966[3] that specifically prohibit narcotics and cannabis, respectively. This research paper employed the doctrinal and secondary approach to evaluate and analyze the relevance of doctrinal research methodology to contemporary Nigeria society and legal research. This study is instigated by the increasing use and abuse of drug. The aim is to examine the major effect of abuse of drug; to discover the extent abuse of drug has influenced the society. You are recommended to take precaution before any abuse of drug and inform others; this will help the society. It is strongly recommended that the law makers should always consider the effect of abuse of drug when making laws to ensure that they are not abused and keep dead letter laws in abeyance.

Keywords: *Drug, Abuse, Crime, Justice System*

1. Introduction

The detrimental effects of drug addiction on people and society which frequently include the non-medical use of substances that can result in criminal activity, health issues, and social disruption make it unlawful. To prevent the spread of illegal substances and lessen the harmful effects of their overuse, laws classify drug use, possession, and trafficking as crimes. [4]

a) **Harm to the Individual:** Drug misuse can result in addiction, long-term personality changes, and problems with one's physical and mental health.[5]
b) **Harm to Others:** Drug abuse can result in antisocial or criminal behavior, which compromises public safety and burdens society.
c) **Public Health Concerns:** Drug abuse and abuse put a burden on healthcare systems and aid in the spread of illness.

[1]National Drug Law Enforcement Agency Act (NDLEA Act) (Cap N30, Laws of the Federation of Nigeria 2004)
[2]Dangerous Drugs Act of 1935
[3]Indian Hemp Act of 1966
[4]https://www.google.com/search?q=illegality+of+DRUG+ABUSE+IN+introduction&sca_esv=fa33a8f143317ce1&sxsrf=AE3TifPPsWZKWolberp> Accessed on 9/13/2025
[5] Ibid

d) **Social Disruption:** Substance misuse can cause social disintegration and economic hardship by upsetting families and communities.

e) **Legal Framework**

f) **Criminal Justice System:** Drug-related offenses, such as the possession, production, or distribution of illicit substances, are punishable by law.

g) **Regulation:** Governments establish regulations and penalties to deter drug abuse and promote public health and safety.

h) **International Efforts:** In order to fight the global drug trade and advance a drug-free society, many countries take part in international agreements.
In conclusion, drug misuse is prohibited since it endangers the public's health, safety, and welfare.

2. Laws against drug abuse in Nigeria

Nigeria's laws against drug abuse are primarily governed by the National Drug Law Enforcement Agency Act (NDLEA Act) (Cap N30, Laws of the Federation of Nigeria 2004)[6], which establishes the NDLEA to enforce drug laws, alongside other statutes such as the Dangerous Drugs Act of 1935[7] and the Indian Hemp Act of 1966[8] that expressly forbid cannabis and drugs, respectively. These laws impose severe penalties for drug-related offenses, including as long jail terms and the death penalty in extreme drug trafficking cases.

Laws and Agencies

a) **National Drug Law Enforcement Agency Act (NDLEA Act)**[9]:

The National Drug Law Enforcement Agency (NDLEA) was established by this statute. Fighting drug trafficking, upholding drug laws, and advancing drug education are the goals of the NDLEA.

b) **Dangerous Drugs Act of 1935**[10]:

The cultivation, possession, and sale of narcotics, such as opium, are expressly prohibited by this statute.

c) **Indian Hemp Act of 1966**[11]:

The possession and use of cannabis, sometimes referred to as Indian hemp, are particularly covered by this law.

[6]National Drug Law Enforcement Agency Act (NDLEA Act) (Cap N30, Laws of the Federation of Nigeria 2004)
[7]Dangerous Drugs Act of 1935
[8]Indian Hemp Act of 1966
[9]National Drug Law Enforcement Agency Act (NDLEA Act):
[10]Dangerous Drugs Act of 1935:
[11]Indian Hemp Act of 1966

d) Penalties for Drug Offenses

Nigerian laws stipulate severe punishments for drug-related offenses, which may involve lengthy jail terms.

The death sentence may be used for some severe drug trafficking offenses.

e) OTHERS

Statute Referred To

1999 Constitution (as amended)[12]

Evidence Act, 2011,[13]

Federal High Court, Act Cap Fl2 Laws of the Federation of Nigeria 2004[14]

Indian Hemp Act 2004

National Drug Law Enforcement Agency Act Cap N30 Laws of the Federation of Nigeria, 2004

3. The most common illegal drug in Nigeria

Nonetheless, the figures are seen to be high enough to warrant alarm. Cannabis is the most often used illegal substance in Nigeria. Cocaine, heroin, amphetamine-type stimulants, inhalants, and solvents like glue are some of the other illegal substances that are used.[15]

Drugs Legal Status In Lagos

a) Avoid carrying or using illegal substances. Drug offenses are punishable by lengthy jail terms and hefty fines. Murder and armed robbery are examples of serious crimes that carry the death penalty. Nigeria strictly prohibits relationships between people of the same sex[16].

b) Drug usage has been connected to higher instances of accidents, violence, and crime on a social level. For example, research indicates that drug misuse is a significant contributing factor to domestic violence, armed robberies, and kidnapping in Nigeria (Okeke et al., 2022).[17]

c) National Drug Law Enforcement Agency. The National Drug Law Enforcement Agency (NDLEA) is a federal law enforcement agency in Nigeria under the Federal

[12]1999 Constitution (as amended)
[13]Evidence Act, 2011,
[14]Federal High Court, Act Cap Fl2 Laws of the Federation of Nigeria 2004
[15]https://www.google.com/search?q=illegality+of+DRUG+ABUSE+IN+LAGOS&sca_esv=fa33a8f143317ce1&sxsrf=AE3TifNPMgctrpLLjZzXmHjH2rwLOkeXKw%3A1757764954880&ei=Wl3FaIK9NZuuhbIPtfTa4QI&Ae4CLIHAzQtMbgH-APCBwc0LTEuMC4xyAd4&sclient=gws-wiz-serp> Accessed on 9/13/2025
[16] Ibid
[17]Okeke et al, domestic violence, armed robberies, and kidnapping in Nigeria (Okeke et al., 2022)

Ministry of Justice charged with eliminating the growing, processing, manufacturing, selling, exporting, and trafficking of hard drugs.[18]

d) Six illegal actions involving illicit drugs include drug trafficking, possession, manufacturing, importation, sale, and use.[19]

Illegal drugs

Types of illegal drugs

a) Cannabis (Marijuana)
b) Cocaine.
c) MDMA/Ecstasy.
d) Hallucinogens.
e) Heroin.
f) Methamphetamine.[20]

Nura Ochala v. Federal Republic of Nigeria

Areas of Law

APPEAL, CONSTITUTIONAL LAW, CRIMINAL LAW, INTERPRETATION OF STATUTE, LAW OF EVIDENCE

Summary of Facts: On September 23, 2011, the appellant was taken into custody at Banni Village, Kaima Local Government Area, Kwara State, in possession of 8.8 kilograms of Indian hemp, or Cannabis sativa. In violation of Section 11(c) of the National Drug Law Enforcement Agency Act act N30 Laws of the Federation of Nigeria, 2004[21], he was charged with one count of unlawful possession of Indian hemp[22].In front of the appellant and his attorney, the prosecution presented exhibits that included the appellant's declaration as the defendant in the lower court, the substance form, the certificate of test analysis, the request for scientific assistance, the drug analysis report, the evidence pouch, and 8.8 kilograms of Cannabis Sativa (Indian hemp) that were found on the accused. and asked the court to find the appellant guilty based on the admitted and presented papers; the appellant's attorney

[18] https://en.wikipedia.org/wiki/National_Drug_Law_Enforcement_Agency#:~:text=The%20National%20Drug%20Law%20Enforcement,and%20trafficking%20of%20hard%20drugs.> Accessed on 9/13/2025
[19] Ibid
[20] https://www.google.com/search?q=ILEGAL+DRUG+DECIDED+CASES&sca_esv=fa33a8f143317ce1&sxsrf=AE3TifNOEvj7NXZgrFw-c7NrQ8vfw5zBmg%3A1757766130736&ei=8mHFaIbbLO2ohbIPu-P1-Qs&ved=0ahUKEwiGnMiO3dWPAxVtVEEAHbtxPb8Q4dUDCBA&uact=5&oq=ILEGAL+DRUG+DECIDEerp> Accessed on 9/13/2025
[21] Section 11(c) of the National Drug Law Enforcement Agency Act act N30 Laws of the Federation of Nigeria, 2004
[22] Ibid

raised no objections to this. The appellant was sentenced to 18 months in jail by the Federal High Court[23].In front of the appellant and his attorney, the prosecution presented exhibits that included the appellant's declaration as the defendant in the lower court, the substance form, the certificate of test analysis, the request for scientific assistance, the drug analysis report, the evidence pouch, and 8.8 kilograms of Cannabis Sativa (Indian hemp) that were found on the accused. and asked the court to find the appellant guilty based on the admitted and presented papers; the appellant's attorney raised no objections to this. The appellant was sentenced to 18 months in jail by the Federal High Court.[24]

See Ugwanyi V. FRN (2013) All FWLR (Pt. 662) 1655 @ p. 1664[25]. See also Odeh V. FRN (2008) All FWLR (Pt. 424) 1615[26].

Ugochukwu v Federal Republic of Nigeria (CA/YL/133C/2015) [2016] NGCA 13 (26 June 2016 .[27]

FHC/YL/113C/2013: Federal Republic of Nigeria V. ChinweduUgochukwu[28]

G. Kano State V. AG. Federation (2007) All FWLR (Pt. 364) 238 @ p. 258[29]; International Tobacco Company Ltd .V. National Agency for Food and Dru Administration and Control (20070 All FWLR (Pt. 382) 1981 @ p. 2001[30]

Prove

Regarding the question of lawful power, we contend that the burden of proof rests with the defendant. Furthermore, the defendant did not prove that he had the legal right to possess the medications[31].Following a lead, as suggested by the Respondent's submission, the court below omitted the second element of "without lawful authority" from its analysis of the elements of the offenses charged and instead moved the burden of proof to the Appellant, holding, among other things: According to the Evidence Act of 2011, Section 135(3)[32] mandates that.The defendant presented his identification card from the Association of Patent Medicine Dealers, to which he belonged, and testified in his defense. He claimed that as a patent medicine dealer, he is permitted to possess the medications and provide them to the

[23]Ibid
[24] https://legalpediaonline.com/nura-ochala-v-federal-republic-of-nigeria/> Accessed on 9/13/2025
[25]Ugwanyi V. FRN (2013) All FWLR (Pt. 662) 1655 @ p. 1664
[26]Odeh V. FRN (2008) All FWLR (Pt. 424) 1615
[27]Ugochukwu v Federal Republic of Nigeria (CA/YL/133C/2015) [2016] NGCA 13 (26 June 2016
[28]FHC/YL/113C/2013: Federal Republic of Nigeria V. ChinweduUgochukwu
[29]G. Kano State V. AG. Federation (2007) All FWLR (Pt. 364) 238 @ p. 258
[30]International Tobacco Company Ltd .V. National Agency for Food and Dru Administration and Control (20070 All FWLR (Pt. 382) 1981 @ p. 2001
[31]See pages 26 – 27 of the record.
[32] Section 135(3),Evidence Act of 2011

pharmacist. However, Section 136(1) of the Evidence Act of 2011[33] states that the burden of proof is with the one making the assertion."[34]

Interestingly, but with all due respect, the Respondent, who had been successful in deceiving the court below about the elements of the offenses charged and omitting the essential element of "without lawful authority," had once again presented that argument to us in this appeal as the correct legal position when it stated, among other things, in the Respondent's brief:

Evidence Act of 2011 Section 136(1)[35]:

Any individual who knowingly possesses drugs such as cocaine, LSD, heroin, or any similar substance without legal authorization is guilty of an offense under this Act and faces a minimum sentence of 15 years and a maximum sentence of 25 years in prison upon conviction. (I underline for more attention and emphasis.)

According to the above-mentioned explicit and unequivocal terms of Section 19 of the NDLEA Act 2004[36], the Respondent, in my opinion, had the burden of proving that the Appellant had the psychotropic substances "without lawful authority." It is, in my opinion, the most important of the three components of the offense that the Respondent charged the Appellant with under Section 19 of the NDLEA Act 2004[37]. The heavy burden of demonstrating that the Appellant had unlawfully obtained the psychotropic substances was on the Respondent.Therefore, it was evidently an inversion of the onus of proof to shift this important burden, onus, or obligation of demonstrating "without lawful permission" to the appellant, as the court below did in response to the Respondent's leading and prodding to prove "lawful authority."

It didn't make sense. In addition to being unfair, it was unjust.

The burden of establishing lawful authority as a defense would only shift to the appellant if the court below had taken into account the second essential component of "without lawful authority" and determined that the evidence presented by the respondent was sufficient, at least on a prima facie basis. Thus, in a judgment in a trial on a charged laid under Section 19 of the NDLEA Act 2004[38], such as the one of the court below on appeal to this court and now under consideration, where the ingredient "without lawful authority" was not even considered as part of the ingredients of the offence created under Section 19 of the NDLEA Act 2004[39]

[33] Section 136(1) of the Evidence Act of 2011
[34]See pages 89 – 90 of the record.
[35] Section 136(1), Evidence Act of 2011
[36] Section 19 of the NDLEA Act 2004
[37] Section 19 of the NDLEA Act 2004
[38]Section 19 of the NDLEA Act 2004
[39]Section 19 of the NDLEA Act 2004

to be proved by the Prosecution, the Respondent, the lower court's requirement that the appellant bear the burden of demonstrating "lawful authority" when the respondent had not done so and the lower court had not taken into account "without lawful authority" as one of the elements of the offense established under Section 19 of the NDLEA Act[40], with which the appellant was charged, was obviously a grave mistake.

Therefore, in my opinion, the court's decision to require the appellant to prove lawful authority in the absence of any evidence of lack of lawful authority was extremely perverse and incorrect because none of the PW1, PW2, PW3, PW4, and PW5 had any evidence of lack of lawful authority. Instead, they were all preoccupied with the fact that the appellant was in possession of the suspected substances, which, after laboratory analysis, were scientifically confirmed to be psychotropic substances similar to cocaine, heroin, and LSD.

Similarly, the court below did not include the element of lack of lawful authority in its ruling as one of the elements of the offenses the Respondent had accused the Appellant of committing. Instead, it required the Appellant to demonstrate that he had lawful authority, which was, with the utmost respect, equivalent to asking the Appellant to prove his innocence. Therefore, it is evident that the court below misplaced or misunderstood the burden and onus of proof in a criminal prosecution.

The determination that the Appellant had not proven his innocence when the Respondent had failed to prove all three essential elements of the offense created under Section 19 of the NDLEA Act[41] was completely perverse. This is a serious misdirection that puts the burden of proof on an accused person, such as the Appellant, and requires him to prove both his innocence and an essential element of the offenses with which he is charged.Therefore, in any situation where a trial court incorrectly assigns the burden of proof and then proceeds to decide the case against the party who was wrongly assigned the burden of proof, it would, in my opinion, constitute a grave misdirection that could potentially render the trial court's entire decision incorrect and subject to reversal. Therefore, in the legal system, a serious misrepresentation of the burden of proof might have disastrous effects on the court's decision that was appealed, and an appellate court would be quick to step in and overturn such a decision. See *PHMB V. Ejitagha* (2000) 11 NWLR (Pt. 677) 154*; Adedeji V. Oloso* (2007) 5 NWLR (Pt. 1026) 133;

[40] Section 19 of the NDLEA Act
[41] Section 19 of the NDLEA Act

In Onobruchere V. Esegine (1986) 2 SC 385[42]; the erudite Oputa, JSC.,(God bless His soul) had poignantly put it thus:

I believe it will be reasonable to presume that there will likely be a miscarriage of justice once it is determined that there was a miscommunication over the burden of proof and that the wrong party was placed under it.

Again in Hon. *Zubairu& Anor. V. Lliyasu Mohammed &Ors. (2009*) LPELR 5124[43] (CA,) this Court per Augie, JCA, had put this issue succinctly in its proper context thus: *Misdirection about the burden of proof is a grave mistake, and to state that the Lower Tribunal made a mistake in this case is to put it simply. This is a regrettable and well-documented case of a miscarriage of justice.*

Therefore, I firmly believe that the issue of the appellant's defense does not come up for consideration by the court below until the Respondent, acting as the prosecution, prima facie proves by convincing and credible all the essential elements or ingredients of the offences charged under Section 19 of the NDLEA Act 2004[44] against the appellant.The trial court, which is neither on an inquisition mission nor on a persecution mission, must, therefore, discharge the accused at the end of a criminal trial if one or more or some of the ingredients of the offence(s) charged have not been proven at least prima facie. This is because doing so would clearly amount to requiring the accused to prove his innocence, which would be against the constitutional presumption of his innocence until the contrary is proven. Refer to p. 505 of *Adeyemi&Ors v. The State*[45](above).

According to Section 135(5) of the Evidence Act of 2011[46], the burden of proof will only shift to the appellant as the accused person to establish the existence of reasonable doubt if the prosecution has proven the offense beyond a reasonable doubt or at least prima facie. Therefore, if the prosecution has not proven the claimed offense beyond a reasonable doubt, the accused person cannot be required to prove the existence of any reasonable doubt.

Here, with all due respect, the lower court made a grave error by misinterpreting the burden of proof, reorienting itself as to who has the burden of showing without legal authority, and holding perversely that the appellant bears this duty. The burden of proof would only shift to the accused if the second most important ingredient was proven to exist, at least prima facie. If the other two ingredients were proven to exist, the accused would be found guilty of the

[42]Onobruchere V. Esegine (1986) 2 SC 385
[43]Zubairu& Anor. V. Lliyasu Mohammed &Ors. (2009) LPELR 5124
[44] Section 19 of the NDLEA Act 2004
[45]Adeyemi&Ors v. The State
[46] Section 135(5) of the Evidence Act of 2011

offense established by Section 19 of the NDLEA Act[47]. In general, the rule has always been that the burden of proof rests with the one making the claim.!*See AyindeV.Abiodun&Ors. (1999) 8 NWLR (Pt. 616) 587. See also Ewo&Ors. V. Ani &Ors. (2004) 3 NWLR (Pt. 861) 610 @ p.630; Trade Bank Plc. V. Chami (2003) 13 NWLR (Pt. 836) 158 @ p. 204; Osawura V. Ezeiruka* (1978) 6 – 7 SC 135 @ p. 145; *Umeojiako V. Ezenamuo (1990) 1 NWLR (Pt. 126) 225; Ugbo V. Aburime* (1993) 2 NWLR (Pt. 273) 101. It is important for me to note right away that possession of regulated or forbidden substances is not a crime for which there is strict liability.

4. Conclusion

Finally, Drug addiction is illegal because of its negative impacts on individuals and society, which often involve non-medical substance use that can lead to criminal activity, health problems, and social disruption. Drug usage, possession, and trafficking are all considered crimes by law in order to stop the spread of illegal substances and reduce the negative effects of excessive use.

[47] Section 19 of the NDLEA Act

Fake Reviews as an Unfair Trade Practice: A Doctrinal Appraisal of Competition and Consumer Law Protections for Small Sellers

Bhawna Sachdeva
University School of Law and Legal Studies, Guru Gobind Singh Indraprastha University, Delhi–110078, India
Corresponding author's E-mail address: bhawnasachdeva19@gmail.com

Abstract

In today's era of digital market, there is a rapid growth in e-commerce and the online shopping. The growth in online shopping has changed the dimensions of consumers' choice making and decision-making techniques. The proper assessment and personal opinion while buying product is necessary, and earlier people used to buy from physical stores and access the quality of products by their personal touch and judgement, now since people often shop online, it is difficult to physically authenticate product's quality. Now they tend to confirm product's quality by its rating, authentication marks or its pervious customers' reviews on the site they buy from. These online reviews have an extraordinary power to create a bias in the mind of the online buyer and impact consumers' decision. However, this ease of evaluating the product's quality brings with it the probability of being spurious and fabricated. The sellers on e-commerce would go to any extent to sell their products at a good price and with large consumer outreach; they often try to gather the good reviews of their product from their family, friends, colleagues, etc. just for the sake of business and pay a good amount to buy customer reviews; resulting in defrauding consumers. It is very difficult to know whether the feedbacks are genuine or fake many times, consequently deceiving the consumer. Therefore, through this paper, the author would like to address the issues relating to fake reviews on e-commerce sites and mention the regulatory framework to curb this issue in India byexploringwhether existing consumer and competition law frameworks *adequately protect small and honest sellers,along with comparative intersection between consumer protection and competition policy to determine whether the current legal regime effectively addresses deceptive digital conduct.*

Keywords: *Fake Reviews, Unfair Trade Practice, E-Commerce, Consumer Protection Law, Competition Law, Small Retailers*

1. Introduction

The instantaneous growth of digital market in India has significantly modified the consumer's purchasing pattern over a last decade. Fazal in 2025 stated that,with over nine hundred million internet users in 2025, online shopping with E-Commerce became a primary mode of retail, providing convenience, accessibility, and a wider range of product choices to the consumer across the globe. Opposed to physical stores, where buyers verify the products through personal inspection, the digital commerce do not allow so, they somewhere require the consumers to rely on indirect indicators such as reviews, ratings, endorsements,

authentication marks, etc. one of the most popular indicators is pervious customers' reviews; these online reviews, have emerged as a powerful tool for shaping the consumer's preferences and influencing their purchasing behaviours *(Chen et al., 2022).*

However, this dependence on online reviews comes with a cost and vulnerability of hike in fake and fabricated reviews, they can be paid, manipulated or endorsed; emerging the challenge for both consumers and sincere retailers. Many sellers often engage in deceptive practices such as soliciting positive reviews from friends, family or even the third-party/agencies by paying them or providing them free products to artificially inflate product's ratings.

These practices mislead consumers and undermine their trust in online marketplace; distorting the competition by giving the dishonest sellers an unfair advantage over the honest and sincere ones. The small-scale retailers, who in particular lack the marketing skills and resources and also are not able to reach a larger consumer base, maintenance of online reputation for them is critical for survival in the market. These fake reviews not only fabricate the quality of the products and services but also aggravate the market inequalities, undervaluing the small business and eroding the core purpose of fair competition in the market. This paper therefore examines the outcome and impact of fake reviews and how it constitutes the unfair trade practice under Indian Law and further evaluates whether existing consumer and competition laws are adequate for protection of small retailers.

2. "Fake Reviews" and "Unfair Trade Practices"

In context of e-commerce, fake reviews refer to fabricates, deceptive or misleading testimonies about certain products or services that are intentionally created to deceive and manipulate consumer's perception and their purchasing decision *(Luca & Zervas, 2016).* Such reviews maybe be written by individual who has not even purchased or used the product, or they may be generated through automated means such as chat bots. The main purpose for posting fake and fabricated reviews is typically to inflate the product ratings, enhance the public visibility, and prioritising the product in algorithmic search, leading to mislead the potential buyer about the quality or popularity of the product. In India there is no independent legislation that specifically defines, what is fake review, these practices fall under the ambit of *unfair trade practices* defined under Section 2(47) of Consumer Protection Act, 2019; which prohibits the misleading advertisement and deceptive representation that can mislead consumers regarding the quality, quantity and standard of products and services. According to *Issac in 2025,* The unfair trade practices includes any trade practice that adopt unfair or deceptive ways for promoting sales and services. Fake reviews, in their very nature,

constitutes a form of false misrepresentation intending to create a false belief about the value of product, and thereby distorts the fair competition. Moreover, such practices maybe examined through the legislative lens under unfair competition under section 3 and section 4 of Competition act, 2002 too; as there is an interference with market transparency and creation of entry barriers for small and honest retailers.

3. Economic and Reputational Impact on Small Retailers

Fake reviews inflict severe economic and reputational harm on small retailers who operate in digital marketplaces. Reputation/goodwill in any business is the most valuable asset, especially for a small seller when competing with large corporations having great brand recognition. The engagement of dishonest competitors in manipulating the reviews, the genuine retailers faces a negligible visibility in algorithm-driven platforms, hence disrupting the consumer trust in the market (*Lappas et al., 2016).* Economically, this can lead to diminished sales, higher customer acquisition costs, and an erosion of market share. Reputational, small businesses suffer from the dilution of credibility when consumers begin to perceive online reviews as unreliable.

According to *Mehta in 2023,* fake negative reviews- generally posted to suppress competitors- can rigorously damage the reputation of sellers; might even lead to suspension or blacklisting on major digital platforms like Amazon or Flipkart. This critical issue shows the imbalance in digital domain: while large businesses can invest in brand repair and visibility strategies, small retailers recurrently lack the financial and technological resources to resist the harm caused by such malpractice. Henceforth, fake reviews not only mislead the consumer but also distort the competitive neutrality on online market, infringing the laws and rights regarding both consumers and competitors.

4. Comparative Insights: Global Treatment of Fake Reviews

Across the globe, concerned authorities have begun to tackle the danger of fake reviews more expressly. In European Union (EU), the *Omnibus Directive (EU) 2019/2161* introduced specific obligations for online platforms to ensure accountability and transparency in customer reviews. It prohibits the vendors from furnishing or assigning the fake reviews and even mandates that the platforms shall disclose whether and how they verify reviews. The *Federal Trade Commission (FTC)* in United States has taken an active role in penalizing the companies/ vendors who engages in or facilitates the publication or furnishing of fake endorsements of reviews under unfair and deceptive trade practices under section 5 of FTC Act, 1914. Likewise, in United Kingdom, the *Competition and Markets Authority (CMA)* has issued guidelines alarming the manipulative reviews are violative of *Consumer Protection*

from Unfair Trading Regulations, 2008; and has implemented the enforcement mechanism against the businesses that publishes the fake and fabricated reviews. Highlighting of these global approaches grows recognition that the fake and fabricated reviews not only hampers the consumers but also threaten the fairness and transparency of digital commerce. Therefore, drawing the lessons from such regulation, India need to enforce a stronger mechanism under existing laws.

5. Legal Framework in India

From the cornerstone of India's legislative framework against the Unfair Trade Practices in digital market The Consumer Protection Act, 2019 (CPA 2019) have replaced the earlier act of 1986 to confront emerging challenges in E-Commerce ecosystem, providing a comprehensive definition of "consumer" under section 2(7) of the 2019 act; which also includes the buyers and seller on online platforms.

Section 2(47) of the act defines *Unfair trade practice* as any deceptive or misleading representation of goods or services, misleading the consumers regarding their quality, standard or grade. The act also empowers Central Consumer Protection Authority (CCPA) to take suo moto cognisance of such issue, order the recall of goods, impose penalties or issue any such direction to prevent unfair practices as per section 18 of CPA, 2019.

The 2023 guidelines on the "Prevention and Regulation of Dark Patterns" by CCPA, also addresses the manipulative digital practices such as "misleading reviews" as a type of a consumer deception.*(Press Information Bureau, 2023).* Further CPA, 2019 has been enhanced by Consumer Protection (E-Commerce) Rules, 2020; by laying down the obligations on E-Commerce enterprises to ensure transparency and credibility of platform. The platforms are required to publish and display the information relating to sellers, including ratings and reviews in fair and transparent manner under Rule 5(3) of the Rules. Further Rule 6(2) specifically mandates that the seller must not furnish any misleading information about the goods or services.

Despite holding such provisions, enforcement of them remains challenging due to cross-border and anonymous nature of digital transactions. The absence of a systematic verification framework for reviews, fake review endorsement is allowed. Therefore, while CPA 2019 AND E-Commerce Rules 2020 provides a strong directive base, their effectiveness depends upon the ability of CCPA to develop more unambiguous procedural guidelines for monitoring, identifying and penalising the fake review publications.

6. Competition Act, 2002 and Market Fairness

The Preamble of Competition Act, 2002; complements the consumer law by confronting anti-competitive practices that distorts the market fairness. The main object of the act is to promote and sustain the competition, protecting the consumer interest, and ensuring the freedom of trade in markets. Even though the act does not explicitly address fake reviews, the ambit of section 4 of the act can be considered, which prohibits the abuse of dominant position, and section 3 that restricts the anti-competitive agreements. The manipulative review system of E-Commerce platform or the dominant sellers somewhere disadvantages the small rivals in the industry and hence effectively distorts the market access and consumer choice- acts that may amount to exclusionary or exploitative conduct *(Balasingham & D'Amico, 2025).*

The Competition Commission of India (CCI) thorough various cases has, recognised that the digital platform exercises a significant control over the visibility, pricing and consumer data, hence influencing competitive outcomes. In *Re: All India Online Vendors Association* v. *Flipkart India Pvt. Ltd. & Amazon Seller Services Pvt. Ltd. (2018),* CCI observed that the preferential treatment to selected vendors and discriminatory use of search algorithms could amount to anti-competitive practices. When fake reviews are used with strategies, it can boost the visibility or supress the competition, interfering with the fairness of the platform-based market. Thus, two-fold arm is created through fake review endorsement- consumer deception and competition distortion. And in order to ensure the protection of both, a holistic approach shall be enforced with the coordinated investigation of CCPA and CCI on digital marketplace.

7. Legal and Competitive Analysis of Fake Reviews

A. Fake Reviews as Market Manipulation and Consumer Deception

Fake reviews operate at the intersection of consumer deception and market manipulation, amounting to misrepresentation under consumer law and information distortion under competition law. In digital marketplaces, consumers rely on indicators such as star ratings and testimonials as proxies for product quality, and falsified reviews distort this trust-based system by creating informational asymmetry *(Fazal, 2025).* The *Consumer Protection Act, 2019* prohibits misleading advertisements and unfair trade practices that harm consumers, a category under which fake reviews clearly fall due to their intent to influence consumer choice through false representation. *(Consumer Protection Act, 2019, §. 2(47)).* It has been noted by the Central Consumer Protection Authority (CCPA) that the fake reviews undermine the consumer trust and fairness in digital trading; surveys show that about 60% of Indian consumers have encountered with fake reviews and their buying decision got influenced.

From legal view point, fake and fabricated reviews involve both actus reus and mens rea. The seller or the intermediary platform often controls and manipulates the reviews to pump up the visibility and exploit algorithmic ranking, thereby unfolding consumer deception into domain of anti-competitive conduct (*Gates & Lysik, 2025)*.

B. Competitive Harm and Small Retailer Vulnerability

By shifting market visibility and discovery mechanisms undermines the competition through fake and fabricated reviews. In Re: *All India Online Vendors Association v. Flipkart India Pvt. Ltd. & Amazon Seller Services Pvt. Ltd., 2018,* it was observed thatPlatforms like Amazon, Flipkart and Meesho use algorithmic ranking technique that rewards the higher-rated products, proving dishonest vendor overwhelming visibility while shoving the genuine ones to the margins. This hence, creates a feedback loop that restrains the genuine and honest competitors in the market and weakens the consumer trust. Further it has also been observed by (*Federal Trade Commission, 2023*)that the 'fake and negative reviews' are deliberately applied to exclude the rivals from the competition, hence aligning with abuse of dominance under section 4(2) of the Competition Act, 2002.

The CCI in Re:*All India Online Vendors Association v. Flipkart India Pvt. Ltd. & Amazon Seller Services Pvt. Ltd.* (2018), noted that discriminatory platform practices can distort the competition- marginalising the small retailers in the market.

C. Regulatory Gaps and the Need for Normative Alignment

Despite the fact that both Consumer Protection act, 2019 and Competition act, 2002; have the capacity to confront the issue to review manipulation, the overlapping of jurisdictions and inconsistency of enforcement weakens the hold of both the laws. As per section 18 of CPA,2019; CCPA's function to curb the misleading representations remains underutilized and CCI is yet to explicitly address the issue of fake reviews within its jurisprudence. Whereas there has been adoption of more stringent approaches over the globe. The U.S. FTC act, 1914 penalizes the fake review practices under its section 5; while EU Omnibus Directives mandates that only the verified purchasers can post their reviews on the platform and no one else. Although the Indian framework is conceptually comprehensive, however it lacks the coordination in implementation between CCPA and CCI.

Therefore, there is an indispensable need for the normative alignment between the Consumer Protection Act, 2019 and Competition Act, 2002 through CCPA and CCI respectively, to ensure the integrity of the digital market. The former safeguards the consumers from malpractices while the later maintains the fair competition. A unified regulatory approach is essential which need to be supported by inter-agency collaboration and mandatory

authentication standards to strengthen the accountability and protection of small retailers and consumers.

8. Conclusion

In order to bridle the issue of fake reviews and their impact on the market, the Indian legal and regulatory framework must strive for preventive authenticity and derive a model for enforcement. The paramount primacy is to establish the mandatory verification and authentication mechanism to ensure originality of online reviews by the verified consumers. The unambiguous disclosure that the reviewers are authentic or sponsored is the EU Omnibus directive approach. To tackle the fake review issue, integration of AI-based review authenticators could further help the process to detect irregularities, such as repetitive languages and coordinated review patterns as to ensure transparency and accountability. At the same time, institutional coordination between the CCPA and CCI should devise mutual regulatory framework which will enable the organizations to handle the complementary aspects of consumer deception and market distortion. The online platforms should be mandated by the regulatory authorities to create verified seller tags that recognize businesses regularly receiving consumer feedback. Apart from regulatory and policy revamp, spreading public awareness about the issue of fake review is also indispensable which will ensure in strengthening the consumer education. Further, introducing a uniform penalty framework such as modelled based on U.S Federal Trade Commission's which will discourage violations by scaling fines according to company revenue. Lastly, the legitimacy of online reviews is central to both consumer protection as well to the competition principles. The Consumer Protection Act, 2019 provides deceptive action as an unfair trade practice, whereby the Competition Act, 2002 safeguards against the prohibitive behaviour. A preventive model of governance with verified review system incorporated with algorithm will ensure transparency. Furthermore, and organizational intersection between CCPA and CCI is indispensable to re-establish the market integrity. The preservation of consumer trust is not merely a matter of compliance but of maintaining a fairness, reputation and authentic competition, thereby ensuring authenticity in online review which will complements not only the consumer rights but also the market fundamental for small retailers

List of Symbols/Abbreviations

(EU)	**European Union**
(FTC)	*Federal Trade Commission*
(CMA)	*Competition and Markets Authority*

(CPA 2019)	**Consumer Protection Act, 2019**
(CCPA)	*Central Consumer Protection Authority*
(***Pvt. Ltd.)***	Private Limited
(CCI)	Competition Commission of India
(§)	Section
PIB	Press Information Bureau
MCA	Ministry of Corporate Affairs

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Caste and Social Media: An Analysis of Shimla Town in Himachal Pradesh

Anil Kapoor [a]*, D.P. Verma[b], Aditi Jhouta[c], Naren Zangmo[d]
[a] District and Session Court, Chakkar, District Shimla, Himachal Pradesh–171005, India
[b] Department of Laws, Himachal Pradesh University Regional Centre, Dharamshala, Himachal Pradesh–176215, India
[c] Department of Community Education and Disability Studies, Panjab University, Chandigarh–160014, India
[d] Department of Psychology, Himachal Pradesh University, Shimla, Himachal Pradesh–171005, India
*Corresponding author's E-mail address: anilnegi.hpu@gmail.com

Abstract

Inequality based on caste and the caste system presents a negative image of the nation. Castes, religions, regions, genders, and creeds are all used to categorise people. In society, everyone has a higher status than others. The higher caste, which comprises Rajputs and Brahmins, is thought to be superior to the lesser castes under the caste system. The term "social media" refers to interactions between people and groups. Wherein they produce, disseminate, or trade concepts, ideas, and data. People's lives are significantly impacted by social media. On social media, people built their own personal network of friends. Social media gives people a platform to express their views.At the level of news anchors and editors, Scheduled Castes are under-represented in the mainstream media, including print and electronic media. Most Dalit issues were not reported by mainstream media outlets. Over time, Dalits' interest in social media has increased. They use social media platforms to share their thoughts, feelings, and expressions. Social media is currently being used to discuss issues related to scheduled castes. The influence, benefits, and drawbacks of social media and the caste system are the main topics of the researcher's present study. The researcher gathered information for the current study from primary and secondary sources. Questionnaires were utilised to collect primary data. Books, articles, and websites were the sources of the secondary data.

Keywords: *Caste System, Social Media, Scheduled Caste, Shimla and Himachal Pradesh.*

1. Introduction

All humans are born with equal rights and dignity, as well as the right to be free of man-made civilisation. They are surrounded by reason and conscience, and they must live in unity and brotherhood. Everyone has the same rights and freedoms, regardless of race, breed, gender, language, colour, religion, or birthplace. Nobody has the right to torture or other forms of discrimination (Babu, B. L. 2016).

There is one-way communication in mainstream media, but in social media there is two-way communication. Social media have posed challenges to mainstream media. Today social media is the biggest tool of communication and mobilisation of people. It mobilises people

for various causes, like the RohithVemula and Kedar Singh Zindan murder cases in the Sirmour district of Himachal Pradesh were not given any preference in mainstream media (Verma, K. 2020).

There are several applications, including WhatsApp, Telegram, Instagram, X, etc., where people can share text, audio and video and even make videos. People make groups of their own interest, like political, social, educational, entertainment, sports, family, and friends. Dalits in these groups support their ideology, leaders, and other problems related to Dalits (Kureel, P. 2021). These social media applications provide the platforms for the Dalit community to raise their issues before the public at large.

2. Objective

1. To find out the awareness level of Dalit issues among the students of Shimla town.
2. To find out the awareness level of Scheduled Castes issues on social media platforms.
3. To find the impact of social media on Scheduled Caste people.

3. Research Methodology

The researcher used questionnaires with the targeted population to gather primary data. To collect data, a questionnaire was prepared by the researcher, and the data was collected through the mailed questionnaire. Data were collected from students of Himachal Pradesh University Shimla and adjoining colleges. The researcher also used a structured interview method to collect the primary data. The secondary data were collected through books, articles and internet sources.

Population

There is one university, i.e., Himachal Pradesh University Shimla, and three government colleges, i.e., Rajiv Gandhi Dergee College ChauraMaidan, RKMV College, and Centre of Excellence Sanjauli College in Shimla town.

Sample Size

The researcher had targeted 150 students from Himachal Pradesh University Shimla and 150 students from colleges in Shimla town.

Research Design

This study is descriptive and empirical in nature. The population of study is Shimla city. The sample size is 300. Data were collected through the random sampling method.

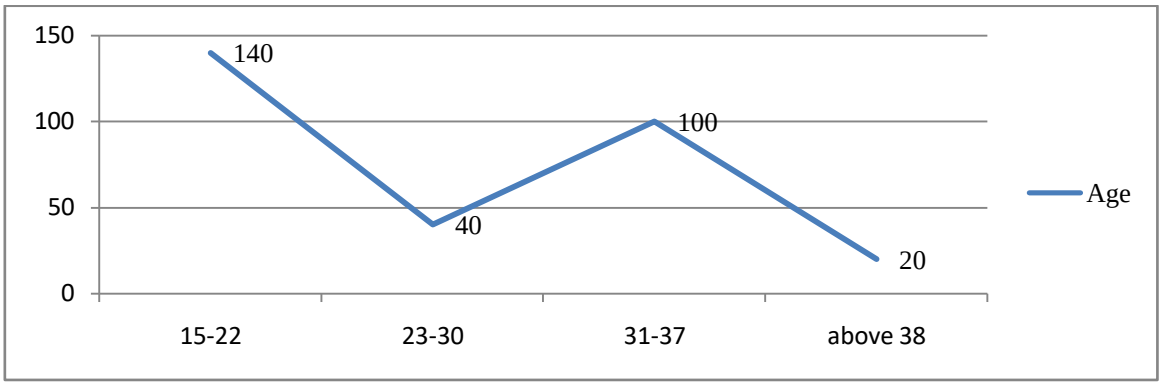
Data Analysis Technique

Frequencies were converted into percentages in the current study. The percentage denotes that the findings are calculated and discussed per 100 to better comprehend the outcome. The data was analysed using the percentage analysis technique.

4. Empirical Study regarding caste and social media

Part A: General classification of the respondents

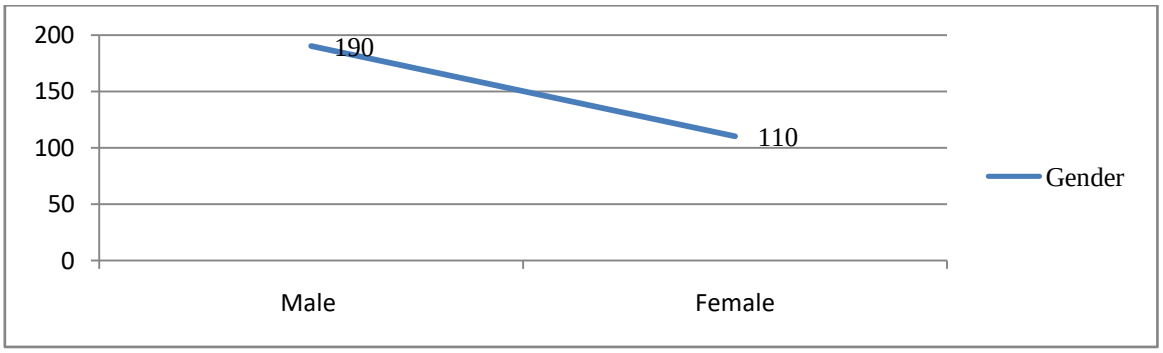
Chart 1.1 Age of the Respondents



Source: Primary Data

Chart 1.1 shows the age of the respondents. The age of the respondents was the first variable considered. There were 140 respondents in the age group of 15-22 and 40 respondents from the age group of 23-30. There were 100 respondents in the age group of 31-37 and 20 respondents above the age of 38.

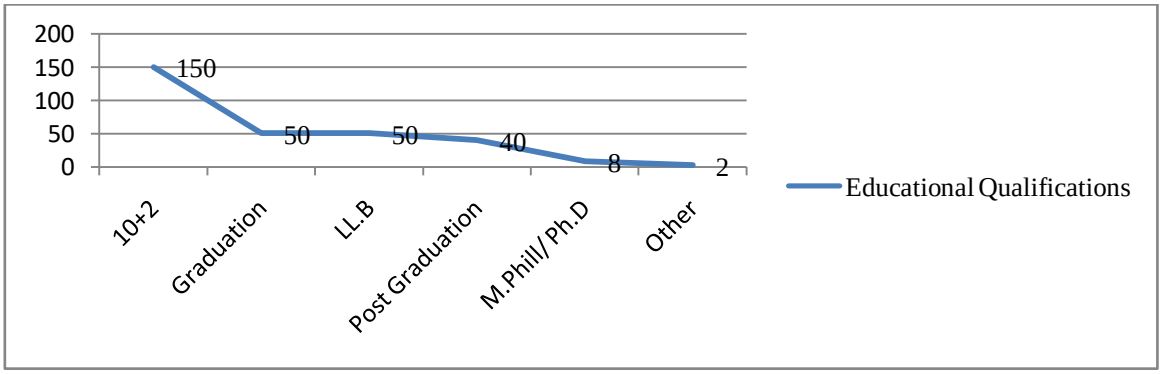
Chart 1.2 Gender of the Respondents



Source: Primary Data

Chart 1.2 described the gender of the respondents. There were 190 male and 110 female respondents.

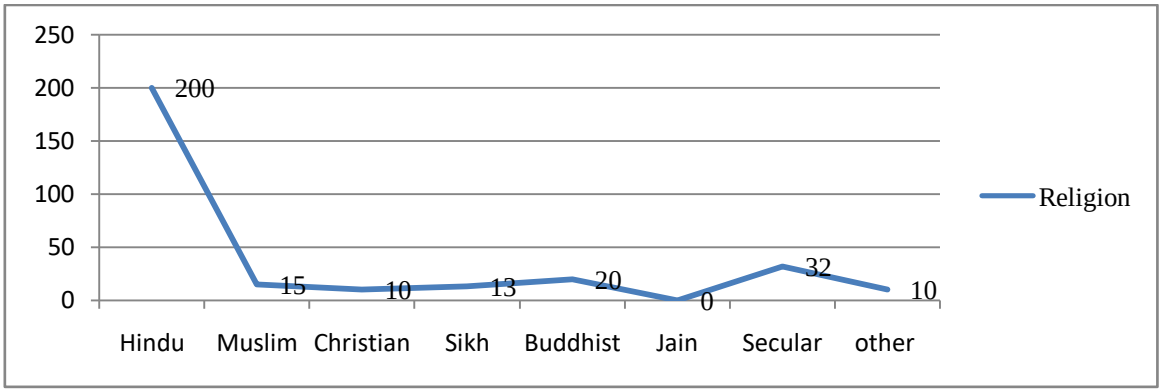
Chart 1.3 Educational Qualifications



Source: Primary Data

Chart 1.3 depicts the educational qualifications of the respondents. There were 150 respondents who passed the 10+2; 50 were graduates, 50 respondents passed LL.B., 40 were postgraduates, 8 were either M.Phil. or Ph.D., and 2 respondents passed diploma.

Chart 1.4 Religions of the Respondents

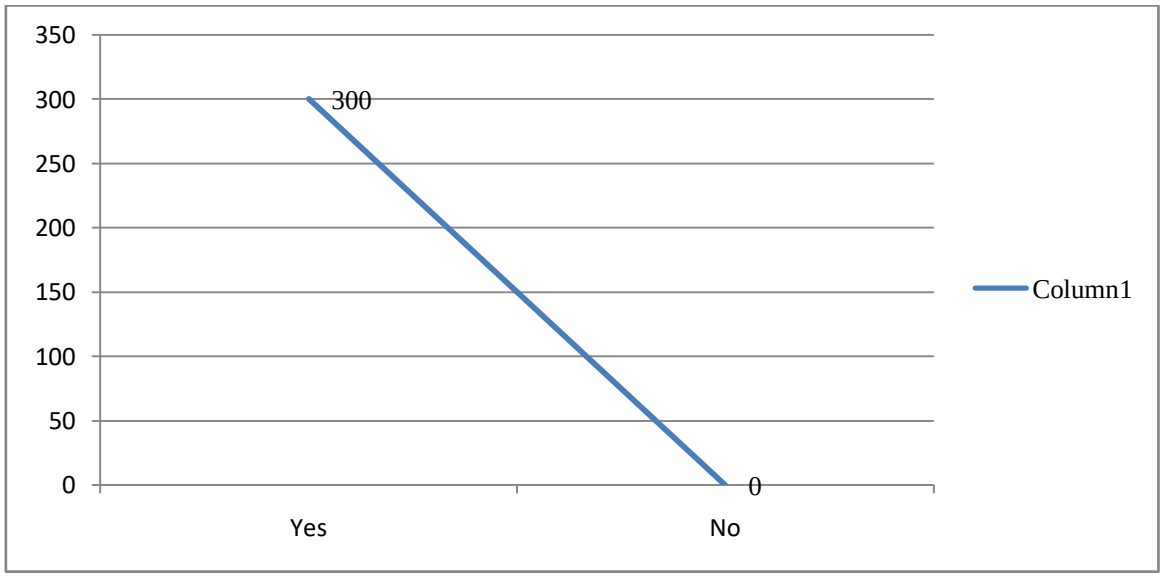


Source: Field Survey

Chart 1.4 described the religion of the respondents. There were 200 Hindu respondents; 15 were Muslim, 10 were Christian, 13 were Sikh, 20 were Buddhist, 32 were secular and 10 belonged to other religions.

Part B: Questionnaire regarding caste and social media.

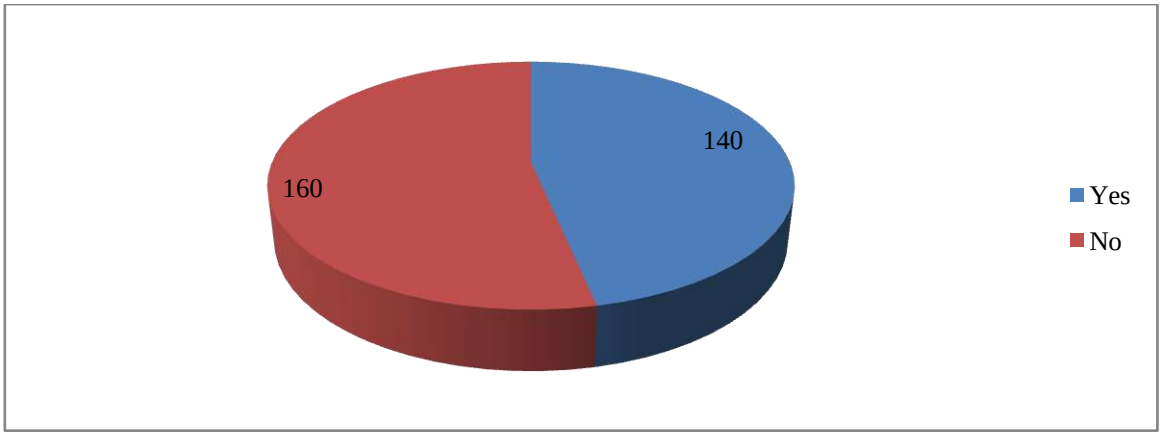
Chart 1.5: Do you use social media ?



Source: Primary Data

Chart 1.5 shows that there were 300 respondents who used social media.

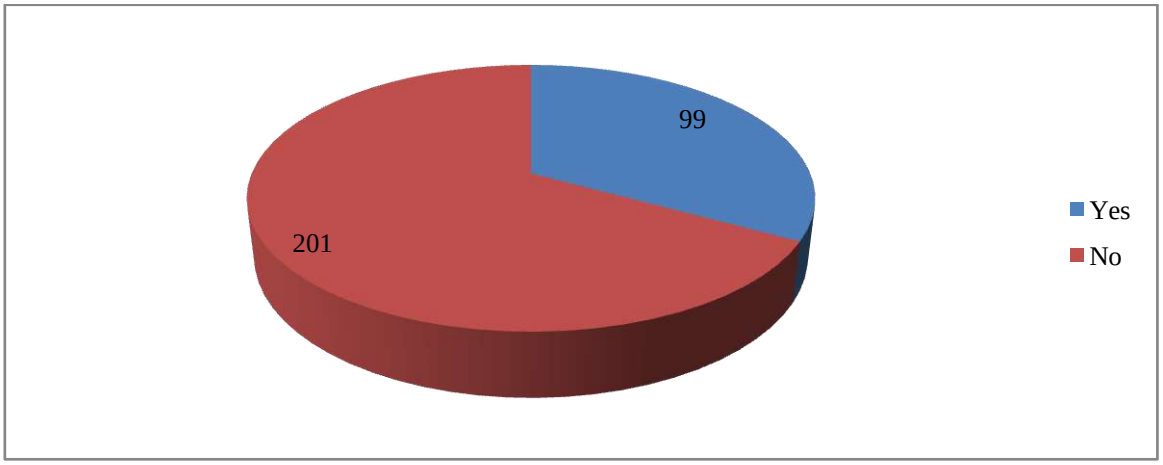
Chart 1.6: Do you know about the blogs and groups related to Dalit issues?



Source: Field Survey

Chart 1.6 shows the knowledge about blogs and groups related to Dalit issues. There were 140 respondents who agreed that they had knowledge about the blogs and groups related to Dalit issues. Apart from this, 160 respondents had no knowledge about these types of blogs and groups on social media.

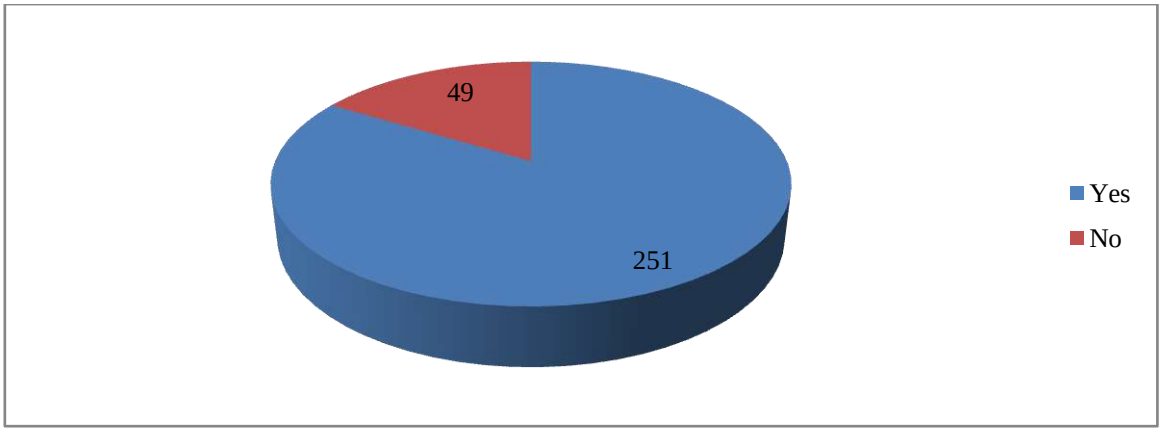
Chart 1.7: Do you share the Dalit issue and caste-based discrimination on your social media platform?



Source: Field Survey

Chart 1.7 described the propaganda about the Dalits' issues and caste-based discrimination on social media platforms. There were 99 respondents who shared the Dalit issues and caste-based discrimination on their social media platform. Apart from this, 201 respondents were denied this thing.

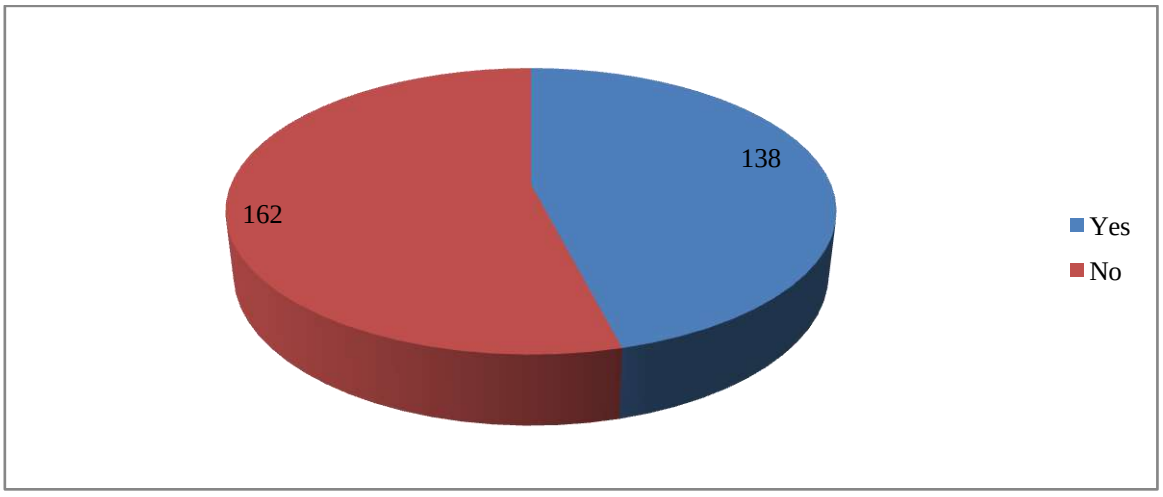
Chart 1.8: Do you agree that Dalit people face verbal threats and social isolation on social media?



Source: Field Survey

Chart 1.8 provides information about Dalit people facing verbal threats and social isolation on social media. It was discovered that 251 respondents agreed that Dalit people faced verbal threats and social isolation on social media, and 49 denied verbal threats and social isolation on social media.

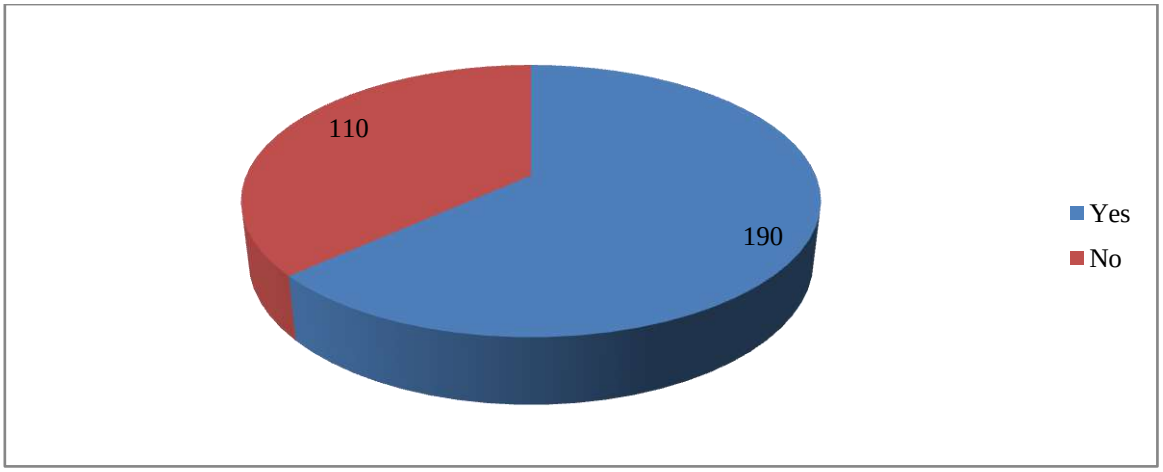
Chart 1.9: Do you know about the RohithVemula suicide case through social media?



Source: Primary Data

Chart 1.9 exposes the data regarding the knowledge about the RohithVemula suicide case through social media. It was discovered that 138 respondents were agreed that they had knowledge about the RohithVemula suicide case, while 162 respondents had no knowledge about this.

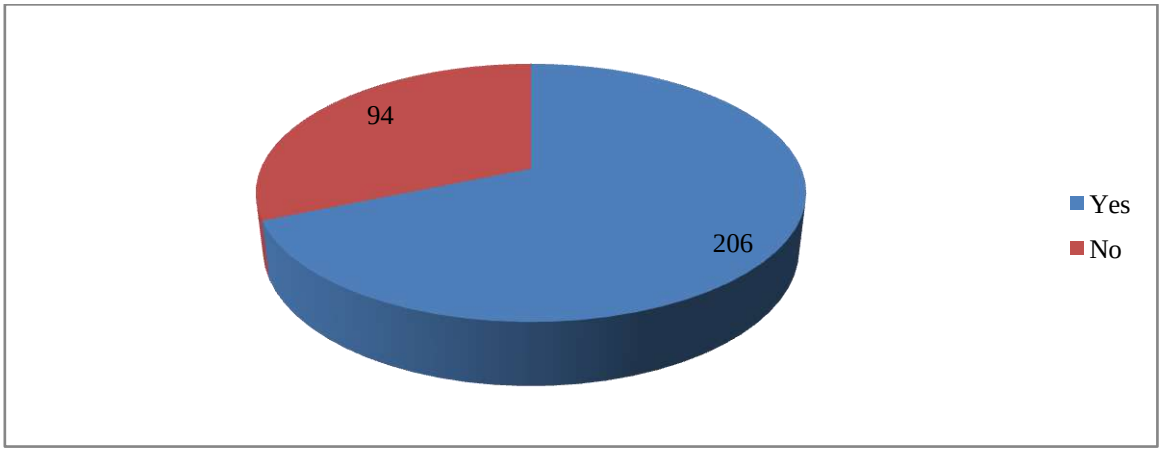
Chart 1.10: Do you know about the Kedar Singh Zindan murder case in the Sirmour district of Himachal Pradesh through social media?



Source: Field Survey

Chart 1.10 depicts the knowledge of the respondents about the Kedar Singh Zindan murder case. It was found that 190 respondents had knowledge about the Kedar Singh Zindan murder case and 110 had no knowledge.

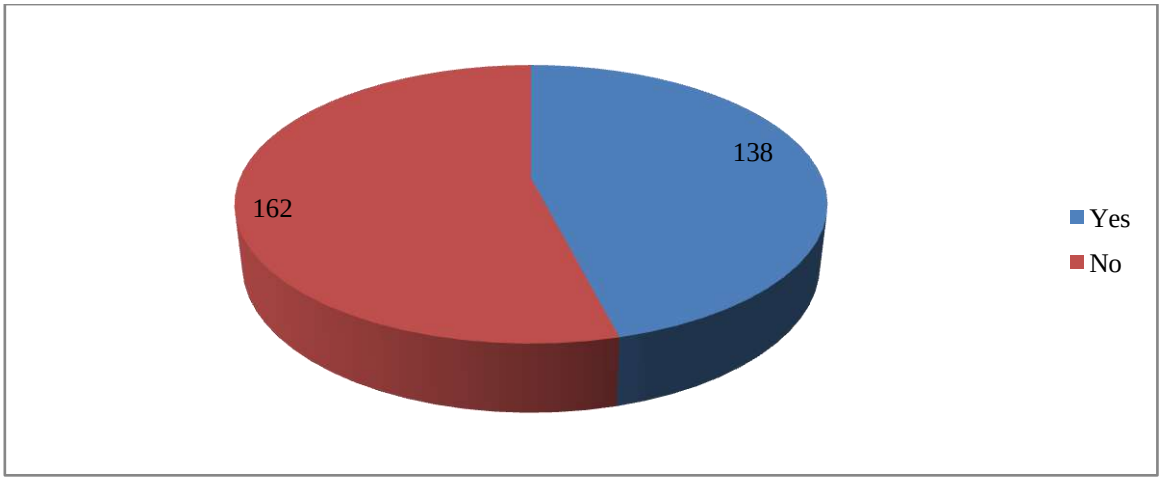
Chart 1.11: Do you agree that social media is helpful to organise Dalits?



Source: Field Survey

Chart 1.11 shows the data regarding social media being helpful to organise Dalit people. It was discovered that 206 respondents were agreed that social media is helpful to organise Dalits, and 94 were denied and said that social media is not helpful to organise Dalits.

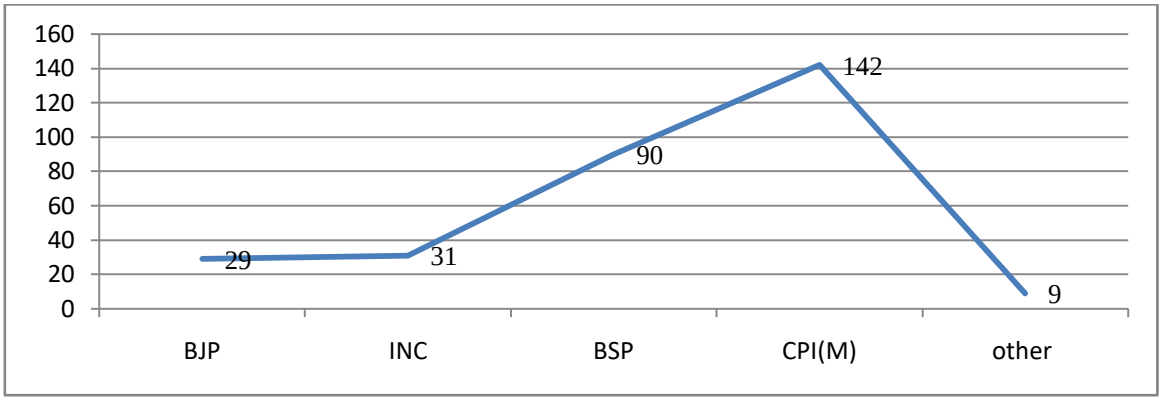
Chart 1.12: Do you write about reservation, empowerment, and caste atrocities on your social media platform?



Source: Primary Data

Chart 1.12 shows that 138 respondents wrote about reservation, empowerment, and caste atrocities on your social media platform, and 162 respondents did not write about reservation, empowerment, and caste atrocities on your social media platform.

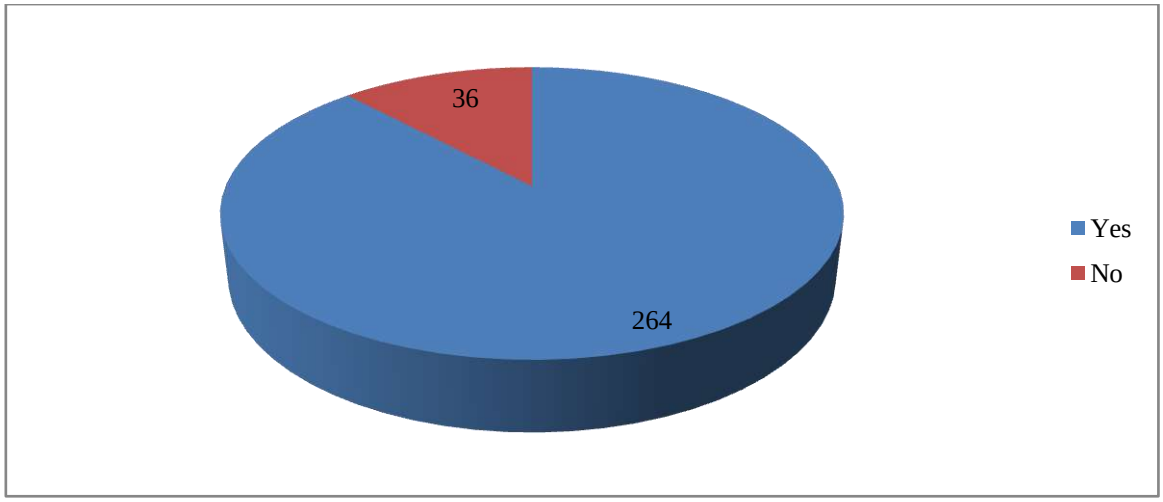
Chart 1.13: Which political party mostly raises the Dalit issue on social media?



Source: Field Survey

Chart 1.13 depicts the data regarding which political party mostly raised the issue of Dalits on social media. It was discovered that 29 respondents agreed that the BhartiyaJanta Party (BJP) mostly raises the Dalit issue on social media, and 31 respondents agreed that the Indian National Congress (INC) mostly raises the Dalit issue on social media. Apart from this, 90 respondents agreed that the BahujanSamaj Party (BSP) mostly raises the Dalit issue on social media, 142 respondents agreed that the Communist Party of India (Marxist) (CPI(M)) mostly raises the Dalit issue on social media, and 9 respondents opined that other than the above-mentioned political party mostly raise the Dalit issue on social media.

Chart 1.14: Does social media play an important role in campaigns against the caste system?



Source: Primary Data

Chart 1.14 described how social media plays an important role in the campaign against the caste system. It was discovered that 264 respondents were agreed that social media plays an important role in the campaign against the caste system. 36 respondents denied that social media plays an important role in the campaign against the caste system.

5. Findings of the study:

The finding of the study shows that the majority of respondents belong to the age group of 15-22. After that, the age group of 31-37 is in second place. The study reveals that there were male respondents in the majority, with a total number of 190. The majority of the respondents have passed 10+2 and belong to the Hindu religion. All the respondents use social media, which includes WhatsApp, Facebook, Instagram, X, and Twitter. The majority of respondents know about the blogs and groups related to Dalit issues. The study reveals that the majority of respondents did not share the Dalits' issues and caste-based discrimination on their social media platform.

The majority of respondents were agreed that Dalit people face verbal threats and social isolation on social media. The study shows that most of the respondents were not aware of the RohithVemula suicide case, but they were aware of the Kedar Singh Zindan murder case district of Sirmour in Himachal Pradesh. The large numbers of respondents were agreed that social media is helpful to organise the Dalit community. Apart from this majority of the respondents did not write about reservation, Dalit empowerment and caste atrocities on their social media platform. Most of the respondents were agreed that the CPI(M) political party mostly raises the Dalit issue on social media. Lastly, the majority of the respondents were agreed that social media play an important role in campaigns against the caste system and caste-based atrocities.

6. Conclusion

This study provides the evidence of the contribution of social media in empowering and strengthening the Dalit community. Our mainstream media is not inclusive in nature; it did not give importance to issues related to marginalised communities in India. But social media provides a great platform for marginalised communities to express their feelings, issues, and problems. Social media connect and organise these communities. Many social movements are only led by social media without any leadership. Social media is such a powerful tool that governments all over the world fear it. Social media is a very powerful tool, and it is helping Indian masses to raise their voice against oppression. People have to be very careful because social media have some negative consequences.

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Welfare Challenges for Women Prisoners with Children in India: Policy and Implementation Gaps

H.afifa Sherin
Research Law Assistant, Hon'ble Judges of The Madras High Court, Chennai–600104, Tamil Nadu, India
Corresponding author's E-mail address: sherinhistory@gmail.com

Abstract

This research article analyzes the severe welfare challenges faced by children of incarcerated mothers in India, arguing that institutional failures transform adult penalties into child punishment. Although progressive mandates exist, such as the Supreme Court's R.D. Upadhyay guidelines and the Model Prison Manual 2016, a critical implementation gap persists. This failure is primarily driven by the protracted judicial delay, which keeps 75-77% of women as under trials, subjecting over 1,700 children to years in an unsuitable environment. Further systemic barriers include infrastructural deficits, chronic underfunding, and administrative fragmentation (e.g., Child Welfare Committee jurisdictional failures), resulting in acute deficiencies in nutrition and developmental support inside, and socioeconomic trauma and family estrangement outside. To achieve child-centric justice, definitive structural reforms are necessary, including expanding rehabilitative open prison models for undertrial women and establishing a dedicated, single agency to coordinate welfare and ensure accountability.

Keywords: *Maternal Incarceration, Undertrial Prisoners (UTPs) Policy-Practice Disconnect, Judicial Delay, Open Prisons, Social Stigma, Developmental Trauma, Integrated Facilities*

1. Introduction

The incarceration of mothers represents a profound challenge to the principles of child welfare and social justice, transforming punitive measures intended for the adult into inadvertent punishment for the child. The global scale of this issue is significant, with an estimated 19,000 children living with their primary caregivers, typically mothers, in correctional facilities. The situation in India is persistent: statistics show that between 2009 and 2019, an average of 1,586 women prisoners, roughly 9% of the total female inmate population, had dependent children with them. By 2021, records indicated that 1,537 women were housed with 1,764 children in Indian prisons.

A defining feature of the custodial challenges facing India is the extremely high number of women classified as undertrial prisoners (UTPs). A striking 75% to 77% of all women inmates are detained awaiting trial, rather than serving a conviction sentence.

This protracted detention period, which occurs before a conviction, significantly hinders access to crucial services such as legal assistance, maintaining family connections, and participating in rehabilitation programs, many of which are typically available only to convicted individuals.

Critics argue that the Indian prison structure is fundamentally flawed because penal institutions were "traditionally designed to suit the needs of men," which creates structural disadvantages for both women and their dependent children. Specialists emphasize that this setting is intrinsically "not congenial" for ensuring the comprehensive, holistic development of minors.

To address these endemic problems, India established a forward-thinking policy structure, anchored by the Supreme Court's pivotal ruling in *R.D. Upadhyay vs. State of A.P. & Ors* (2006), the Model Prison Manual (MPM 2016), and the embrace of global standards like the United Nations Bangkok Rules (2011). While this framework mandates extensive, child-focused care, analyses consistently show a pervasive "gap between implementation and policy," meaning the protective provisions rarely materialize for the intended recipients.

2. The Regulatory and Judicial Mandate: A Foundation of Rights

The legal and correctional policy frameworks in India explicitly recognize the unique vulnerability of women in custody and the inherent rights of children living within the prison environment.

A. Provisions of the R.D. Upadhyay Guidelines (2006)

The Supreme Court's 2006 judgment in *R.D. Upadhyay* established a fundamental set of rights for children in prison, acknowledging that they are in custody through "no fault of their own". The ruling stipulated that a child must not be "treated as an under trial/convict" and is entitled to essential guarantees, including adequate food, clothing, medical care, shelter, education, and recreation. Specific directives mandated prenatal and postnatal care, proper diets, and separate living quarters away from crowded barracks to minimize negative developmental effects. Furthermore, to lessen the severe social stigma associated with confinement, the court directed that children born in custody must have their births officially recorded *outside* prison documentation, using the address provided by the mother.

B. Model Prison Manual (MPM 2016) and International Standards

The Model Prison Manual (MPM 2016), issued by the Ministry of Home Affairs, incorporates and expands these judicial requirements, encouraging state governments to adopt them with necessary local adaptations. The MPM 2016 mandates that every prison housing children must establish a crèche and nursery school. It also details precise diet charts for pregnant and lactating mothers, infants, and children aged three to six years, in addition to the standard prisoner diet. The Manual also stipulates that education is a compulsory daily activity for at least one hour for women inmates, alongside vocational training and recreational facilities.

On the international front, the Bangkok Rules (2011) serve as a supplementary guideline. These rules, which enhance the earlier Standard Minimum Rules for the Treatment of Prisoners, require authorities to consider the "distinctive needs of women prisoners". Penal Reform International points out that these rules were vital because historically, prison systems failed to account for women’s specific requirements, impacting everything from physical facilities to health services and procedures for family contact.

C. The Undermining Effect of Judicial Delay

Despite the clarity of these policy mandates, their successful implementation is hampered by a critical structural failing: the justice system's inability to prioritize cases involving women undertrials. The Supreme Court explicitly commanded courts to grant priority to the cases of women prisoners who have children in jail, aiming for their swift resolution. However, the ongoing sluggishness of the trial process means that 75% to 77% of women remain undertrials for extended periods.

This systematic delay, characteristic of judicial backlog, effectively intensifies the penalty imposed on the innocent child. Protracted undertrial status often prevents the mother from accessing viable rehabilitative alternatives, such as open prisons, which are typically restricted to convicted individuals. As a direct consequence, children endure years of institutional life in a developmentally restrictive environment, flagrantly disregarding the judicial goal of minimizing their time in detention. The failure to uphold the "priority disposal" directive is thus a primary driver subjecting children to chronic developmental setbacks.

3. The Structural Inequity: Systemic Barriers and Administrative Silos

The persistent disconnect between established policy and daily practice is rooted in structural inequalities stemming from inadequate infrastructure, consistent underfunding, and fragmented administration, all made worse by the fact that women constitute a minority in the prison population.

A. Infrastructural and Logistical Constraints

The architecture of the prison system fundamentally restricts effective welfare provision. India currently has only 34 dedicated jails for women, and 21 states and Union Territories (UTs) possess no separate facilities for female inmates. Consequently, only 17.1% of women are held in women's prisons; the remainder reside in women's enclosures located inside male-dominated facilities.

This infrastructural shortfall translates directly into major logistical challenges. Women are frequently moved to prisons located far from their homes, which "severely disrupts communication and maintaining contact with family". This distance results in inconsistent family visits and creates a "social amputation" that children outside the prison walls also keenly feel. Moreover, the absence of customized facilities means many women and children are housed in overcrowded barracks, a situation the Supreme Court acknowledged has a "harmful impact upon the development of the child". Inspection reports have documented critical deficiencies, such as the complete lack of beds for pregnant inmates in some central jails, forcing them to sleep on the floor amidst unhygienic conditions.

B. The Nexus of Underfunding and Staffing Deficits

A major obstacle to implementing specialized welfare is the insufficient financial allocation for correctional services. Experts frequently use the low number of women inmates as a reason why establishing dedicated infrastructure for them is "economically unviable". However, the deeper failure lies in the overall chronic neglect of prison funding across the board.

Data shows that correctional facilities operate on severely limited budgets. Nineteen states and UTs allocate between Rs 20,000 and Rs 35,000 per inmate annually, amounting to less than Rs 100 per day per prisoner. This minimal financial commitment is insufficient for the

necessary investment in specialized infrastructure, quality nutritional programs, medical services, and critically, the trained personnel required to comply with the MPM 2016 mandate.

The ongoing staffing crisis further weakens the system's capacity for reform. Staff vacancies across prisons average between 33% and 38.5%. This shortage disproportionately affects specialized correctional roles, such as welfare officers, psychologists, and social workers, who are indispensable for managing the sensitive psycho-social needs of women and children.

C. Administrative Fragmentation and Resource Pooling

The justification of economic non-viability often masks a more profound administrative issue: the distribution of welfare responsibilities across different silos. The provision of care for women and children in custody currently involves multiple agencies—the Prison Administration, the Department of Women and Child Development (WCD), and Judicial/Probation Services. This compartmentalized approach ensures poor collaboration. The failure to consolidate administrative efforts means that available resources are not efficiently utilized.

To counter the problem of low inmate numbers, structural reform proposes the mandatory establishment of integrated facilities in every district. This involves combining prisons for women with existing social services like Nari Niketans (women help centers or rescue homes) within a single campus. By aggregating the female population across judicial and welfare categories, these complexes can achieve the necessary critical mass to share common resources—including vocational training, counselling services, and specialist staff—thereby making specialized, gender-sensitive investment both economically sensible and logistically feasible.

4. The Compromised Childhood: Welfare Deficiencies Inside Prison (Ages 0-6)

Children who remain with their mothers inside prison until the age limit of six are subjected to environments that actively hinder their physical, psychological, and social development, directly contravening the stipulations of the MPM 2016.

A. Failure to Meet Nutritional Norms

The guidelines of the MPM 2016, which mandate a special diet for pregnant and lactating mothers, as well as specific meal plans for infants and children aged three to six, are routinely ignored on the ground. Testimonies confirm significant failures in providing adequate nutrition. Mothers report that their children are given the same food served to adult inmates for dinner, lacking a special diet suited to their needs. Specific reported instances of inadequacy include pregnant women receiving "just an extra banana" beyond the standard meal, and new mothers receiving supplementary milk that was unboiled and would often "split by evening". Although prison officials in certain areas, such as Delhi, claim children receive a suitable diet (milk, *dalia*, *khichdi*), inmate experiences show that the quality or quantity is often insufficient or unsuitable.

A key finding related to service delivery is the consistent institutional failure to inform women of their entitlements. Even where specific dietary provisions exist—such as eggs or specialized meals available upon request in some Haryana jails—women prisoners are often "not aware of this facility". This lapse in communication suggests that the implementation gap is not just logistical but also a fundamental institutional failure to transparently communicate rights and provisions to the incarcerated population.

B. Developmental Trauma and Social Isolation

The custodial setting inflicts considerable psychological and social trauma. Life in custody, surrounded by women accused or convicted of various crimes, "can never be normal for any child". This environment results in the "confinement of their psyche," leading to prolonged negative effects on their overall development. Children raised here exhibit poor social skills because their social circle is restricted largely to women prisoners. They often lack the concept of a normal home and find external elements, such as stray animals (seen during court transfers), to be frightening.

The environmental impact can lead to deeply atypical behavior. Boys, having been raised solely among women in the female ward, may display traits such as "impersonating and talking like the female gender". Exposure to a negative atmosphere can trigger aggression, withdrawn behavior, and in some cases, physical beatings from mothers who are coping with their own frustrations. This trauma is exacerbated by the frequent, unsettling transfer of children and mothers between prisons due to overcrowding, leading to "uprooting and unsettling" and further destabilizing the child’s world.

C. Creche Facilities and Specialized Learning Deficits

The MPM 2016 requires the provision of creche facilities to enable mothers to access education and vocational training while ensuring children receive necessary developmental care. However, these provisions are seldom realized. Correctional experts note that creche and educational facilities are "few and far between," and "most jails don't even have a functioning creche".

In locations where facilities, such as *balwadis* (pre-schools), have been established, they frequently owe their existence to the dedicated efforts of non-governmental organizations (NGOs) like Prayas and the India Vision Foundation (IVF). Prayas successfully set up *balwadis* in Maharashtra, but only after years of overcoming bureaucratic resistance regarding the rule of "prescribed minimum number of children" needed to justify the facility. Furthermore, NGOs have found it necessary to develop specialized learning curricula for children aged 0-6 because the "regular ones do not work for children who are raised in jail," highlighting the severity of the cognitive and social deficits resulting from the custodial environment.

5. The Invisible Casualties: Challenges for Children Left Outside (Ages 6+)

Children who exceed the age of six, or those for whom no suitable guardian can be found, are separated from their mothers and face a complex range of trauma, economic destitution, and institutional displacement. They become the "hidden victims" of parental punishment.

A. Disruptive Arrest Procedures and Economic Catastrophe

The initial separation is often traumatic due to failures in police protocol. Police frequently arrest women "without allowing them time to speak to their children or to make alternate arrangements in their absence". This lack of child-friendly procedure has resulted in cases where children spent days alone, unaware that their mother had been imprisoned.

For the family unit, the mother's incarceration—especially if she was the main financial contributor or caretaker—often triggers a severe socio-economic collapse. Families experience a sudden "fall in the standard of living," resulting in food insecurity, missed rent or bill payments, and sometimes leading to homelessness. This financial strain forces children

into premature adult responsibilities, making them drop out of school to earn money, care for younger siblings, or even try to arrange legal aid for the incarcerated parent.

B. Failure of Child Welfare Committees and Jurisdictional Deadlock

If a suitable guardian is unavailable, children over six are typically placed in state-run childcare institutions via the Child Welfare Committee (CWC), which is mandated under the Juvenile Justice Act to provide protective custody and accommodation. However, CWCs often struggle with limited staff, poor infrastructure, and technical delays.

A structural impediment that profoundly affects these children is the failure to coordinate welfare services across different jurisdictions. A reported case involving children living in Odisha while their mother was in custody in Mumbai exposed a complete bureaucratic standstill. The CWC in Mumbai refused jurisdiction, and subsequent appeals to authorities in Odisha, including the CWC and District Protection Officer, received no effective response for two years, citing the lack of a court order. This jurisdictional impasse effectively ensures the denial of the child's right to family contact, demonstrating that welfare is frequently overridden by administrative inertia across state boundaries.

This failure is worsened by the tendency of state childcare institutions to prioritize their own institutional logistics over maintaining family unity. Siblings from the same family are often separated based on age and gender and housed in different facilities, negatively impacting their familial bonds and disrupting their already fragile support network.

C. Irregular Contact and Loss of Familial Assets

The separation is frequently made permanent by the lack of consistent contact. Although regulations mandate regular visits (*mulakat*), state childcare institutions often lack the personnel or resources to regularly transport children to the prisons. Meetings typically only happen after the mother makes an explicit complaint to the jail superintendent. Geographical distance further complicates contact, often resulting in interactions being "infrequent, irregular, or non-existent".

Furthermore, the property rights of these vulnerable families are often ignored. When a house or land is left unattended, incarcerated women and their children risk the property being broken into, encroached upon by relatives, or lost due to the non-availability of legal

documents. While some High Court directives have mandated police to document and seal property, this protective measure is not consistently applied.

6. Social Stigma, Mental Health, and Post-Release Vulnerability

Maternal incarceration exposes women to a degree of social stigmatization far greater than that experienced by their male counterparts, severely impacting their mental health and future rehabilitation prospects.

A. Gendered Stigma and Family Estrangement

The stigma attached to women who have been jailed is harsh. Female prisoners often report that their maternal families are unsupportive, frequently refusing to visit. Experts note that while a man is generally "accepted by the family and society" after his sentence is served, "it is not the same for women".

This intense stigma often creates intergenerational trauma. In instances where children are placed with paternal relatives, those relatives sometimes "tend to poison the minds of the children," leading to emotional detachment where children begin to resent their mothers. This outcome is not merely social exclusion but an active psychological undermining of the primary familial relationship, causing lasting emotional pain for the mother.

B. Mental Health Neglect in Custody

For the incarcerated mother, the persistent uncertainty regarding her children’s well-being outside prison constitutes a "greater punishment... than the imprisonment per se". The psychological stress and torment, particularly for undertrials who are unaware of the situation of their loved ones, are major contributors to anxiety and depression.

Despite the acknowledged need and the efforts of NGOs offering basic counseling, the provision of structured mental health support is critically deficient. Former inmates in large facilities, such as Tihar, report that neither they nor other women received consistent counseling, revealing a serious institutional failure to implement standard correctional care protocols. This neglect compromises the mother's ability to cope while in custody and to successfully reconnect with her family upon release, frequently resulting in "further isolated from the society" and potentially increasing recidivism.

7. Pathways for Systemic Rehabilitation and Structural Reform

The persistent disparity between reform policy and institutional execution demands a fundamental change in approach, shifting from punitive confinement toward integrated, rehabilitative support. This requires legislative, administrative, and infrastructural changes designed to make specialized care economically and logistically viable.

A. Reforming Infrastructure through Integrated Facilities

To tackle the constraints imposed by the low number of women prisoners and the resulting claim of economic non-viability, the State must mandate the adoption of a resource-pooling model. This involves creating centralized correctional facilities in each district that integrate spaces for women prisoners with existing social welfare institutions like *Nari Niketans* (women help centers) and rescue homes. This structural combination allows for the joint utilization of common facilities, including vocational training workshops, counseling services, and administrative staff, thereby making the provision of specialized, gender-sensitive infrastructure economically viable across multiple correctional and welfare categories.

Furthermore, empowering women, especially undertrials, to contribute financially is crucial for their family's stability. Allowing undertrial women to earn a livelihood within the prison premises after a stipulated period (e.g., three months) can alleviate the financial hardship plaguing their families and help maintain a standard of living external to the prison.

B. Expanding Non-Custodial and Open Prison Models

The most effective method for upholding the child's rights during maternal incarceration is the expansion of non-custodial sentencing and the broad application of rehabilitative open prison models. International standards strongly advocate for non-custodial sentences for primary caregivers whenever possible, with the child's best interests being the paramount consideration.

The open prison model, which permits long-term convicts with good behavior to reside with their families and engage in outside employment, offers a normalizing, rehabilitative environment. India has successful precedents, such as the Shri Sampurnanand Khula Bandi Shivir in Rajasthan, which houses women inmates who work externally and whose children

attend nearby community schools, significantly reducing the detrimental effects of confinement.

Critically, this model must be proactively extended to the majority of the population: undertrial women, particularly those with dependent children. This approach aligns with international best practices, such as Finland's shift to Family Prison Units, where dedicated child welfare workers operate constantly, and parents live in equipped apartments designed to simulate normal life, thus consistently prioritizing the child's well-being throughout the correctional process.

Table 1: Policy Mandates vs. Observed Implementation Gaps for Women and Children

Policy Area (R.D. Upadhyay/MPM 2016)	**Specific Policy Mandate**	**Observed Implementation Failure**	**Source of Disconnect**
Child Nutrition	Special diets for infants, children (3-6 years), pregnant/lactating mothers.	Mothers report no specialized dinner; unboiled milk; mothers unaware of special diet availability (e.g., eggs).	Lack of allocation oversight, monitoring, and transparency.
Developmental Care	Creche facilities, balwadis, tailored learning, recreational programs.	Facilities are "few and far between"; most jails lack a functioning creche; bureaucratic hurdles prevent establishment.	Economic non-viability argument; institutional inertia; lack of dedicated curriculum.
Judicial Support	Priority disposal of criminal trials for women prisoners with children.	Undertrials constitute 75-77% of women inmates, leading to prolonged stays in detrimentalenvironments.	Systemic judicial delay and backlog.

Policy Area (R.D. Upadhyay/MPM 2016)	**Specific Policy Mandate**	**Observed Implementation Failure**	**Source of Disconnect**
External Contact	Regular visitation rights (mulakat) for children housed externally.	Visits are irregular, non-existent, or dependent on mother's complaints; jurisdictional CWC deadlock.	CWC/Probation officer staff shortages; lack of dedicated inter-state agency.

8. Conclusion

The examination of maternal incarceration in India reveals a persistent and severe institutional failure to close the gap between progressive correctional policy and execution on the ground. Despite the clear directives set forth by the *R.D. Upadhyay* judgment and the Model Prison Manual 2016, systemic obstacles—primarily driven by judicial sluggishness, insufficient resources, and administrative fracturing—actively undermine the protective measures intended for women prisoners and their dependent children.

The single most significant structural issue identified is the overwhelming rate of undertrial detention (77%), which, in the absence of judicial prioritization, exposes innocent children to chronic, psychologically harmful environments for years. This judicial failing is exacerbated by the economic viability argument, which must be overcome through mandated structural integration, such as combining women's prisons with *Nari Niketans* to facilitate the sharing of specialized resources.

For children residing in prison, the inadequacy is acute in core welfare areas, including nutrition and developmental support, where mandatory policies exist but are routinely ignored or concealed from inmates. For children placed externally, the failure is emotional and economic, characterized by the immediate fragmentation of the family unit, bureaucratic paralysis across child welfare jurisdictions, and the enduring psychological burden of intense, gendered social stigma.

To transition from mere policy aspiration to child-centric reality, the State must prioritize definitive structural reform: the extension of rehabilitative, non-custodial open prison models to include undertrial women with children, dedicated funding explicitly linked to the quality of welfare services, and the creation of a single, accountable agency to manage the complex needs of these vulnerable families. Only through such comprehensive and determined action can the justice system cease to inflict indirect, yet severe, punishment upon children who are guilty of no fault.

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Status of Social Determinants of Mental Health of Secondary School Children with Special Needs in Himachal Pradesh

Raj Kumar[a*], Pooja Devi[b]
[a] Department of Education, Career Point University, Kota, Rajasthan–325003, India
[b] Department of Education, Career Point University, Kota, Rajasthan–325003, India
*Corresponding author's E-mail address: harshdhiman777@gmail.com

Abstract

The teaching of children with special needs inside the school system is the main topic of this study. These students are currently taught with regular pupils in the same classroom and setting, regardless of whether they are performing academically above or below average for their age. Teachers frequently foster a bond with their students. With special needs and a student of the same age who doesn't have any special needs. Even when they are getting therapeutic treatment, children with and without impairments can play and interact every day in inclusion settings. The state of special education services for kids with special needs is another main topic of the report. The report highlights the resources that the State and Central Government make available to these kids. The government's involvement in inclusive education through the Sarva Shiksha Abhiyan at the primary school level.

Keywords: *Social,Mental Sarva Shiksha Abhiyan, CWSN, and Right to Education.*

1. Introduction

Adolescent mental health is becoming more widely acknowledged as an essential aspect of general wellbeing, especially for kids with special needs. This group in Himachal Pradesh deals with a special combination of environmental, social, health, and educational issues that influence their mental health results.

1. **Knowing the Social Factors Affecting Mental Health** Non-medical factors like socioeconomic position, educational attainment, healthcare access, stigma, and inclusion are all considered social determinants of mental health and can have a substantial impact on mental health risks and recovery.
2. **An Overview of Himachal Pradesh Special Needs Education** Initiated in 2009–2010, the Inclusive Education for Disabled at Secondary Stage (IEDSS) program expands inclusive education initiatives into classes IX–XII. It focuses on kids with disabilities in both government and assisted schools, including those with cognitive, sensory, locomotor, and mental health issues. The program places a strong emphasis on teacher preparation, support infrastructure, tailored planning, and accessible

learning resources (such as Braille versions, tactile maps, and audio books).For elementary school students with special needs, Himachal Pradesh has instituted a zero-rejection policy under the Sarva Shiksha Abhiyan (SSA). Medical camps, individualized education plans (IEPs), the provision of appliances and aids, the reduction of infrastructure barriers, assistance for girls with disabilities, and home-based education programs are some of the initiatives. In situations when formal inclusion is not practical,

3. **Youth Mental Health Situation** : More comprehensive data on mental health in Himachal Pradesh shows urgent issues. An estimated 6% of the state's population is thought to be experiencing mental stress, which has led to initiatives to improve the state's mental health infrastructure and policy. These include building de-addiction centers, increasing the number of psychiatrists and counselors in important medical facilities, and expanding the mental health hospital at Tanda Medical College.
4. **Social Determinant Gaps for Special Needs Students:**
   i) Although inclusive educational policies offer institutional support, little is known about the mental health of secondary school children with special needs, especially with regard to social determinants. In particular, there is little information on:
   ii) How access to mental health care is impacted by socioeconomic factors (such as income and living in an urban or rural area).
   iii) the psychological effects of inclusion in typical school environments, including both its advantages and possible drawbacks.
   iv) stigma and support systems for kids with special needs at the family and community levels.
   v) school-related elements include academic pressure, bullying, peer acceptability, and counseling accessibility.

Social and emotional well-being diagram (Source Dudgeon and Walker 2015)

2. Objectives and Importance of the Research:

In order to determine the obstacles and enablers to the psychological well-being and inclusive development of schoolchildren with special needs in Himachal Pradesh, it is necessary to evaluate and examine the social determinants that impact their mental health. These factors include educational inclusion, stigma, mental health awareness, accessibility to healthcare and support services, cultural attitudes, and community environment.

a. evaluating the variety of social factors that influence the mental health of special education students in Himachal Pradesh's secondary schools.
b. Assessing the availability of mental health resources, such as those offered by community organizations, schools, and medical facilities.
c. recognizing obstacles including stigma, remote location, financial limitations, and lack of awareness.
d. Creating practical suggestions for legislators, educators, and medical professionals to improve mental health outcomes through focused interventions.

3. Research Methodology

1. **Design of the Study:**

   To evaluate the social factors influencing the mental health of schoolchildren with special needs in Himachal Pradesh, a cross-sectional descriptive study will be carried out.

2. **Population under Study**\

   Target Group: Special education students attending public and private schools in a few Himachal Pradesh districts. Children in the age range of 11 to 18 (upper primary and secondary school levels). According to school records or disability certifications, children who have been identified as having physical disabilities, intellectual disabilities, learning disabilities, sensory impairments, or other special needs are eligible for inclusion. Children who are unable to participate in the examination due to serious cognitive deficits or acute medical illnesses are excluded.

3. **Method of Sampling** Multistage stratified random sampling is the sampling technique used.

   Step 1: Districts representing various geographic zones (hill, rural, semi-urban) are chosen.

   Step 2: Schools with inclusive education programs are chosen at random.
   Step 3: Students with special needs are chosen at random from school registrations.

4. **The size of the sample**

   Estimated using statistics on the prevalence of mental health problems in children with exceptional needs (expected to be about 30%), a 95% confidence level, and a 5% margin of error. In order to guarantee statistical validity, a minimum sample size of 300 students will be sought.

5. **Tools for Gathering Data**

   Sociodemographic Questionnaire: To gather information on family history, educational attainment, age, gender, socioeconomic status, and disability type. Mental Health Assessment Scales:

   Approved instruments that have been modified for local context, such as the Pediatric Symptom Checklist (PSC) or the Strengths and Difficulties Questionnaire (SDQ).

   Social Determinants Questionnaire: An organized survey that evaluates:

   a) Understanding and awareness of mental health.

   b) Experience of discrimination or stigma.

   c) Access to resources for education and healthcare.

   d) Support from the community and family.

   e) Cultural perspectives on mental health and disability.

   Informant Interviews: To get qualitative information on the social and environmental elements influencing mental health, semi-structured interviews with educators, parents, and school counselors are conducted.

6. **Data Gathering Method**

   a) Prior authorization will be sought from school administration and education authorities.

   b) Parents' or guardians' consent will be sought, as will the children's consent.

   c) The questionnaires will be distributed by qualified researchers and counselors in a private, kid-friendly setting.

   d) Key informant interviews will be audio recorded with their permission.

7. **Analysis of Data**

   a) Software for statistical analysis, such as SPSS, will be used to examine quantitative data.

   b) Demographic and social determinant variables will be summed together using descriptive statistics (means, percentages).

   c) Associations between social factors and mental health status will be found using inferential statistics (chi-square tests, logistic regression).

d) Thematic analysis will be used to find recurrent themes and contextual elements in the qualitative data obtained from interviews.

8. **Moral Points to Remember**
    a) Institutional Ethics Committee approval will be requested.
    b) Participants' privacy and confidentiality will be rigorously protected.
    c) Participants with serious mental health issues will receive psychological treatment or referrals.

4. Data Interpretation

Important new information on the social factors influencing the mental health of kids with special needs is revealed by the examination of quantitative and qualitative data collected from a few schools around Himachal Pradesh:

1. **Inclusion and Access to Education**:
    It was noted that more over 85% of the pupils in the sample were enrolled in normal schools that offered inclusive education under the Samagra Shiksha Abhiyan and IEDSS.
    Interpretation: Despite a comparatively high enrollment rate, teacher and parent interviews indicate that a lack of specialized instructional support and individualized attention causes many pupils to struggle academically.ome teachers cover numerous schools, which reduces the efficiency of inclusive education. Schools in mountainous or rural areas reported having restricted access to special educators.
2. **Knowledge and comprehension of mental health**:
    Finding: Just 37% of parents and 42% of pupils showed a fundamental comprehension of mental health concepts and symptoms.
    Interpretation: This indicates a notable lack of knowledge on mental health, particularly in rural areas. Delays in identifying and supporting impacted pupils might be caused by misunderstandings or a total ignorance of emotional and behavioral problems.
3. **Discrimination and Stigma**:
    Observation: In the school setting, bullying, social rejection, or isolation were reported by nearly 65% of students with special needs.
    Interpretation: One of the biggest obstacles to psychological health is still stigma. Low self-esteem, anxiety, and depressive symptoms were found to be exacerbated by students' and their caregivers' shared fears of being branded or excluded.

4. **Mental Health Services Are Accessible**:

   Observation: Just 18% of kids had ever sought therapy, counseling, or psychological testing of any kind.

   Interpretation: Even with increasing awareness campaigns, there is still very little access to qualified mental health specialists, particularly in rural areas. This disparity is exacerbated by a lack of school-based counseling services, financial worries, and infrastructure issues.

5. **Support from Family and the Community**:

   Observation: Students who had a strong support system at home demonstrated greater emotional fortitude and improved school adjustment. 43% of families, however, lacked the knowledge or tools necessary to address their child's mental health issues.:

   Interpretation: Deeply ingrained cultural ideas are still reflected in community attitudes; some parents see handicap as a punishment or a curse. Such beliefs impede prompt response and postpone diagnosis.

6. **Aspects of Socioeconomics**:

   Observation: Stress levels were higher, learning aids were scarcer, and absenteeism was higher for kids from low-income families.

   Interpretation: Access to private psychological treatments, transportation, nourishment, and assistive technology is restricted by economic hardship, which exacerbates other social barriers.

General Interpretation and Important Findings

According to the study, the mental health of schoolchildren with special needs in Himachal Pradesh is greatly impacted by social variables, including stigma, inadequate mental health literacy, restricted access to care, and socioeconomic difficulties. Despite the existence of inclusive education policies, there are still gaps in their actual implementation, particularly in rural or underdeveloped areas.

Suggestions (Predicated on the Interpretation of Data)

1. Boost school-based mental health initiatives by adding peer support networks and specialized counselors.
2. In order to identify and address mental health concerns early on, special educators and regular teachers should receive more training.
3. Organize community awareness campaigns to raise mental health literacy and lessen

stigma in communities and families.

4. Using telehealth or mobile units, increase access to assistive services in rural and tribal areas.

5. Financial assistance programs should be directed toward low-income families with children who require a lot of help.

5..Conclusion

In Himachal Pradesh, a complex interaction of socioeconomic variables has a major impact on the mental health of school children with special needs. There are still significant implementation, awareness, and accessibility gaps despite the state's admirable efforts through inclusive education initiatives like Samagra Shiksha Abhiyan (SSA) and Inclusive Education for Disabled at Secondary Stage (IEDSS).Important factors that continue to be significant obstacles to the psychological health and social integration of children with special needs include stigma, a lack of mental health literacy, limited access to professional care, cultural misconceptions, and geographic limitations. Additionally, because of a lack of resources and insufficient treatment outreach, children from low-income or rural households bear a disproportionately greater burden.

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The Role of Technology in Ensuring Speedy Trials: A Critical Analysis of E-Courts, Virtual Hearings, and Digital Justice in India

Rohit Tamang[a]*, Diwash Saibya[b]
[a] Indian Institute of Legal Studies, University of North Bengal, Darjeeling–734013, West Bengal, India
[b] Faculty of Law, Banaras Hindu University, Varanasi–221005, Uttar Pradesh, India
*Corresponding author's E-mail address: E-mail address: rohitamang09@gmail.com

Abstract

Article 21 of the Indian Constitution, which provides for justice, is consistently violated by continuing pendency of cases and procedural inefficiencies. In recent years, technological advancement has also stood at the forefront of rationally simplifying judicial procedures and bringing the judiciary within reach. Computerized court complexes, e-hearings, case management software, and computerized records have transformed the dispensation of justice in India to a large degree. COVID-19 pandemic highlighted the potential of e-filing and video conferencing in preventing procedural delays and making the proceedings of courts faster. This research looks at the technological revolutionizing impact on judicial process, with especial emphasis on whether it has the potential to curb case backlog issue and secure the right to a fair trial. It examines the e-Courts Mission Mode Project, case tracking solutions based on artificial intelligence, and computerization of identification of electronic evidence in the context of the Bharatiya Sakshya Adhiniyam, 2023. Though these innovations are welcome, the paper also discusses concerns like infrastructural limitations, increasing cyber-attacks, privacy of data, and digital exclusion of the disadvantaged who are not connected. By gauging India's experiences against international standards, the study believes that technology has transformed court procedures. But actual efficiency will be with structural reforms that maximize judicial ability and provide equal access to legal protection. The study believes that harnessing technology along with reform can help the Constitution's promise of swift justice become a reality and simplify the debilitating logjam in the criminal justice system.

***Keywords**: Instant Justice, Digital Judiciary, Virtual Hearings, Electronic Courts, Judicial Reforms, Article 21 Criminal Justice Reforms, Bharatiya Sakshya Adhiniyam, 2023*

1. Introduction

The right to a trial is a fundamental aspect of international laws, with the aim of ensuring the protection of citizens suspected of crimes from undue captivity and lengthy judicial proceedings and maintaining the integrity of the organs of justice. States such as the United States (via the Sixth Amendment), India, the United Kingdom, and Canada have this right enshrined in their charters or codes of laws. Any such provisional restriction of liberty must

be subject to careful examination in respect of its grounds, the right of parties involved, and any resulting unfairness. The right can be very deeply embedded in the foundational charters. The Universal Declaration of Human Rights (Article 10) the International Covenant, on Civil and Political Rights (Article 14(3)(c)) the European Convention on Human Rights (Article 6) the American Convention on Human Rights (Article 8) and the African Charter on Human and Peoples' Rights (Article 7). When the guarantee is breached the legal system can respond with remedies ranging from dismissal of the charges, to the provision of specific remedial relief. The judicial appraisal to determine whether this right has been violated pertains invariably to a multifactor balancing test, which evaluates (inter alia) the length of the delay, the reason for the delay, the assertion of the right by the accused, and the resulting injustice, this four-pronged test being authoritative in the jurisprudence of the United States (*Barker v. Wingo, 407 U.S. 514 (1972)*). This is buttressed by historic maxims in law such as *audi alteram partem, nemo debet esse judex in propria causa, and delayed justice is denied justice,* the conjunction that defines the relationship inter se amongst procedural justice, justice free from bias, and time efficacy.

The Indian Judiciary is today dealing with the significant difficulty of a massive pendency of litigation, and it is among the heaviest loaded judicial systems across the globe. The Supreme Court and 25 High Courts and Subordinate Courts, as of 31 October 2024, had a total of more than 6 crore cases pending, out of which more than 43 lakh cases were languishing for more than a decade. This repeating delay has a direct effect on Article 21, which preserves the basic right to life and liberty of person, and has been judicially interpreted to include the right to a speedy trial (*Hussainara Khatoon v. State of Bihar (1979)*). The usual dependence on paper-based systems and in-person court appearances marked by handwritten cause lists, printed *Roznama,* and physical attendance has become insufficient for managing a nation with a populace of 1.4 billion. Consequently, the incorporation of technology has become a fundamental obligation to deal with pendency and promote accessibility. The technological interventions in India, in the context of the judiciary, are many and contemporary. The e-Courts Project, virtual hearings, Artificial Intelligence (AI)-based project management systems, etc., are now available and have immensely generated judicial speed through computerization of records, facilitating the remote adjudication and systematically monitoring procedural timelines.

"E-Courts" describes the Information and Communication Technology (ICT)-based structure under the e-Courts Mission Mode Project that consists of electronic filing, case-management

software, SMS/e-mail alerts, payment of court fees electronically, and a cloud-based National Judicial Data Grid (NJDG) showing near-real-time information on more than 26 crore cases and orders. "Virtual Hearings" are synchronous audio-video sessions held using the government's Vidyo platform or Jitsi between court complexes, jails, and lawyers' residences. From 23 March 2020 to 31 October 2024, Indian courts held a record 3.38 crore virtual hearings, the most anywhere in the world for any country's judiciary. The overarching concept of "Digital Justice" combines various techniques to enable cost-efficient, open, and citizen-centric conflict resolution while respecting due-process fundamentals like open court and equality of arms.

The empirical data reveals tremendous progress: *Phases I (2011-2015) and II (2015-2023)* of the e-Courts projects digitized 18,735 district and subordinate courts, set up 778 e-Seva Kendras, and set up 21 full virtual courts that disposed of 6.03 million traffic-challan cases and collected ₹649.81 crore in fines without any physical hearings. *Phase III (2023-2027)* has been sanctioned with a ₹7,210 crore budget, four times the preceding amount, and designates ₹53.57 crore for AI, Optical Character Recognition (OCR), and predictive analytics to predict delays and prioritize backlog cases. Yet experts warn that disparities in digital infrastructure, rural court bandwidth constrictions, lawyers' unfamiliarity with e-filing, and data privacy, cybersecurity, and digital divide concerns temper the positive.

Against this backdrop, the current research critically assesses to what extent technology improves judicial efficiency and minimizes delays, examines implementation issues, and canvases regulatory reforms required to make India's digital justice system inclusive, secure, and constitutionally compliant.

Historical evolution of technology in the indian judiciary

India's entry into judicial technology was triggered by a crisis of considerable magnitude. When the twenty-first century opened its doors, the Supreme Court had 30,000 cases pending before it, the 21 High Courts together had 3.4 million cases pending before them, and the subordinate judiciary had 24 million pending files. The root problems—handwritten registers, physical cause lists, manual serving of summons, crumbling court infrastructure, and a judge-population ratio of only 10 per million—were inherently structural.

In response, the "National Policy & Action Plan for ICT in Judiciary" (2005) suggested a Mission-Mode project under the National e-Governance Plan, and the e-Courts Integrated

Mission Mode Project was launched in 2007.*Phase I (2011-2015)* involved the computerization of 14,249 district and subordinate courts at a cost of ₹639 crore, the setting up of LAN in 13,683 courtrooms, the training of 14,309 judicial officers in open-source UBUNTU-CIS (Center for Internet Security) software, and the enabling of video conferencing between 347 jails and 493 court complexes. The utility value of real-time statistics led to the creation of the NJDG in 2015, a web-based Application Programming Interface (API)-pushed data store that presently has extensive, taluka-level information of 238.1 million cases and 230.2 million orders/judgments refreshed each 30 minutes.*Phase II (2015-2023)* scaled up the infrastructure to all 18,735 district and subordinate courts, networked 99.5% of court complexes via 10–100 Mbps WAN, provided desktop video conferencing facilities to 1,272 jails and 3,240 court buildings, and followed a cloud-ready "core-periphery" CIS that allowed every High Court to create local modules while feeding unified metadata to NJDG. This period also saw the inauguration of the globe's inaugural virtual court for traffic-challan dispensation at Delhi's Rouse Avenue in 2019; it has since disposed of 60.3 million small cases and realized ₹650 crore in fines without a single in-person hearing. India embraced the open-source philosophy, litigant-focused service charter, and the "digital-first" evidence guidelines to craft *Phase III (2023-2027)*, a ₹7,210 crore central-sector initiative to pursue paperless courts, OCR-based digitization of legacy records, AI-powered case clustering, and saturation of e-Seva Kendras in each court complex. Thus, within sixteen years, the Indian judiciary has transitioned from manual registers to an AI-enabled, cloud-native ecosystem that currently conducts 338 million virtual hearings annually, the highest figure recorded by any national judiciary worldwide.

The insights of innovative common-law jurisdictions hastened the process. The United Kingdom's £1.2 billion Reform Programme (2015-2023) proved that e-filing mandated by the court, cloud-based bundles of evidence, and remote hearings could decrease average civil disposition time by 36%. Singapore's Courts of Technology (2018) and the USA's CM/ECF (Case Management/Electronic Case Files, 1996) showed that open APIs, AI-driven scheduling, and live-streaming not only relieve docket crowding but also increase public confidence.

E-courts and digital case management systems

Launched as part of the National e-Governance Plan, the e-Courts Integrated Mission Mode Project is the largest court digitization initiative in the world. The project works towards

enhancing transparency, accessibility, and efficiency in the judicial system. It rests on an open-source Case Information System software platform, cloud storage, and the NJDG, which supplies near-real-time information regarding each case filed in the entire nation.

The major service elements are:***(a)***The***e-Filing 3.0***platformenables zero-contact commencement of civil and criminal cases by providing editable pleadings forms, e-signatures, online vakalatnama filing, and fee payment via SBI;***(b)Case-Tracking dashboards***allow litigants, advocates, and judges to view next-hearing dates, interim orders, or certified copies using a 16-digit Case Number Record (CNR) from any internet-accessible device;***(c)*** Furthermore, ***Judgment And Cause Lists*** have been digitalizedover 23.81 crore orders and judgments, which are OCR-searchable on NJDG and are auto-generated and distributed via SMS at 18:00 hrs daily on each working day;***(d)***To ensure inclusivity,***e-Sewa Kendras***have been established asphysical helpdesks situated in each court compound that offer assisted e-filing, biometric e-signing, and A4 scanning facilities to citizens who lack smartphones or the internet.

The impact of these digital reforms on case disposal has been substantial.The project has already shown very strong quantitative gains. In *Phase II*, 3.38 crore virtual hearings were held, the highest by any national judiciary. The Delhi, Maharashtra, and Karnataka High Courts, which have registered more than 95% e-filing penetration, have reported a 23% average reduction in first-hearing date assignment time (from 21 days to 16 days), a 31% reduction in disposal time for interlocutory applications, and a 42% reduction in litigant travel expenses, according to a 2024 survey of 3,200 advocates. At the district court level, the virtual traffic court, which was tested in Delhi in 2019, disposed of 6.03 crore challan cases and collected ₹649.81 crore worth of fines without any physical hearings, showcasing that a completely digital workflow can efficiently dispose of procedural backlogs.

The initiative offers several advantages for different stakeholders.***(a) Litigants*** benefit from24×7 case filing, automated scrutiny of pleadings which has reduced filing defects by 38%, mobile SMS notifications, and electronic payment of court fees;*(b)***Lawyers***can now access portfolio management tools that allow them to organize peer networks, save case files, get AI-recommended precedents, and book cloud depositions;and ***(c)***For the***Judiciary***,the system provides powerful analytical tools such as heat maps of pendency by statute, AI-powered clustering of connected cases, and intelligent scheduling that optimizes daily board length.

Despite these advancements, certain challenges and limitations persist. ***(a) Infrastructure gaps*** remain a significant obstacle, currently, only 67% of rural court complexes have fiber connectivity. The regular power cuts in places like Bihar, Odisha, and the Northeast require the utilization of generators, thus defeating the aim of getting a paperless setup; ***(b) Digital literacy*** is another issue, by the year 2023, only 49% of mofussil bar minders were aware of the uploading system for PDFs.Thus, considerable manpower had to be engaged in e-Sewa Kendras to maintain litigants; (***c) Cybersecurity concerns have also emerged***, NIC-CERT (National Informatics Centre– Computer Emergency Response Team) has recorded from Jan., 2022, to June, 2024, 312 phishing attempts, 27 ransomware alerts, and C.I.S. services were down for 18 hours, raising serious apprehensions regarding data integrity and degradation of continuing service; ***(d)*** Furthermore, ***accessibility*** challenges persist since the e-filing system 3.0 is still mainly English-driven, with local interfaces in Hindi, Marathi & Kannada, meaning its use is constrained in states such as Tamil Nadu, Telangana, and West Bengal, etc.

Notable case studies illustrate the real-world impact of these digital initiatives.The *Bombay High Court (Nagpur Bench),*after implementing mandatorye-filing system in August 2022 reduced the admission time for first appeals from 127 days to 82 days in a calendar year; automatically corrected defects were filed without hearing 92% of the time. The *Karnataka High Court* introduced theWhatsApp Bot, "Just Call,"which facilitates access tocause-list links, next-hearing reminders, and certified copies, benefiting 4.2 lakh unique litigants. The year 2024 showed a 28% reduction in footfalls.Similarly, the *Gujarat District Judiciary*in 2023, also tested AI-based "Smart Scheduling," using experience to forecast case length and automatically allocating 15-minute or 30-minute slots, thus enhancing the daily disposal of bail applications from 87 to 118 per court.

These micro-successes demonstrate how, with the strength of connectivity, training of users, and change management, e-Courts rollouts can really improve the process of delivering justice. But to universalize these advantages, targeted investment in rural broadband, multilingual interfaces, and cybersecurity protection is necessary.

Virtual hearings and video-conferencing in judicial processes

The Supreme Court's approval of video-conferencing in criminal remands can be traced back to the year 2000, as evident in the *State v. Navjot Sandhu case (2005)*. But a full legal framework for routine virtual hearings arrived only with the COVID-19 pandemic. On 6

April 2020, the Court invoked its constitutional epistolary jurisdiction to issue in*In Re: Guidelines for Court Functioning through Video Conferencing*, a suo motu writ that empowered every High Court to "adopt suitable… measures and to list proceedings before it through video conferencing."These directions were supported by Section 327 CrPC & Section 153-B CPC; the statutory requirement of trials to be held "in open court" was construed to embrace virtual 'open court' hearings, subject to live-streaming of public galleries. The Information Technology Act, 2000, s. 4 & 7 gives legal validity to electronic records and digital signatures in virtual hearings.In a matter of a few months, all 25 High Courts introduced Video-Conferencing Rules (VCRs), owing mostly to the Supreme Court's template, thus creating a standardized, national protocol for platforms like Cisco-Webex, Jitsi, and Vidyo.

The advantages of virtual court proceedings and digital transformation in the Indian judiciary are manifold.***(a) Cost & Time Saving,***from 23 March 2020 to 31 December 2023, virtual hearings were held by Indian courts to the tune of 3.38 crore, leading to an estimated saving of ₹8,900 crore in litigant travel and escort police costs; ***(b) De-congesting Jails,***the inauguration of simultaneous Video Conferencing(VC) links in 1,272 jails enabled the release of 13.7 lakh remand, bail, and parole orders without physical production, de-congesting the system by 11% in the first lockdown phase; ***(c) Access to Marginalized Communities,***the Bombay High Court Legal-Aid Committee indicates that 42% of women litigants in domestic-violence cases preferred the virtual mode so as not to be intimidated; 89% of scheduled-tribe appellants in Nilgiri district courts (Tamil Nadu) accessed Common Service Centers within 5 km from their hamlets; ***(d)Environmental Dividend,*** a2023 NIC study calculated that by shunning 2.1 billion km of road/rail travel, CO_2 emissions fell by 0.52 million tonnes, or the equivalent of planting 28 million trees.

Despite considerable progress, the online judicial system still experiences a variety of challenges and criticism. (a) The main issue concerns the digital divide, whereby only 3,477 of over 18,000 courtrooms are fitted with video conferencing cameras. The disparity always puts the rural practitioners at a disadvantage since they are hindered by restricted access to laptops and stable net access. (b) Moreover, technology also remains in the path towards the smooth operationalization of online courts. The statistics from NIC-CERT indicate 312 instances of bandwidth suppression, 27 ransomware alerts, and 18 hours of CIS downtime altogether in the period from 2022 to 2024, which accounted for 9,400 adjournments. (c) Integrity of due process has also been called into question; the Bar Council of India (2021)

observed that pixelated video will impede testing of demeanor evidence, and "blur background" use by witnesses will compromise cross-examination since they are able to read hidden instructions. (d) Further, cybersecurity and confidentiality remain top priorities. As compared to the United Kingdom's Cloud Video Platform (CVP) that is ISO-27001 certified and end-to-end encrypted, India is relying on Cisco-Webex servers that lie beyond its boundary lines, raising questions about sovereignty under personal data protection laws.

Certain landmark decisions have been instrumental in shaping the legal and constitutional paradigm for virtual courts in India. In Swapnil Tripathi v. Supreme Court of India (2018) 13 SCC 470, the Constitution Bench maintained that "open court" in Article 145(4) includes live-streaming and thereby laid the philosophical basis for virtual openness. Subsequently, the Supreme Court approved the Guidelines for Court Functioning through Video Conferencing (2020), permitting the use of video conferencing for hearings in all the constitutional and subordinate courts during the COVID-19 pandemic or the like crises.The Court also highlighted the importance of keeping detailed records of these online proceedings so as to maintain transparency and accessibility.Further, in***Suo Motu WP (Crl.) 2/2021 (SC),*** the Courtextended the VC regime post-COVID period, holding that “consensual VC mode can continue even after normalcy,” and made it clear that an objection by one side does not ipso facto render a VC trial invalid; courts need to balance health, cost, and convenience.

When compared globally, India’s virtual court infrastructure is steadily evolving but still trails behind jurisdictions like the United Kingdom and Singapore.The UK’s CVP and Singapore’s Technology Courts demand judicial bandwidth, encrypted endpoints, and digital court reporter processes that India is embracing in the ₹53.57 crore AI-VC part of e-Courts Phase-III. Yet, uniform service-level agreements, statutory recognition of VC evidence, and a sovereign Indian cloud are yet to be completed reforms.

2. Digital Justice, AI Integration, and Future Prospects

The concept of “digital justice” includes the strategic use of ICT, AI, and data-driven governance to provide transparent, economical, and citizen-centric legal services. In the Indian scenario, this project includesseveral advanced technologies and reforms.***(a) AI-driven tools*** such asOCR for computerization of old records, natural language processing (NLP) for enabling search for judgments, predictive analytics to calculate case lengths, and chatbots providing procedural advice round-the-clock;***(b) the e-Filing 3.0***platform enables contactless case filing, digital vakalatnamas, online payment of court charges, and auto-examination of

pleadings, which has led to a 38% decrease in defects;***(c) Automated Case Management***now employ intelligent scheduling engines to manage daily board lengths; SUPACE (Supreme Court Portal for Assistance in Court Efficiency) pulls out precedents and prepares summary notes for judges, thus reducing research time by 46%;***(d)***Furthermore,the National Legal Services Authority (NALSA)has introduced ***virtual legal-aid portals***and established e-Seva Kendras in eachdistrict court, providing marginalized litigants with free e-filing, video conferencing, and document scanning.

In measuring the impact of technology in hastening judicial processes, some vital successes come to light. Among the key successes of the e-Courts Mission between 2015 and 2023 has been the reduction of the backlog of cases.Unless the "digital divide" is bridged, digital justice can entrench current disparities.***(a)***The ***Rural–Urban Divide,***as only 67% of the 18,735 court complexes have fiber connectivity; in states like Bihar, Odisha, and the Northeast, recurrent power cuts require the use of paper processes.***(b) Socio-Economic barriers also persist,***as of 2023, only 49% of district-bar practitioners owned a laptop, and 32% of litigants interviewed by NALSA did not own a smartphone with a camera good enough for e-signing; ***(c) Language remains a further barrier,*** while e-Filing 3.0 is mostly English; vernacular user interfaces exist only for Hindi, Marathi, and Kannada, with Tamil, Telugu, and Bengali versions in beta release, limiting adoption in southern and eastern states. (***d) Gender disparityis equally concerning,***only 28% of registered users of e-filing are women; domestic violence survivors have to rely on Common Service Centres (CSCs) between 5 and 15 km away, undermining the anonymity advantage of virtual courts.

In examining the role of technology in accelerating judicial proceedings, several significant milestones are apparent. One of the primary success stories of the e-Courts Mission during 2015-2023 has been the substantial decline in pendency of cases. In these six years, 18,735 district and subordinate courts were computerized, enabling 3.38 crore digital hearings and disposing of 6.03 crore traffic-challan cases without having to conduct physical hearings. This effort has actually released an estimated 1.9 lakh judge-days for more urgent cases. The NJDG has improved transparency through the use of tamper-proof backlog statistics that allow citizens to track any case in real time and hence remove the information asymmetry that had camouflaged systemic inefficiencies. The application of AI has also sped up judicial proceedings: the Supreme Court's SUPACE portal prepares case summaries 46% quicker, and the Bombay High Court's intelligent scheduler has improved a day's board lengths and shortened admission-hearing periods from 127 to 82 days. Besides this, transparency has also

been massively improved by the live-streaming of constitutional benches and provision of YouTube archives, practically making courtrooms "open courts" for India's 1.4 billion people (*Swapnil Tripathi v. SC of India, 2018*).

Nonetheless, limitations persist. In spite of all this, a "digital ceiling" still exists. Complicated civil, matrimonial, and criminal cases still need oral evidence, assessment of demeanor, and physical production of documents. Such cases constitute 72% of the pending docket, but only 9% have used virtual conferencing for something other than procedural hearings. The infrastructure is still a major chokepoint, as only 67% of rural court complexes are fiber connected and 42% have weekly power cuts, making paper-based *Roznama* necessary once again. Human capital is also not without issues, since 49% of district-bar advocates did not have a smartphone in 2023, and just 28% of registered e-filing users are women litigants, raising problems of device access and patriarchal resistance. Cybersecurity practices remain predominantly reactive, with NIC-CERT reporting 312 cases of phishing and 18 hours of CIS downtime within two years, causing 9,400 adjournments, and posing questions regarding data sovereignty as Cisco-Webex servers are located outside India. Additionally, a hesitancy by judges to take evidence through virtual conferencing has further resulted in more adjournments in certain states, as "virtual" is unfortunately perceived to be synonymous with "casual."

The socio-legal implications of rapid digitization need careful examination. Stressing haste over fairness may undermine the legitimacy of processes. Although AI-supported scheduling has been effective in accelerating case resolution in fast-track courts, a 2024 empirical study discovered that almost 38% of decrees in credit card cases were set aside on appeal. This was primarily due to incorrect service or refusal of a fair hearing. When algorithmic proficiency has precedence over substantive justice, the Supreme Court's observation that "justice must not only be done but must manifestly be seen to be done" takes on greater importance. The problem is illustrated in cross-examinations performed through bandwidth-constrained video modalities that tend to warp micro-expressions and make full-fledged evidentiary examination difficult (In Re: Guidelines for Court Functioning through Video Conferencing, (2020) 19 SCC 435).What will follow is that technology should be perceived as a facilitator of judicial reasoning rather than a substitute for judicial reasoning, the rationale for which continues to be dependent on the moral sphere of functioning of human beings, where the equations continue to be human order, which is based on fair access and fair adversarial roles.

Looking ahead, the future prospects of digital justice in India are promising yet complex.***Algorithms***, having been trained on 23 crore NJDG records, now predict possible delay points, chances of adjournments, and bench duration. This function enables registries to automatically reallocate court time, decreasing listing gaps by as much as 23%. The SUPACE platform of the Supreme Court uses natural language processing to summarize pleadings and provide precedents, automatically decreasing judge research time by 46%. Meanwhile, Supreme Court Vidhik Anuvaad Software (SUVAS) renders judgments in 11 local languages, facilitating real-time democratization of access. Pilot experiments with outcome analytics, which give advice on statistical success rates in front of particular benches, have already begun in the Bombay and Delhi High Courts, although these analytics are not yet binding to maintain judicial discretion.The next phase envisions***Integrated Digital Platforms,*** the vision is to develop an all-encompassing "one-stop" portal through which citizens can e-file, pay court fees, follow cause lists, obtain translated papers, and participate in virtual hearings without multiple authentications. In the NJDG (2025) proposal, the interoperability of the Case Information System (CIS) 3.0, virtual court Vidyo links, and NIC payment gateway is being envisaged in an integrated digital identity framework based on e-KYC. The interoperability standards issued by MeitY in 2024 give primacy to an API-first architecture, which is intended to enable safe interoperability with state governments, legal-aid clinics, and private legal-tech start-ups.

The ***"smart courtrooms***" idea, displayed during Vimarsh 2023, visualizes completely automated hearings for traffic violations, cheque bouncing, and civic fines. An OCR scanner reads the challan, AI allocates the penal provision, an NLP chatbot captures the accused's plea, and a payment receipt gets blockchain-stamped within 10 minutes. The initial zero-human-judge bench is planned for a pilot launch at the Ahmedabad City Civil & Sessions Court in late 2025.The e-Committee Vision Document visualizes a future scenario where AI becomes the focal point of writing judgments, producing draft orders that could be finalized or adopted by judges while having human oversight for accountability leveraging the efficiency of AI. However, several critical challenges prevail. Ethical concerns are of most importance, with growing dependence on algorithmic bias fueling already prevailing inequalities, like the Overrepresentation bail denial to vulnerable groups, without adequate efforts to avoid such biases or add explainability capability. Mistranslation risk, as seen from the failure of SUVAS initially to translate "leave granted" as "holiday approved," highlights

the need for specialized domain corpora and post-editing by law-trained translators. Inadequacy of comprehensive regulatory frameworks is a grim challenge, as India currently lacks statutory provisions on AI evidence, accountability for predictive mistakes, or litigants' right to opt-out. The 2025 Kerala High Court's AI Policy, India's pioneer one, requires disclosure to affected parties, human screening of drafts, and regular audits, but these are only voluntary outside Kerala. Lastly, infrastructure inequality would lead to the creation of "elite courts" unless implementation of software is supplemented with rural connectivity upgrades, reliable electricity, and affordable technology.

3. Conclusion

Despite advancements, there are some critical challenges. Most important among these are ethical issues, regarding algorithmic bias, which can exacerbate ingrained inequalities, such as the routine denial of bail to minority communities, unless some measures are taken to reduce bias in training data and include explainability functionality. The threat of mistranslation, as the initial mistranslation by SUVAS of "leave granted" to "holiday approved," indicates the absolute need for specialized corpora and legal training of the post-editing linguists. The lack of regulatory guidelines is a major stumbling block, since there are no statutory provisions in India presently on AI evidence, predictive inaccuracy liability, or litigant opt-out rights. The 2025 Kerala High Court's AI Policy, an innovative move in India, mandates disclosure to parties, human checking of drafts, and periodic audits, although the above provisions are advisory for places outside Kerala. Finally, infrastructure differences risk transforming smart courts into "elite courts" if the rollout of software is not supplemented with rural fiber, stable power, and low-cost devices.AI and machine learning will continue to play a central role; however, their usage must also ensure human oversight, transparency, and accountability. Technology is not a substitute for justice, but a spur to its desirable promptness and operation. With equality of access, sound regulation, and ethical innovation, India's digital courts can be a model of reconciled promptness and justice, efficiency and equity, modernisation and the everlasting human values of justice.

Recommendations are:

(a) **Hard infrastructure:** Increase fiber-optic connectivity under Bharat Net Phase-III and set up solar-plus-battery microgrids in court campuses with limited power to provide 99.9% uptime.

(b) **Human infrastructure:** Make digital continuing education for judicial officers and advocates compulsory; mimic Kerala's "e-Court Fellow" program, where each judge is assigned a trained law-clerk intern.

(c) **Legal framework:** Implement a Court Technology Standards Act to have service-level agreements for bandwidth, encryption, and audit trails; legally acknowledge blockchain-timestamped evidence; and enact video conferencing evidence rules in the Bharatiya Sakshya Adhiniyam.

(d) **Cybersecurity:** Move from foreign proprietary platforms to a sovereign, NIC-hosted cloud certified under ISO-27001; mandate quarterly penetration testing and create a Judicial CERT with a sufficient budget annually.

(e) **Inclusion:** Localize e-filing portals in all 22 Eighth-Schedule languages; provide funding for mobile e-Seva vans to tribal and remote areas; enter zero-rating arrangements with telecom operators so that court sites don't eat up data, thus delivering on the constitutional promise of efficient and equal justice for all Indians.

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ABOUT THE UNIVERSITY

Career Point University, Hamirpur, is a State Private University established by the Himachal Pradesh State Legislature in 2012 at a rural location dedicated to Padma Bhushan Shri Yash Pal Ji, a distinguished freedom fighter who worked alongside Sardar Bhagat Singh, Rajguru, and Sukhdev. The University was founded with the vision of providing accessible quality higher education to rural youth and fulfilling the national agenda of equity and knowledge expansion as emphasized by the National Knowledge Commission. CPU is recognized by the University Grants Commission, accredited by NAAC, ranked under ARIIA – Ministry of Education, Government of India, and is a proud member of the Association of Indian Universities. The University has also received the Green Champion Award and has earned national recognition by winning the Smart India Hackathon 2020. The University is built on four pillars: Academics, Research, Innovation, and Community Service. It offers 60+ programmes across diverse disciplines including Engineering, Management, Sciences, Law, Pharmacy, Ayurveda, Yoga, Humanities, and Hospitality. Strong collaborations with institutions such as IIT Madras, DRDO, CSIR-IHBT, and IIIT ensure a robust research ecosystem with nearly 200 PhD scholars and multiple government-funded projects.CPU has established leading innovation facilities including a Technology Enabling Centre (DST, GoI), a Business Incubator (MSME), and a Startup Hub under the CM Startup Scheme. The University has supported 54 start-ups, with 16 successfully commercialized. Today, with a strong alumni base and commitment to societal growth, CPU stands as a vibrant institution shaping the future of rural India.