SUSTAINABLE DEVELOPMENT, GOOD GOVERNANCE AND RULE OF LAW

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Sustainable Development, Good Governance and Rule of Law

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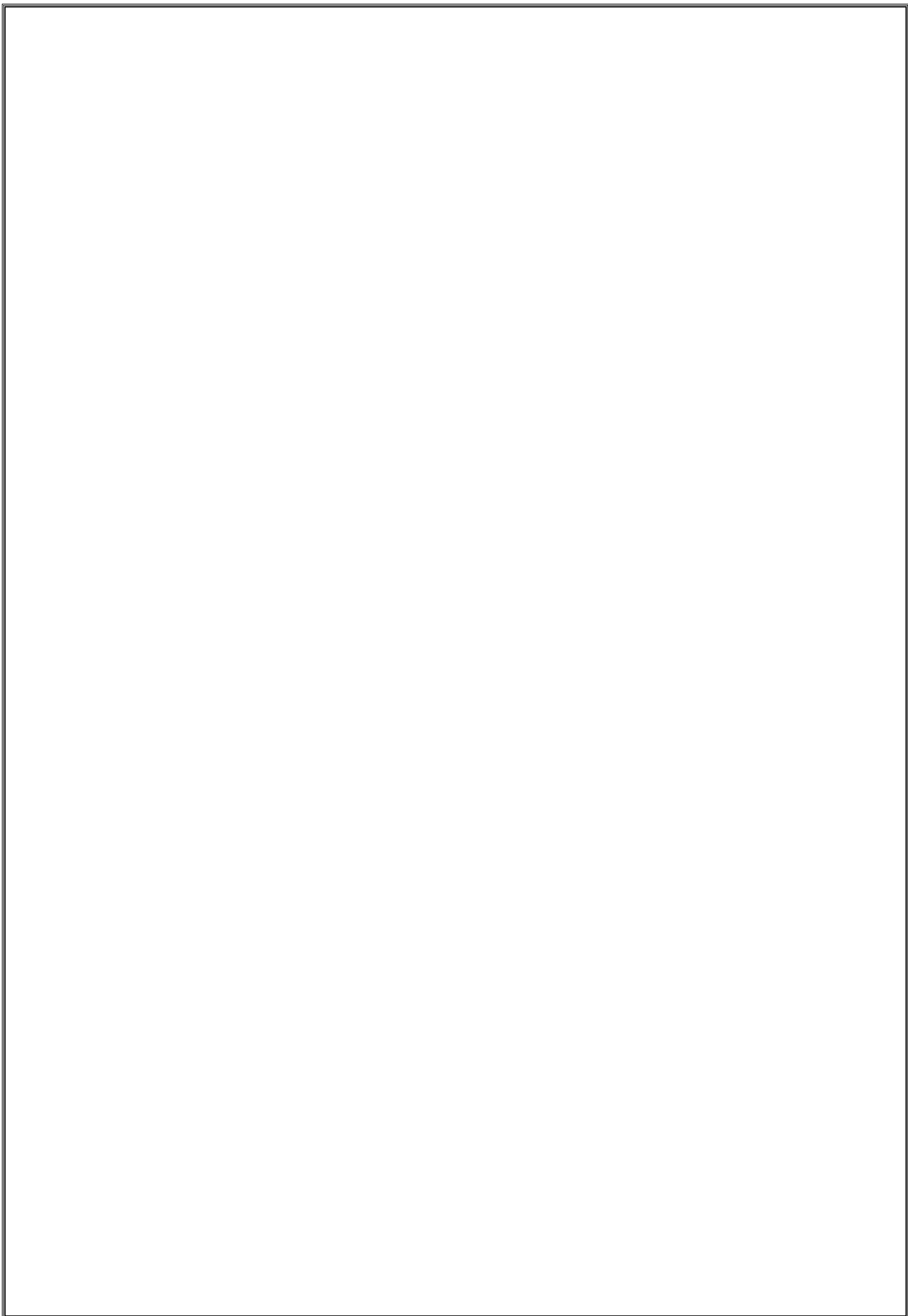
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PREFACE

Governance, represents the foundational principles of societal organization, decision-making, and resource management. Plato, in his seminal work *Republic*, envisioned governance as a mechanism to serve the collective good and mediate conflicting interests within society. This vision has shaped philosophical and practical approaches to governance across centuries, influencing modern frameworks that prioritize equity, justice, and sustainability.

The World Bank's 1992 report, *Governance and Development*, provided a comprehensive definition of good governance, emphasizing the exercise of power in managing a nation's economic and social resources for development. This perspective not only underscores the technical and administrative aspects of governance but also highlights its role as a transformative force in societal evolution. Governance, as per the United Nations Development Programme (UNDP), is inherently participatory, allowing citizens and groups to express their interests, exercise their rights, and engage in processes that reconcile differences. This definition, endorsed by global agencies, reflects governance's multi-dimensional nature, spanning institutional frameworks, citizen engagement, and legal structures.

UNESCAP, delineates eight core characteristics of good governance: participation, consensus orientation, accountability, transparency, responsiveness, efficiency, equity, and adherence to the rule of law. These principles encapsulate the essence of governance as an inclusive and dynamic process. By ensuring the voices of vulnerable communities are heard, minimizing corruption, and upholding the rule of law, good governance acts as a cornerstone for sustainable and equitable development.

The absence of a universally agreed-upon definition of good governance, allows for flexibility, adapting governance frameworks to diverse cultural, social, and political contexts. India, as one of the world's largest democracies, offers a unique lens through which the principles of good governance are achieved. The Indian Constitution, with its emphasis on justice, liberty, equality, and fraternity, provides the bedrock for governance structures. India's commitment to participatory governance is reflected in its decentralization efforts, judicial activism, and policy initiatives aimed at inclusivity and sustainability.

As the global landscape evolves, the discourse on governance continues to expand, covering emerging challenges such as climate change, artificial intelligence, and data security. The Conference, of which this book is an outcome, sought to explore these intersections, emphasizing the need for governance structures that are adaptive, inclusive, and resilient. The current work endeavours to unravel these dimensions, offering insights into the theory and practice of good governance, both in India and globally, as a beacon for sustainable development and equitable progress.

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FOREWORD

In an era marked by unprecedented environmental, social, and technological challenges, it is critical to discuss the interplay of governance, justice, and sustainability. This book is the culmination of the proceedings from the National Conference on Sustainable Development, Good Governance and Rule of Law, conducted by SVKM's Pravin Gandhi College of Law in July 2024. It offers a rich exploration of how these multifaceted challenges are being addressed through the framework of good governance, legal innovations, and cultural integration.

The book delves into the domains of environmental concerns, data governance, and the role of Sustainable Development Goals (SDGs) to promote peace, justice, and equitable institutions. In the digital age, data has emerged as a cornerstone of governance, influencing decision-making across sectors. The absence of a robust national framework for data governance in India presents both challenges and opportunities. By aligning with international best practices, such as the General Data Protection Regulation (GDPR) in the European Union, India can strengthen its data governance framework to ensure integrity, security, and equitable access to justice.

Another emerging area is the integration of artificial intelligence (AI) into governance that underscores the interplay of technology and policy. AI holds the potential to revolutionize sectors such as healthcare, education, and public administration, as evidenced by its transformative impact during the COVID-19 pandemic. However, there exist multiple ethical and security challenges posed by AI that demand robust, global governance mechanisms. International initiatives like the United Nations' AI for Good Global Summit and India's AI market forecast to reach $7.8 billion by 2025 reflect the growing recognition of AI as both a tool and a responsibility. Establishing ethical AI policies and incorporating cultural and societal values into AI governance will be essential for realizing its full potential.

The role of culture in sustainability practices is another pivotal theme explored in this book. By analysing case studies from Scandinavia, Japan, and India, it illuminates how cultural dimensions influence the adoption and success of sustainability initiatives. For instance, the communal values embedded in India's cultural fabric have fostered practices like sustainable agriculture and water management, aligning with global SDG targets. Similarly, Scandinavia's egalitarian ethos and Japan's emphasis on harmony demonstrate how local cultural values can drive global environmental progress.

The underlying message in the book, is that, in order to achieve a sustainable future, it is necessary to include diverse perspectives, collective action, and an unwavering commitment to sustainability. As the world navigates an uncertain future, India's focus on good governance, equitable justice, and sustainable development offers valuable lessons in resilience and innovation.

At SVKM's Pravin Gandhi College of Law, we take immense pride in our unwavering commitment to academic inquiry and meaningful contributions to global challenges. This book stands as a testament to the dedicated efforts of our organizers in curating insightful perspectives on sustainable development and good governance, reflecting our institution's resolve to advance research and foster impactful dialogue in law and policy.

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Climate Jurisprudence in India; its Evolution, Agenda and Milestones

*By **Mrs. A. Sujana**,*

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ABSTRACT:

India is home to people's movements for environmental justice beginning with the Chipko movement. Some of the people's movements and activism aimed to include the call for protection of indigenous people, PVTG (Particularly Vulnerable Tribal Groups), protection of crop varieties, flora, and fauna. The enactment of the Wildlife Protection Act and the building of green corridors, recognition of biodiversity regions is in tune with the goals of environmental justice in India. The fight for environmental justice gained momentum with the establishment and functioning of the National Green Tribunal in 2010. The array of activism by rights groups makes the journey for environmental justice more democratic in spirit. This triad of people, environment and justice has been evolving at a steady pace resulting in the birth of new paradigms to seek justice. One such new paradigm is "climate jurisprudence." It is nouveau and may certainly put India on the path to enabling better governance, bolstering the legal framework to address climate change issues and achieve sustainable goals. This paper seeks to outline the evolution of climate jurisprudence in India. The main objective is to identify and decipher the agenda and analyse the milestones that define India and its journey to address climate change issues. This is a qualitative study and the research methods used are content analysis, interpretivism and secondary sources of data if needed. This paper seeks to identify, build, describe and explain the phenomenon of the rise of climate jurisprudence in India. It aims to analyse the milestones such as supreme court judgements in support of climate justice in the recent times. The need for this study lies in the fact that nation-states are defining and upholding climate justice. For instance, recently EU has passed legislation to uphold climate justice. Such a jurisprudence reaffirms the commitment and dialogue for achievement of sustainable development goals. This research paper seeks to present the broad and evolving contours of climate jurisprudence in India. The challenges faced at the COP26, Glasgow

Summit explain the immediacy and urgency of the problems faced by nations and their citizens. The global world order is a rule based abiding order and defining and understanding the vocabulary of climate jurisprudence adds coherence to India's commitment and strategic achievement of sustainable development goals. India's mantra to reduce global conflict and spread peace and tolerance are symbolic. Its political culture at home with judicial activism at its heights has paved way for an expansionary role played by the judiciary that go beyond giving directions to governments. This paper explains the nature of the changing legal framework and why such a system of justice is the need of the hour because it encompasses people, processes, and purpose. The trajectory of climate jurisprudence in India is domestic as well as aligning to imbibe and follow the demands of international conventions.

Key words *- Climate jurisprudence, agenda, milestones*

INTRODUCTION:

The term and phrase "climate jurisprudence" has been used synonymously with "climate change justice." In most of the democratic nations in the world the peoples' movements for environmental justice have a rich past and are a more evolved body of legal justice compared to climate change justice. Climate change justice is more recent and includes a set of legal precedents that seek to challenge and reaffirm human kind's basic right to life and right to seek justice through the constitutional systems.

The ethos in seeking justice for right to life and right against climate change is centred in the justice system which upholds rule of law, protection of individual rights. Climate jurisprudence consists of the entire gamut of legal activism beginning with dealing with applicability of international conventions in the homeland, creation of legislation to protect life, suggestions of the legal bodies, verdicts of the apex courts and particularly the decision of the courts to uphold right to life. According to Harrison Beck, climate jurisprudence is engaged in providing adequate relief to the climate claimants.[1]

The cornerstone of climate jurisprudence is that judicial activism is dedicated to upholding the right to life. It must result in the protection of individuals and communities threatened by the climate change crisis. Climate jurisprudence in India involves revisiting the Indian constitution

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[1] Harrison Beck, *Locating Liability for Climate Change*, Vol.50, No.3, Environmental Law, 885, 885-917, 2020.

to uphold the right to life and the duty of the government and the people to protect and safeguard the environment.

Organisation of the research paper -

The research paper is organised into different sections to focus and develop coherence and build an integrated yet diverse perspective that throws light on the multidimensional process that accompany and vindicate the case for climate jurisprudence. It begins with an introduction and a note on the research methodology. The paper highlights the urgency behind the adoption of international conventions, resulting in implications for UN member nations and organisations such as the EU to address issues related to climate injustice. It includes finding precedents within national law and international law to expand and create climate justice akin to social justice.

In order to do this, the paper charts the timeline of major international conventions and national milestones in India. It looks at the accomplishments of the existing legislation in India and the indispensable role played by the National Green Tribunal. Environmental justice, theory and practise has preceded climate justice and this is the ordering of ideas in this research paper too.

The paper seeks to present the complex nature of how the contours are drawn and evolving with specific reference to climate jurisprudence in India. The rest of the paper details the challenges and gaps between theory and practice in climate justice. The paper focuses on evolution of climate jurisprudence, its agenda which is taking forward the challenges to achieve the commitments to international conventions and at the same time makes a mention of issues at the grassroots democracy in India. The milestones can be counted in a threefold manner, awareness and advocacy by people, responsive governance, verdict by the apex court to uphold constitutional law thereby securing the right to life.

Research methodology -

This research paper is descriptive. The use of mixed methods such as content analysis and interpretivism have been used to explain the basic premises of advocating climate justice in India. Content analysis is crucial as we change the changing nature of vocabulary that include carbon reparations, carbon debts, net zero. In using interpretivism as a method one can effectively engage with the nuances of climate jurisprudence. It can be used to explain the precedents the courts want to establish. It can also explain what are the areas where climate justice may encounter greater challenges. In order to explain the nature of jurisprudence in

other countries one needs to understand their doctrines of common law, public nuisance doctrine, writs, torts, case laws and hence interpretivism and content analysis helps in reading in between the lines of the texts, reports, research articles.

Content Analysis and Interpretivism in understanding the discourse on climate jurisprudence -

While climate action calls for meticulous charting of goals such as cutting down on greenhouse gas emissions, achieving net zero and the timeline to realise goals, they are based on scientific methods which rely on quantification and computation. They deal with big data sets and the use of satellite imaging. The discourse on climate action is often led by scientists, geologists, climatologists, and environmentalists.

Content analysis as a method tells us that in order to understand how the discourse on climate justice is shaped one needs to take cognisance of how these scientific claims and predictions eventually become a part of the mainstream debates whether it is in the courts or the legislature or the press. The closest encounter is with the litigants making their claims to courts to reinforce and uphold the right to life. The entire discourse on climate action is shaped by legal intervention. It is precisely this that the paper seeks to elaborate and highlight. Climate jurisprudence is discussed with reference to the nations facing challenges such as an event being related to an "ecological poly-crisis".[2]

Interpretivism -

Interpretivism as a research method is used to understand the different mediums that define what climate action or climate justice should be about. Interpretivism tells us about the nature of the climate discourse being shaped at different levels local, regional and international. It informs us about the efficacy of dialogue among nations. As the climate action is driven by consensus among nations, through the lens of interpretivism one can see the rise of people's groups or activism as a mechanism to lend legitimacy to the struggle for climate justice. Interpretivism tell us that there is resistance, conflict and climate inaction. It lends insights into the implications of law, differentiated outcomes of international conventions and the response of democratic governments at large. The research methods used here include narrative analysis.

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[2]Arpitha Kodiveri, *The Genre-Bending of Climate Litigation in India*, Verfassungsblogs On matters Constitutional, (Last Accessed: Sep. 15, 2024, 1:27 AM), https://verfassungsblog.de/the-genre-bending-of-climate-litigation-in-india/

International Conventions -

International Conventions are a positive framework that build and ratify decisions based on consensus and uphold the rights of peoples of member nations of the UN. The UNFCCC became effective in 1994. It is one of the most remarkable conventions which brought together 198 countries to combat climate change. It is said to have taken the due principles from the Montreal protocol. According to the UN, "the Paris agreement is a legally binding international agreement on climate change."[3] It came into effect in 2016. These were the initial international conventions that tabled the issues of climate change as a global problem and the onus being on member nations to work closely on building consensus and working through the Intergovernmental Panel on Climate Change.

The Glasgow Summit. also known as COP26 was again a historic moment as it brought to fore the spectre of the crisis and climate change problems facing countries. According to the UN reports the Glasgow Summit exposed the lack of political will among nations and yet the only positive outcome was to implement more effectively the strategies for a low carbon world. The European Union has set a precedent by adopting the European Climate Law that aims to achieve climate neutrality by 2050. One of the main objectives is to ensure that climate neutrality is irreversible. ECtHR, the European Court for human rights upholds the European Convention on human rights.

Precedents from International law -

The precedents from international law such as the European Convention Human Rights, the UNFCCC framework constitute global efforts to tackle climate change. The word precedent here signifies the critical role played by the ECHR in implementing the conventions and upholding the Right to life. The right to life is the most important human right and hence for any action seeking climate justice this framework becomes quintessential. The law protects the claimants of climate justice by ensuring their human rights. The process of upholding or restoring basic human rights, the right to life, is the only way to ensure climate justice for victims of climate change. The IPCC or Intergovernmental Panel on Climate Change is the chief UN body that disseminates timely reports and keeps a check on the rules and regulations

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[3] UNFCCC.IN, https://unfccc.int/process-and-meetings/the-paris-agreement (Last Accessed: Sep. 15, 2024).

binding nations. Recently it has published its Sixth Assessment Report for Global stocktake in 2023.

ENVIRONMENTAL JUSTICE IN INDIA:

According to C. M. Abraham, the demand for environmental justice in India begins with the 1970s and goes on till the 1990s.[4] Environmental justice in India can be classified under specific domain knowledge such as social movements and social and political theory or an environmental political theory, legal studies on environmental legislation and judge made laws, constitutional law, human rights discourses etc. However environmental justice has its roots in addressing people's struggles for social justice. Environmental justice in India is vocal and the peoples' advocacy groups and online forums have gathered momentum, thereby giving direction to the notions of the demands for social justice. Some of the scholars and academia such as Gitanjali Nain Gill, Sunita Narain and Pankaj Sekhsaria and many more have created democratic spaces for citizens to engage and dwell on action research.

On the other spectrum are the contributions of the eminent environmental lawyer M. C. Mehta who has been a crusader for pollution free India. This the eminent jurist has done by enabling the judiciary to give directives to the government and the private companies to stop any activities that result in polluting the environment. Judge made laws are the most important contribution to environmental justice in India.

Chipko Movement and other social movements for environmental justice -

The Chipko movement in the 1970s stands out as a classic example of people's movement to seek environmental justice. There was the Namantar Andolan in 1978 and Jungle Bachao Andolan in the 1980s. In recent years we see ecological, environmental activists and social activists such as Vandana Shiva, Medha Patekar, Ramon Magsaysay Awardee, Aruna Roy leading people's civil liberties talks and discussions. Ramon Magsaysay Awardee Shri P. Sainath has been a crusader for ensuring equity and justice for rural India.

Recently the Indian government honoured Padmashree Awardee Chami Murmu and recognised her as an environmental hero. Padmashri Shri Tulsi Gowda is known as the "tree goddess" and encyclopaedia of the forest. Karnataka's Thimakka is also revered as an environmental hero and received the Padma Shri. We also know about the Soil movement by Sadhguru Jagi

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[4] 2, C.M. ABRAHAM, ENVIRONMENTAL JURISPRUDENCE IN INDIA, 1-2, (BRILL 2023).

Vasudev. Prof. Vasanthi Srinivasan revisits the "Bhoodan Movement" and explains how social justice was rendered to the poor peasants.[5]

Environmental legislation in India and the National Green Tribunal -

On the one hand Indian parliament has engaged in environmental legislation to protect wildlife, river water bodies, eco systems and on the other we have the National Green Tribunal which has played a pivotal role in advancing jurisprudence related to environment, ecology. Gitanjali Nain Gill explains the contributions of the National Green Tribunal (NGT) to environmental justice. The author presents the timeline of the NGT and with the extensive research carried out explains the factors behind the growing caseload of the NGT.[6] The more serious concerns raised by Gitanjali Nain Gill are related to governance structures and case laws in India.[7] Some of the recent Reports of the Law Commission in India advocate the setting up of the environment courts in India. Most of the grievances and litigation are directed to the district courts which face challenges in terms of jurisdiction and more often the High Courts alone are able to pronounce judgements on these issues.

CLIMATE JURISPRUDENCE IN INDIA:

In an article in The Hindu, the writers opine "climate justice requires compensation for those who are harmed."[8] Mathew Idiculla argues that the protection of the environment can sometimes result in bureaucratisation and 'technocratisation' without actually fixing liability.[9] In other words, ensuring environmental protection is faced with serious governance related challenges. Climate jurisprudence in India has been created by the judge made laws of the Supreme Court of India. The court has upheld the doctrine of constitutional guarantee of the Right to life. Climate jurisprudence in India encompasses the creation of new governance mechanisms to address administrative challenges in order that climate justice is enforceable.

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[5] VASANTHI SRINIVASAN, HINDU SPIRTUALITY AND VIRTUE POLITICS, (2014).
[6] GITANJALI NAIN GILL, ENVIRONMENTAL JUSTICE IN INDIA, THE NATIONAL GREEN TRIBUNAL (Routledge, 2017).
[7] Ibid.
[8] Kalaiyarasan. A., Santosh Kumar Sahu, *The Shape of Climate Justice in a Warming India*, THE HINDU, (Oct 20, 2023, 12:16 AM), https://www.thehindu.com/opinion/lead/the-shape-of-climate-justice-in-a-warming-india/article67438965.ece.
[9] Mathew Idicula, *Climate Justice through Judicial Diktat*, THE HINDU, (Last Accessed: Sep 24, 2019 , 12:05 AM) https://www.thehindu.com/opinion/op-ed/climate-justice-through-judicial-diktat/article29493093.ece.

Recent Supreme Court Judgements -

The recent Supreme court judgement in the M. K. Manjitsinh vs Union of India has been described as a precedent the Supreme court of India has established to protect and uphold environmental safety and more specifically in this case to protect the life of the Great Indian Bustard. In this case the Supreme court revisited the following articles in the Indian constitution Article 48 A, Article 51 A, Article 21 and Article 14.[10] The two rights that the Supreme Court upheld were the right to clean the environment and the right to equality before law and equal protection of law.[11]

Evolution and the Contours of Climate Jurisprudence in India -

It is essential to understand the evolution of climate jurisprudence in India because the nature of its theory and practice is not clearly defined and purely based on precedent. On the other hand, in the western world it has evolved in two areas specifically private law, case law and in response to the public nuisance doctrine, particularly in the US. In the EU, countries have access to a different justice system, best described as supranational courts. The European Court for Human Rights has taken up cases pertaining to climate justice.

In recent times, India has become an important player in world politics and has been part of the leadership summits to address and tackle climate injustice. India at present holds a strategic position in global affairs and the Modi government expressed solidarity and commitment to the Paris Agreement. This is also the moment when India has engaged to express its contribution to tackle climate injustice through the adoption of environment friendly policies in the homeland. For instance, India has adopted policies that tackle the shifting of usage and consumption of fuels in support of LPG and biofuels. It has reiterated its support for biofuels and use of electric vehicles. It has been the pioneer in pushing for solar energy reforms. This includes India's policy to achieve net zero. From time to time there are efforts by the government in terms of policy to specify eco parks, bio zones and protect forest reserves. Therefore, the contours of Climate jurisprudence in India begin with critical engagement with UN and member nations. In recent times India has been invited as a guest to the G7 Summit and India holds the exclusive stature of being unbiased towards conflicting parties, thereby leveraging its stand, and extending efficient leadership.

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[10] Climatecasechart.com, https://climatecasechart.com/non-us-case/mk-ranjitsinh-ors-v-union-of-india-ors/ (Last Accessed: Sep 15, 2024).
[11] *Ibid.*

Climate jurisprudence in India begins with the legal framework set by international conventions and India being a party to these conventions and honouring them. Within India the environmental legislation and environmental justice is involved in addressing people's grievances. Therefore, the jurisprudence adds to the existing public policy framework pertaining to three broad areas such as use of renewable energy, use of electric vehicles, protection, conservation of biodiversity and achieving sustainable development goals. It also includes India's priority and commitment to a dedicated natural disaster management strategy. At the level of the courts, we have special courts and there are efforts to look into the constitution of environmental courts.

At this juncture let us recall the often-quoted adage "India lives in its villages". The villages are at the heart of India's grassroots democracy and the issues that people in rural India face are different from the issues faced by people in urban India. Rural India has navigated the journey of resolving its issues at the grassroots level itself and they have resorted to dharnas, mass movements to seek justice for their livelihoods. The people residing in the hill zones in India, and the pockets of land that are home to tribal communities for decades, these have been duly safeguarded and the residents have now been justly provided with access to the resources of the forests. Regarding the issue of illegal sand-mining or setting up of huge plant machinery of private entities, the Indian courts have given immense power to the people and residents to participate in the decision-making process.

This system of consensus making and decision making has greatly safeguarded the rural people their rights to live in their ancestral lands. While there is so much discourse and theoretical emphasis on protection of vulnerable people, it is a matter of neglect and injury that some people living in the deep tribal hamlets of Alluri Sitharama district face the direst of challenges to protect their young from diseases and premature death. [12] This is a lacuna in our administrative and political system that the people from the PVTG still encounter death, disease, and rampant neglect in remote parts of rural India.[13] If climate justice is basically about upholding the right to life, then can the collective lives of these communities be safeguarded? These are the contours that climate jurisprudence in India will navigate through because any justice that seeks to promote the healthy, ecological balance and vitality will depend on those whose lives revolve around understanding and maintaining the fragile balance of the

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[12] B.Madhu Gopal, *The Long Road and an Arduous Journey to Development*, THE HINDU, (Last Accessed: May 24, 2024, 07:50 AM), https://www.thehindu.com/news/national/andhra-pradesh/the-long-road-and-an-arduous-journey-to development/article68182991.ece.
[13] *Ibid.*

ecosystems. The recent Andaman and Nicobar Islands issue is pertinent and Pankaj Sekhsaria points to flaws in environment legislation and government policy.[14] Pankaj Sekhsaria is a member of the Kalpavriksh Environment Action for India group. His writings have critically evaluated the loopholes in environmental action for justice in India.[15] He vocalizes the protection of the rights of aboriginals of the Andamans. He draws attention to environmental challenges which include the conflict induced by development activities.

AGENDA:

The agenda for climate jurisprudence is to use writ jurisdiction to prohibit any environmental law violations and promote conservation. The agenda is to achieve the Sustainable Development Goals and Climate justice. India has made its announcements to fight climate change and fight climate injustice. In the Glasgow Summit, 2021, India pledged to achieve net zero by 2070. The India SDG India Index 2023-2024 reports that India has been making steady progress in the area of affordable and clean energy, this index monitors India's strength in building strong institutions that deliver justice and promote good governance. Hence the agenda for climate jurisprudence encompasses;

a) the different levels of government and the mapping of the SDG's,

b) the amendment of environmental legislations,

c) compatibility with international climate conventions,

d) expansion of the jurisdiction of the courts to take up more cases to protect life,

e) the think tanks CSE, WII, Ecology centres,

f) advocacy groups vocalising climate justice.

Summarily the agenda is finding intersectionality among the various players contending for relief and justice.

Governance for Climate justice -

Governance is one of the pillars on which the climate jurisprudence will depend on. Governments depend on governance to implement public policy measures, mainly

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[14]Pankaj Sekhsaria, *Islands on the Seam*, THE HINDU, (March 4, 2017, 5:00 PM), https://www.thehindu.com/sci-tech/energy-and-environment/islands-on-the-seam/article17407991.ece.
[15] *Ibid.*

environmental policy in this case. The need for governance is explicitly stated in the lacunae faced by governments to implement court directives. The issue faced is in locating liability or accountability.[16] Governance includes the creation of more robust institutions, new rules-based frameworks and improving people's access to justice. M. K. Manjithsinh is considered to be the father of environment protection and wildlife legislation in India

MILESTONES AND THE EMERGING LEGAL FRAMEWORK IN INDIA:

Is the use of the term milestones relevant in climate justice? It seems to be the case that the term 'milestones' has been used earlier by the United States Environmental Protection Agency (USEPA) precisely to acknowledge the progress made in conservation of ecology and environment.[17] 'Milestones' includes legislations such as 'clean air act' and the development of organisational capacity to foster environmental conservation. Therefore, the term 'milestones' is helpful in explaining how countries have worked towards building the Sustainable development goals. India too has her moments of success and challenges. The moments of triumph maybe significant to explain moving towards climate justice.

In India, one can find the existence of two extreme positions on 'climate action' and 'climate justice'. The first one is the positive position where there is evidence of India's dedication to increase solar energy in gigawatts, development of alternative bio fuels. The positive side includes efforts to rejuvenate and conserve flora and fauna. It includes the building of green corridors or designation of forest zones. It includes legislation to foster environment and clean air. India launched the "Save the Tiger' campaign that attracted environmental action and support

At the other end of the scale, is the negative opinion weighing down India's milestones as vague, non-existent, obscure or often elusive. This situation exists because India is a nation with diverse environmental features and it is not part of an elite group of nations that experienced industrial success in the first and second waves of industrialization. The other reason why India may take more time to achieve 'net zero' is because it is achieving its industrial expansion right now and it belongs to the group of countries that have complained of the double standards the western nations have imposed on Asian countries. The existence of

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[16] Harrison Beck, *Locating Liability for Climate Change*, Vol.50, No.3, Environmental Law,885, 885-917,2020.
[17] *Milestones in EPA and Environmental History,* UNITED NATIONS ENVIRONMENTAL PROTECTION AGENCY, https://www.epa.gov/history/milestones-epa-and-environmental-history (Last Accessed: Sept. 14, 2024).

these extremes is evident as India has witnessed one disaster after the other, making it harder to explain if it is on the road to ensuring environmental justice and climate justice.

This reality of the extremes and their coexistence should not deter or dampen the goals to secure climate justice. Climate justice in India may be seen as moving towards the securing of slow and steady milestones. The milestones include the exhaustive list of legislations in India from the clean air act to the forest act and the establishment of the environmental tribunal act.

Any discussion on 'climate jurisprudence' may look at the success stories because they are intricately linked to the local grass roots democracy and they are also struggles for social justice.[18] Environmentalism in India must restore locals their rights and any movement on climate justice is definitely a social justice movement.[19]

Some of the milestones include and can be broadly classified under different fields such as India's aim to become a Hub for Clean Energy alternatives and solar energy. Efforts have been made to ensure Reduction of carbon emissions. There is evidence of recycling of waste and use of environmentally friendly products in products such as textiles, materials, lifestyle changes to protect environment. Providing secure wildlife habitats and fostering ecosystem is another milestone as understood by environmentalists. Extending sustainable livelihoods in rural India is a major programme that seeks to check urban migration. At present the Conservation and protection of wildlife is seen as the most laudable initiative and legally enforceable. India is a signatory to several climate action conventions. Climate justice is achieving parity.

Advocacy for Climate Action in India -

Awareness and advocacy by people, for instance, 'Civicus' a citizen forum, says India is not yet there and more needs to be done to set us on the path to fight against climate change. Advocacy groups include activists and practitioners who are involved in problem solving and action programmes. The organisations include TERI, CSE, Kalpavrikh, CSD, Netizens are actively pushing greater engagement on environment issues on online platforms.

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[18] 1, PRAKASH KASHWAN, CLIMATE JUSTICE IN INDIA, 2024.
[19] Biswajit Sarmah, *How India's First Conservation Success Came to Be,* THE INDIA FORUM, A Journal-Magazine on Contemporary Issues, (March 29th, 2023), https://www.theindiaforum.in/environment/how-indias-first-conservation-success-came-be.

Responsive Governance –

Responsive governance can be seen in the role played by the National Green Tribunal. It is not merely a settler of disputes but it is engaged in pushing administration to deliver a more rules based and process-based order.

The verdict by the apex court to uphold constitutional law thereby securing the right to life is now believed by many to be the biggest milestone to begin with. This is because it answers the calls for seeking protection of the environment and life.

Policy milestones -

The policy milestones include India's vision and mission to achieve net zero 2070. They include India's switch to production of bio-friendly fuels and energy alternatives. India's foreign Policy also reflects its positive reaffirmation of pledging itself to promote better environment. India has set an exemplary record among nations to promote solar energy and it is successful.

According to the SDG India Index report 2023-2024, "Towards Viksit Bharath" one can see evidence of multiple initiatives in the field of clean energy. The initiatives include rooftop solar programme, GEC Green energy corridors, National Green Hydrogen Mission, FAME Scheme that is the Faster adoption and manufacturing of Electric Vehicles scheme.

Thomas Kerr, a lead climate specialist vouches India's commitment to climate action policies. In an article published in the World Economic Forum he says India's excellent policies in the realm of solar power, its subsidy scheme and LIFE Lifestyle for environment are examples which other countries can emulate.[20]

SDG's India Index -

The SDG Report is published annually by NITI Aayog. This is a tool to measure India's progress and score in achieving sustainable development goals. The SDG India Index report 2023-2024 states that India's overall composite score has been improving on all fronts. This is undoubtedly a milestone to promote environmental protection and sustainability. The report mentions that India has secured the highest score in Goal no.10 Climate action.

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[20] Thomas Kerr, *India is Making Strides on Climate Policy that others could follow*, WORLD ECONOMIC FORUM, Feb. 5,2024, https://www.weforum.org/agenda/2024/02/climate-policy-india/.

Wetland cover in India -

The Ministry of Environment, Forests and Climate change, Government of India, has a dedicated web portal for tracking India's efforts to conserve water and increase wetlands. There is a campaign launched that is the "Jan Andolan" to conserve water. The Ministry and the National Centre for Sustainable Coastal Management have developed and operationalised a "standard operating procedure for assessment of carbon stock in wetlands".

CONCLUSION:

The research paper describes the trajectory and multidimensional aspects of climate jurisprudence in India. The main objective of climate justice is to secure life and the environment. It is important to understand the implications and actions of international bodies and governments on the lives of people and the environments they live in. It is the law and the doctrines of the courts that can restore environments to their safety and restore to humankind the dignity of the right to life.

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The Need to Incorporate Mandatory Public Participation in the Indian Environment Impact Assessment Process for Sustainable Development and Good Environmental Governance

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ABSTRACT:

Environment Impact Assessment (EIA), which originated in the USA, is a tool primarily to test an upcoming development project on the whetstone of the precautionary principle. The proposed project is assessed on project specific terms of reference (ToR's) and the positive and negative fall outs on the environment, society and economy are measured. Thus, EIA is also a tool for deciding the sustainability of the development project with respect to the sustainable development principle.

Environment impact assessment process in India is regulated by EIA Notification, 2006 (EIA, 2006) which has been enacted under the Environment Protection Act, 1986 (EPA, 1986) and the Environment (Protection) Rules, 1986. EIA, 2006 has been amended 70 times since 2006 to permit developmental projects pertaining to roadways, tourism and residential buildings. EIA, 2006, categorizes projects into A, B1 & B2 category, EIA is compulsory for category A and B1 projects whereas category B2 projects are exempt from EIA. The major stages of an EIA process are scoping, screening, public participation, decision making and review. Public participation is not mandatory under the Indian EIA process and can be waived or taken online.

The impact of public participation can be understood from the Supreme Court judgement in Orissa Mining Corporation v. Ministry of Environment & Forest & Others where it ordered the roll back of a mining project as the mining area was the abode of the tribal deity "Niyamgiri Raja" as the tribals were opposed to the setting up of the mine. Public participation needs to be viewed as an opportunity to bring in transparency and open communication channels for modification and adaptation of the development project. The Environmental Appraisal

Committee (EAC) and the State Environmental Impact Assessment Authorities (SEIAA) are the expert decision-making bodies that grant environmental clearance. As per the decision of the Supreme Court in Hanuman Laxman Aroskar v. Union of India decision-making bodies need take decisions based on environmental rule of law (EOL). The absence of public participation robs these decision-making bodies of crucial data to make decisions that apply EOL.

Key Words - *Environment Impact Assessment, Public participation, Environmental Rule of law, Sustainable Development*

INTRODUCTION:

Environment Impact Assessment (EIA), which originated in the USA and found a place in USA's National Environmental Policy Act, 1969 is now a globally accepted tool for measuring the impacts of a development project. EIA is a tool primarily to evaluate an upcoming development project on the whetstone of the precautionary principle. At the world stage EIA was one of the principles mentioned in the Rio declaration which containing 27 principles relevant to environmental protection and conservation.[1] The UNEP defines EIA as :

> *"a tool to identify environmental, social and economic impacts before decision making. EIA evaluates the environmental, economic and social impacts of a project."[2]*

The EIA process is a multi-dimensional and interdisciplinary process , it is also extremely dynamic due to the varied kinds of projects involving different factors that need to be assessed. EIA is also an indicator for the sustainability of the development project as a well conducted EIA will ensure that the project confirms to the sustainable development principle ensuring continuity of the project.

A diligently conducted EIA should reveal the various areas that can be worked upon through innovation and adaptation of the project. An EIA that has failed to address the economic , social and environmental concerns is violative of human rights and rights of the environment. [3] This calls for the right parameters to be included in the EIA process, a one size fits all approach tends to reduce a dynamic measuring tool that needs application of mind to a mindless compliance

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[1] Principle 17: Environmental impact assessment, as a national instrument, shall be undertaken for proposed activities that are likely to have a significant adverse impact on the environment and are subject to a decision of a competent national authority.
[2] https://www.cbd.int/impact/whatis.shtml
[3] Great Jurisprudence means that the environment has the right to exist and not to be destroyed.

procedure. Every project has a social fallout as it affects people in many different ways. Public participation in the EIA process plays an important role of taking inputs from the directly affected people, public participation converts the expert decision into a consensual decision-making process. The overemphasis on EIA being a scientific and expert domain tends to give lesser importance to public participation and at times it can be eliminated altogether.[4]

An EIA that balances all three pillars -Economic, Social and Ecological - of the sustainable development model can to a certain extent guarantee that the project will continuously balance the loss between these aspects and be of overall benefit. Hence there is a direct correlation between EIA and sustainable development. Sustainable development a term which has been defined in more than one way, the essence of sustainable development is the attempt to balance the consumption of natural resources by the present generation keeping in mind the needs of the future generation of the same resources. The key resources that need to be utilized using this principle are the non-renewable energy and earth resources , this principle also takes into account the loss of biodiversity. Intergenerational equity is the ultimate aim of this principle , the implementation however boils down to applying cost benefit analysis to the development project not only in economic terms but in terms of social and ecological costs.

Public participation is an integral part of the EIA process as nearly all development will impact some public specifically and others at large. In the UK no town planning can take place without passing the muster from the public. In the USA there is a categorization of projects for which public inputs /hearing is a must while other projects are exempted from a mandatory public hearing. In India public hearing is mandated for specific projects only and can be waived off by the concerned government. Public participation in the form of a hearing or involvement caters to the concerns of the people, the project proponent gets a chance to adapt and innovate as per the feedback of the public hearing. It also bestows a sense of being heard to the public and being a part of the development model. The maintenance and well-being of the environment as stated in the Constitution of India is the duty of the government, legal entities such as companies, societies, associations and the citizens.[5] Public participation is also one of the eight characteristics of "good governance", which has been defined as:

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[4] EIA Notification 2006,Para 7 (i), Stage (3) Public Consultation(v)
[5] Article 48 A and 51 A (g) of the Constitution of India.

" *Good governance has eight major characteristics It is participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows the rule of law.*" [6]

India has been making amendments in its environmental laws with triple objectives of ease of business , good governance and public trust. The shared responsibility of environmental protection and conservation are dependent on good environmental governance in which public participation is the key to generate consensus and inclusiveness in the decision-making process. Public participation also plays a key role in keeping the administrative bodies responsive , effective and efficient.

This paper is divided into four quadrants the first one explains the current Indian EIA process , the second is concerned with understanding the status of public consultation in the Indian EIA process, the third tries to identify the relationship between public participation, sustainable development , environmental rule of law and environmental good governance, the fourth highlights how public participation and consultation can be incorporated in the EIA process enabling sustainable development.

The four research questions central to this research paper are:

1. What is the current Indian EIA process?
2. What is the status of public participation in the current Indian EIA process?
3. What is the interrelatedness between public participation , sustainable development, Environmental Rule of Law (EROL) and environmental good governance?
4. How can public participation be incorporated in Indian EIA enabling sustainable development?

THE INDIAN EIA PROCESS IN A NUTSHELL:

Environment impact assessment process in India prior to 1994 was a closed-door bureaucratic decision/s swayed by the executive (Ministries and Ministers). A notification under the EPA, 1986 was published in the year 1994 mandating central clearance for projects listed in the schedule of the notification.[7]

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[6] United Nations Economic and Social Commission for Asia and the Pacific, *"What is Good Governance?"* https://www.unescap.org/sites/default/files/good-governance.pdf

[7] SO 60(E) dated 27 January 1994.

It was only much later that the EIA Notification, 2006 (EIA, 2006) were enacted under the Environment Protection Act, 1986[8] (EPA, 1986) in furtherance of India's international obligations[9] followed by the Environment (Protection) Rules, 1986[10] The EIA being a subordinate legislation makes is easily amended as the proposed amendment needs to be put out for public participation and does not need to pass the lower and upper house. The Ministry has full discretion as to the incorporation or rejection of responses received from the public. EIA, 2006 has been amended 70 times since 2006[11] in order to permit developmental projects relating to roadways, tourism, residential buildings, hydroelectricity projects and change of land use for airports amongst many others.

The two most prevalent models of EIA are the mandatory and the discretionary models, EIA that is mandated by a statute is the mandatory model and where EIA is solely dependent on administrative discretion is the discretionary model. India follows a mix of the mandatory and discretionary model. An Environmental Impact Assessment (EIA) report is often a key requirement as part of the process of gaining Environmental Clearance (EC).

EIA, 2006, categorizes projects into A, B1 & B2 category[12] based on the spatial extent of impacts, impacts on natural and man-made resources and impacts on human health. EC is compulsory for category A and B1 projects whereas category B2 projects are exempt from EC hence EIA is required only for A & B1 category of projects. EC is also required in cases of expansion of A & B1 projects or a change of product mix in an existing manufacturing unit included in the schedule. Category A projects are granted EC by the Central Government through the MoEFCC on the recommendations of the Expert Appraisal Committee (EAC).[13] Category B projects are granted EC by the State Environment Impact Assessment Authority (SEIAA) on the recommendations of the State or Union Territory level Expert Appraisal Committee(SEAC). In the absence of a SEAC a category B project will be treated as a category A project.[14]

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[8] Section 3(2)(iv)(1) of Environment Protection Act, 1986.
[9] Principle 17 of the Rio Declaration.
[10]Environment Protection Rules 1986, S.O. 844(E), R.5(3) (d) 1986(India)
[11]Ministry of Environment, Forest and Climate Change, Parivesh, GOI, (Last Accessed: July 01, 2024, 11.02PM), https://environmentclearance.nic.in/report/EIA_Notifications.aspx,
[12] Schedule of the Notification categorises projects as A and B
[13] EIA Notification 2006,Para 3 & 4
[14] EIA Notification 2006,Para 4 (iii)

Elements of EIA -

The major stages of an EC process are screening, scoping, public participation, decision making and review.

A. **Screening:** This is carried out only for category B projects. The purpose of screening is to to further classify category B projects into B1 or B2 projects. B2 projects are not required to conduct an EIA.

B. **Scoping:** Determines comprehensive Terms of Reference (TOR) addressing all relevant environmental concerns for preparation of an Environment Impact Assessment (EIA) Report. Scoping may also involve a site visit by a sub-group of EAC or SEAC. The EAC /SEAC has to complete scoping within 60 days. If TORs are not finalized and conveyed to the applicant within sixty days of the receipt of Form 1, TORs suggested by the applicant shall be deemed as the final TOR approved for the EIA studies.[15] Approved TOR shall be displayed on the website of the MoEFCC or the concerned SEIAA. The proposed project is assessed on project specific terms of reference (TOR's) and the positive and negative fall outs on the environment, society and economy are measured. Applications for EC may be rejected at this stage itself.

C. **Preparation of EIA Draft report:** EIA is either conducted by the clearing authority, the project proponent or a third party. In India EIA is carried out by the project proponent but the TORs are specified at times as part of the rules or by the Expert Appraisal Committee (EAC) or the State Appraisal Committee (SAC)/State Environment Impact Assessment Authority(SEIAA). Correct and relevant TORs are the backbone for a meaningful EIA as these contain the parameters for evaluating the economic, social and environmental fallouts of the project.

D. **Public Consultation (PC) :** Through PC the concerns of local affected persons and others who have plausible stake in the environmental impacts of the project or activity are ascertained.
All Category 'A' and Category B1 projects or activities shall undertake Public Consultation. Public Consultation shall ordinarily have two components:

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[15] EIA Notification 2006,Para 7 part II (ii).

i)   Public hearing at the site or in its close proximity- district wise, to for ascertaining concerns of local affected persons : The State Pollution Control Board / Pollution Control Committee is the authority responsible for conducting the PC and had to finalize the date , venue and time of hearing within seven days of receiving the draft EIA report.[16] A minimum notice period of 30 days is provided for the public to give its responses and the SPCB/PPC has to complete the PH within 45 days. PH could be presided over by District Magistrate/District ,Collector /Deputy commissioner or his or her representative not below the rank of Additional District Magistrate.[17] Public participation is not mandatory under the Indian EIA process and can be waived or taken online.

If the public agency nominated reports that it is not possible to conduct the public hearing in a manner which will enable the views of the concerned local persons to be freely expressed It shall report the facts in detail to the concerned regulatory authority. After due consideration of the report shall rule that the public consultation in the case need not include the public hearing.

ii)   Obtain responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project: Invite responses from such concerned persons by placing on their website the Summary EIA report. Use other appropriate media for ensuring wide publicity about the project. Make available on written request from any concerned person the Draft EIA report for inspection at a notified place during normal office hours till the date of the public hearing. All the responses received as part of this public consultation process shall be forwarded to the applicant through the quickest available means including videography. NGO can intervene at this stage.

E. Final EIA Report Submission: Applicant shall address all environmental concerns expressed during this process. Make appropriate changes in the draft EIA and the final EIA report shall be submitted by the applicant to the concerned regulatory authority for appraisal.

F. Appraisal & Post Appraisal : Detailed scrutiny by the EAC or SEAC of documents like the final EIA report and outcome of the public consultations including public hearing

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[16] EIA Notification 2006,Para 7 part III.
[17] EIA Notification 2006, Para 7 part III (iii).

proceedings. EAC or SEAC shall recommend to the regulatory authority concerned either for grant of prior environmental clearance on stipulated terms and conditions or rejection of the application for prior environmental clearance, together with reasons for the same. In cases where it disagrees with the recommendations of the Expert Committee (Central or State), the regulatory authority shall request reconsideration by the Central or State Expert Appraisal Committee

Draft Notification 2020-

The draft notification EIA , 2020 were the latest proposed Amendment to the EIA Notification , 2006 which were released on 23rd March 2020 one day prior to the covid lockdown in India. The Notification was open for public consultation and there have been around 80 changes made in the Notification. The draft Notification remained valid till 2022 post that they expired as they were not notified in the official gazette.

These draft notifications have been highly debated and as of now have lapsed. The problematic areas that were highly debated need a mention here: [18]

1. Allowed post facto clearance to projects and also had provisions to legitimize the ex-post facto clearance. Fines , penalties and mitigating the adverse effects by incorporating minor changes were few of these provisions.
2. Reduction of time period to 20 days for the public to submit their responses. The requirement of public participation had been removed for many projects.
3. Bypassing the EIA process:
    i. Projects categorized as "Strategic" need not be bought into the public domain. "Strategic Project" had not been identified or defined.
    ii. Reporting of violations was either self -reporting or by the regulating authority
    iii. New construction projects up to 1, 50,000 Sq.m. were exempted from detailed scrutiny and public consultation
    iv. Bi annual self-reporting had been reduced to annually
    v. Irrigation projects larger than 2000 hectare of culturally command areas required EIA , most of the irrigation projects are lesser than 2000 hectare.

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[18] Webinar on Environmental Impact Assessment (EIA) Draft notification 2020, Jhatkaa.org
https://www.youtube.com/watch?v=L3BUF-6zFKg

vi.   50% expansion of existing projects did not have to go through the whole EIA process again.

4. The EIA process had been fast tracked to within 60 days as compared to 600 days under the previous Notification.

Administrative Implementation of the Expired Draft Notification, 2020-

Despite the Draft EIA Notification remaining a draft the MoEFCC has been using office memorandums to amend the 2006 versions in accordance with the 2020 proposed amendments. [19] Office memorandums are issued without prior public notice and escape pre implementation public scrutiny even the post issue public scrutiny is less severe. MoEFCC has issued standard procedures and guidelines that justify past dilutions or make further dilutions to the EIA Notification 2006. The Ministry has been implementing the "good faith" and "trust" principles through the SOP's. These SOP's have permitted self-certification, relaxing the requirement for Environmental Clearance (EC) for certain projects especially their expansion. The Notification on SEIAA rating specifies that the SEIAA will be rated on the speed of their decision-making which undermines the application of the environmental rule of law. The push for faster EC's by the EAC and the SEIAA has to be supplemented by fully staffing these authorities and equipping them with technological resources, data backup and skilled experts. A faster co-ordination network is also needed amongst the various Ministries for such EIA's to be meaningful. The MoEFCC has also increased the time span of validity of the granted EIA for river valley projects , mining and nuclear projects this seems to be a reasonable move from the financial and practical aspects. The cumulative effects of these projects generally manifest over a much longer duration. Some notifications exempted projects from public hearing such as the expansion of coal mines by 40% of its original capacity and the exemption was granted to all other projects that were expanding by 50% of their original capacity.

Post facto clearance was bought in through the SOP's and has been stayed by the Madras High Court in *Fatima v. Union of India*[20]this stay was limited to the territory over which Madras High Court has jurisdiction in *Electrosteel Steels Ltd. v. Union of India.*[21] These office memorandums

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[19] Meenakshi Kapoor and Krithika A Dinesh , 2020 EIA Notification Remains a Draft, Yet MoEFCC continues to Edit 2006 Version, 29th Sept., 2022. https://science.thewire.in/politics/government/moefcc-eia-notification-modifications/#:~:text=But%20in%20June%202021%2C%20the,has%20continued%20its%20tinkering%20spree

[20] 2021 SCC Online Mad 12936.

[21] (2023) 6 SCC 615.

were challenged by Vanshakti, an environmental NGO, in 2024 wherein the Supreme Court granted a stay on these memorandums. [22]

PUBLIC CONSULTATION: A MECHANISM FOR DEMOCRATIC DECISION MAKING:

Goal 16 of the Sustainable Development Goals setup by the United Nations in 2015 specifically calls for *"responsive, inclusive, and participatory and representative decision-making at all levels"* Environmental policy and decisions that are reflective of ground realities, increased legitimacy and reduced conflict.

Arnstein in her paper highlights that citizen participation can be categorized into roughly eight rungs of a ladder.[23]The first rung is where the assent or voice of the citizens is just a name's sake such as rubber advisory boards or committee members who just toe the line. The second rung is where the citizens are subverted by the system and the laws to be on the wrong side of law though they might be advocating for the just, for example being part of an NGO that supports pro-environmental policies might be portrayed as being anti-development.
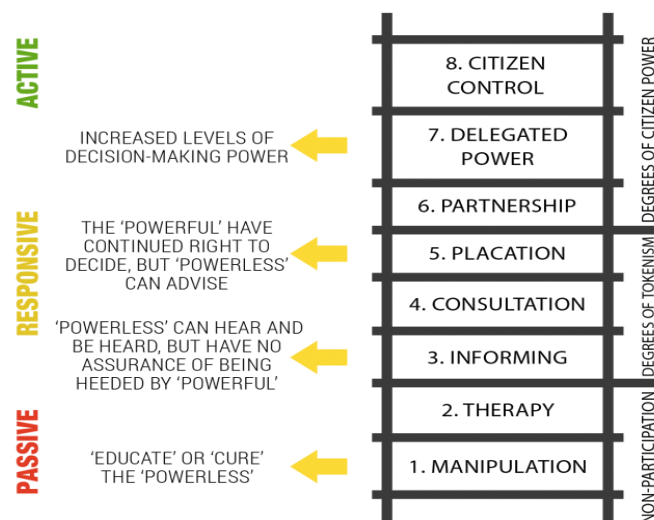
Credits: Sherry R. Arnstein, *A Ladder of Citizen Participation*,

Journal of the American Institute of Planners (1969).

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[22] Supreme Court clarifies stay on MoEFCC's office memoranda permitting ex post facto environmental clearance https://www.scconline.com/blog/post/2024/02/10/sc-clarifies-stay-on-moefcc-memoranda-permitting-ex-post-facto-environmental-clearance-legal-news/https://www.scconline.com/blog/post/2024/02/10/sc-clarifies-stay-on-moefcc-memoranda-permitting-ex-post-facto-environmental-clearance-legal-news/

[23] Arnstein, Sherry R., *'A Ladder Of Citizen Participation*', 35: 4, JOURNAL OF THE AMERICAN PLANNING ASSOCIATION, 216 — 224 (1969).

Consultation and Informing are tokenism as the viewpoints of the people are never incorporated in the final decision such as public opinions that are offered at the time of making of a law are hardly incorporated into the law. Placation and partnership is the stage where the people are given power sharing in the decision making process such as land acquisition for sanctuaries and parks , displacement and resettlement at the time of hydroelectric development projects etc. Public participation in an EIA process would ideally be placed in the partnership rung where there is a healthy give and take of ideas resulting in minimal loss and maximum benefit. The rungs of delegated legislation are situations where the rules and regulations made by the administrator are the result of deliberations, discussions and inputs of the public. Public control is where the rules that are made in through public inputs are implemented through the community that has made them with the administrator having the role of an overseer. An example of public control in India would be the concept of a village forest and community forest as described in the Indian Forest Act, 1927.

Lothar Gundling highlights the relevance of public participation to environmental protection when he states that,

> *"When it is the public in whose interest environmental protection measures are taken, and when it is the public who are expected to accept and comply with those measures, the public should have the chance to develop and articulate its opinion and to air it during the environmental-decision making process"*

The benefits of a robust and truthful public consultation process during environmental decision making by the administrative bodies are: a relationship building exercise between the project proponent and the public, the sharing of ideas and the reduction of conflict , innovation and adaptation , acceptance and trust. EIA conducted in spirit would lead to better acceptance of the project induced changes and a project that is sustainable.

PUBLIC PARTICIPATION AND THE EIA PROCESS IN INDIA: JUDICIAL APPROACH:

EIA is usually done by an accredited body. People who live around the project get an opportunity to voice their concerns on the impact of the project. The concerns expressed by the public are to be addressed by the project proponent and have to be included in the final EIA report.

The impact of public participation can be understood from the Supreme Court judgement in *Orissa Mining Corporation v. Ministry of Environment & Forest & Others*[24] where it ordered the roll back of a mining project as the mining area was the abode of the tribal deity *" Niyamgiri Raja"* as the tribals were opposed to the setting up of the mine. Public participation needs to be viewed as an opportunity to bring in transparency and open communication channels for modification and adaptation of the development project. The Environmental Appraisal Committee (EAC) and the State Environmental Impact Assessment Authorities (SEIAA) are the expert decision-making bodies that grant environmental clearance.

Another instance highlighting the role of public participation is the case of expansion of Mormugao Port Trust (MPT) the ports in Goa. The expansion to the ports was given an environmental clearance without public hearings. This exemption granted by the MoEFCC was challenged in the NGT , the NGT halted the works and held the clearance to be illegal as it had not followed procedure and had no public hearings. NGT directed a new EIA with proper public participation. Environmental clearance was given after proper public consultation where the project proponent had addressed huge number of public concerns lasting over eight days.[25]

The Indian Judiciary has opined that public participation has to be a meaningful , mindful useful and objective exercise. It has advised prior dissemination of information, involvement of NGO's, training of the public, multiple hearings, feedback loops to convert the public consolation into a meaningful dialogue. [26]

In Lafarge *Umium Mining Pvt. Ltd v. Union of India* [27]the leases granted by the Government to the lessors would remain valid

EIA AND THE ENVIRONMENTAL RULE OF LAW (EROL):

The conventional understanding of the rule of law is that no one is above the law. The law is above everyone and anyone contravening the law will be visited by the consequences of disobeying the law. But if we stick to the laws that legalise destruction of the environment can we say that rule of law is upheld? Contextualise the application of the rule of law to environmental protection i.e.

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[24] (2013) 6 SCR 881.
[25] Gerard de Souza, HT , Panaji , February 14, 2020 https://www.hindustantimes.com/india-news/government-panel-s-nod-to-goa-port-expansion-worries-experts/story-lxVqUqDzOYhl3MmfLZHmcP.html
[26] Centre for social justice v. Union of India, AIR 2001 Guj. 71.
[27] (2001) 7 SCC.

If the law is destructive of nature it should be applied in such a manner that minimum destruction entails or no destruction happens.

Environmental rule of law (EROL) is asking for the grounding of the rule of law in environmental decision making and implementation of environmental rules and regulations. Implementation of the rule of law in a manner beneficial to the objectives of environmental protection. Environmental rule of law is a tool for the implementation of sustainable development with an emphasis on strong sustainability.[28] Environmental governance involves the defining of rights and obligations of the government, legal bodies, corporate sector and the citizens relating to environmental protection. Environmental rule of law (EROL) aims to rid environmental governance from subjective, arbitrary , unpredictable and discretionary implementation of environmental laws. It is directly related to environmental decision making by the concerned stakeholders.

The precepts of environmental rule of law were identified at World Congress on Justice in 2012 these are :

1. Fair, clear and implementable environmental laws;

2. Public participation in decision-making, and access to justice and information in environmental matters, in accordance with Principle 10 of the Rio Declaration;

3. Accountability and integrity of institutions and decision-makers, including through the active engagements of environmental auditing and enforcement;

4. Accessible, fair, impartial, timely, and responsive dispute resolution mechanisms, including developing specialized expertise in environmental adjudication, and innovative environmental procedures and remedies;

5. Recognition of the mutually reinforcing relationship between human rights and the environment; and

6. Specific criteria for the interpretation of environmental law.[29]

The functionality of environmental law requires administrative discretion. It is at this point of implementation that environmental law loses its efficiency. The challenge therefore is to administer the administrator. The need for good governance of environmental laws has given rise

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[28] Rule of Law for Nature page 75.
[29] World Congress on Justice, Governance and Law for Environmental Sustainability, Rio þ20 Declaration on Justice, Governance and Law for Environmental Sustainability (June 20, 2012).

to the concept of "environmental rule of law". The environmental rule of law is a framework for rule of law in environmental decision making that ensures that natural resources are employed for development in a sustainable manner. As per the decision of the Supreme Court in *Hanuman Laxman Aroskar v. Union of India*[30] decision-making bodies need take decisions based on environmental rule of law(EOL). [31] The absence of public participation robs these decision-making bodies of crucial data to make decisions that apply EROL.

Environment Impact Assessment (EIA) is a pre project process through which the sustainability of a development project is assessed.[32] EIA is the operative side of principles of environmental law. Environmental litigation regarding natural resource management such as the Narmada dam project, Bauxite mining in Orissa , Konkan Railway project were decided on satisfying the sustainable development paradigm .[33] Recently the Supreme Court has commented on the correct use of environmental clearance issued post the EIA process .[34] Herein the Supreme Court has highlighted how environmental rule of law (EROL) provides the foundation for the structural implementation of sustainable development. EROL is the application of principles of administrative law when applied to the decisions made by environmental statutory bodies such as pollution control boards and various other under different environmental legislations.

EROL AND ENVIRONMENTAL GOOD GOVERNANCE:

Development without any utilisation of environmental resources or negative outcomes is not impossible but difficult. Good environmental governance as per UNEP is environmental governance that includes citizen participation applies rule of Law is transparent , responsive and consensus oriented retains its effectiveness and efficiency and can be held accountable. The process and the outcomes are just, equitable and inclusive.[35]

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[30] (2019) 15 SCC 401.
[31] U.N. First Global Report' (2019), Environmental Rule of Law https://www.scconline.com/blog/post/2024/02/01/sc-lays-guidelines-for-effective-functioning-of-environmental-authorities-legal-news/ (Last Accessed: July 01, 2024, 11.02PM),
[32] EIA Notification, 2006
[33] Narmada Bachao Andolan v. Union of India, 10 S.C.C. 664
[34] *Hanuman Laxman Aroskar vs. Union of India (2019)15SCC401;Bengaluru Development Authority v. Sudhakar Hegde (2020)15 SCC 63 ; H.P. Bus-Stand Management and Develpoment Authority v. Central Empowred Committee (2021) 4 SCC 309 ; Citizens for Green Doon & Others v. Union of India & others 2020 SCC online SC1360*
[35] Introduction To Environmental Governance, UN INSTITUTE FOR TRAINING AND RESEARCH, pg. 8, ps://globalpact.informea.org/sites/default/files/documents/International%20Environmental%20Governance.pdf

When citizen participation is high in the administrative decision-making in environmental matters it will lead to good environmental governance as many of the specifications of good environmental governance are met.

Environmental decision-making with high quality of citizen participation has the following advantages:

1. The inputs are inclusive of lived or living experiences making the decision-making realistic and connected to ground realities and traditional knowledge.
2. It brings in numerous unexplored perspectives useful for prevention, protection and preservation.
3. The consensual process of decision making generates emotional connect and a sense of partnership to the developmental project. This sense of ownership leads to social sustainability.
4. The exchange of idea breaks down resistance and opens up new areas of negotiable interests which helps in addressing the concerns and difficulties of the affected people.
5. It is also vital for incorporation of changes and modification of the project making it viable and sustainable.

CONCLUSION: INCORPORATION OF PUBLIC PARTICIPATION IN THE INDIAN EIA PROCESS:

Public participation needs to be viewed as a necessary step that can provide valuable and realistic inputs to the project proponents. Addressing the concerns of the affected people will enable the setting up the project with more social acceptability. When projects are modified keeping the inputs and demands of the people who will be most affected will give rise to trust between the two pillars of sustainable development.

At present the District Magistrate has the onus of conducting public hearings the municipal councils and the panchayats can play a crucial role in becoming the centers of public participation. The block development officers can be instrumental in arranging public hearings that are closer to the grassroots. The power to waive off public hearing should be used only in cases on emergency or impossibility and the number of projects that at present do not need public hearing should be revisited.

The law should incorporate the use of information technology to increase public input in the EIA process. The project proponent can make a video presentation of the project and circulate it on

social media. Similarly, the venue of the public hearing can be published in newspapers and on other media platforms. Apart from actual physical meetings online meetings can also be conducted. Information can be provided visually and immersive experiences to the public can help them in understanding the implications of the development projects. Experience sharing by people who have seen such a development project established in their area can be conveyed in person to the public.

The final EIA report should contain the changes that have been incorporated after the public consultation and this report should be available online with the pollution control boards, the ministry of environment , forest and climate change and the project proponent. The channel for public consult should remain open for some duration post the operation of the project.

The vital step would be to ascribe a positive value to public opinion this requires a change in the role of the administrator from being the sole decision maker to becoming part of the decision-making process. In the long run the administrator has to become the facilitator of good environmental governance where the major role of rule implementation is of the citizen. Any dissent that questions development on environmental grounds is at times viewed as opposition this approach is injurious to all stakeholders in the long run.

Conversely, there is a need for removing indifference and inertia that the public has on taking on responsibility towards the protection of the environment. Building trust between dissenting public opinion and the project proponent is needed this requires a political leadership that is committed to environmental sustainability.

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➢ Arnstein, Sherry R., *'A Ladder Of Citizen Participation*', 35: 4, JOURNAL OF THE AMERICAN PLANNING ASSOCIATION, 216 — 224 (1969).

➢ Gerard de Souza, HT , Panaji , February 14, 2020 https://www.hindustantimes.com/india-news/government-panel-s-nod-to-goa-port-expansion-worries-experts/story-lxVqUqDzOYhl3MmfLZHmcP.html

➢ Rule of Law for Nature, page 75.

➢ World Congress on Justice, Governance and Law for Environmental Sustainability, Rio þ20 Declaration on Justice, Governance and Law for Environmental Sustainability (June 20, 2012).

➢ U.N. First Global Report' (2019), Environmental Rule of Law https://www.scconline.com/blog/post/2024/02/01/sc-lays-guidelines-for-effective-functioning-of-environmental-authorities-legal-news/ (Last Accessed: July 01, 2024, 11.02PM).

➢ Introduction To Environmental Governance, UN INSTITUTE FOR TRAINING AND RESEARCH, pg. 8 ps://globalpact.informea.org/sites/default/files/documents/International%20Environmental%20Governance.pdf

Data-Driven Justice: Effective Data Governance to achieve SDG 16

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ABSTRACT:

"Without big data, you are blind and deaf and in the middle of a freeway." - Geoffrey Moore.

In the era of big data, data is the new currency. After the pandemic data analytics across multiple sectors has significantly increased. The digital landscape is creating and storing vast amounts of data every nano second, and the world is fundamentally driven by data for any decision making. There is a rapid deployment of Artificial intelligence (AI) and Generative AI in our lives. With this power comes the responsibility to govern and protect data effectively. Data governance has never been more critical. Despite the increased importance of data in our lives there is no holistic national framework for data governance. Data governance will ensure data integrity, security, compliance, it is also essential to protect sensitive information, robust national infrastructure. Effective data governance can lead to implementation of people centred approaches to justice systems. It can guide policymakers towards nature and impact justice problems. This paper contributes towards making a preliminary assessment of data governance to achieve Sustainable development goal 16 with focus on India. It will focus on data governance for Justice in India. Starting with a brief introduction to the topic, part two explains the background of SDG 16. Part three of the paper will focus on overview of the legal framework, government initiatives for data governance in India, it will also map judicial and legislative steps towards safeguarding personal data. Part four of the paper highlights the importance of frameworks for achieving SDG 16 in India and the paper concludes with a set of suggestions to enhance the data governance requisites in India.

__Key word__: Data governance, sustainable development goals, justice, access to justice

INTRODUCTION:

Every technological advancement has the potential to be used to harm or advance human growth. The world is focused on digital accessibility[1] because of the growing dependence of everyone on digital technology. Inaccessibility of the same can lead to inequality among vulnerable groups, people with disabilities, gender etc. The legal guarantee of access to justice includes equal legal protection, equal legal capacity, and prevention of abuse. According to the SDG report of 2024[2] urgent action is needed to strengthen rule of law and access to justice and build effective and inclusive governance institutions. The efforts are also affected by the fact that one third of the prisoners worldwide remain unsentenced[3] as provided in figure 1. Countries including India are facing issues of overcrowding of prisons and concerns of health and human rights inside the prisons. The supreme court has highlighted the same in *Re-Inhuman Conditions in 1382 Prisons v. Director General of Prisons[4].* The criminal justice system in India remains over-burdened with pending cases, court management and it needs technological solutions. The use of artificial intelligence (AI) for many functions of police and judiciary is suggested by scholars like surveillance, online dispute resolution, victim and criminal profiling, probability of crime and its prevention etc.[5] Effective data governance can catalyze the reforms that are required. By implementing people centric approaches that prioritize the needs of the citizen's effective data management can enhance the working of the justice system by analyzing the systematic problems, crime statistics, need of legal aid etc.

Data holds an important role in decision making across all the sectors, individually and also influencing organizations. The availability of big data has played an important role in decision making based on intuition, morality etc. to data driven methodologies, these methods ensure enhanced insights and accuracy, improved efficiency and productivity, fosters transparency, accountability, predictive analytics, collaborative sharing of resources and better outcomes for the community. It can also be effective for reducing biases. Currently the biggest challenge is that most of these AI based technological data storing and collecting companies are private enterprises, hence before implementation of any data driven methods we must talk about governance of the data. The current legal framework in India is fragmented and not totally equipped to handle data driven justice. In this paper we will investigate the framework existing

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[1] Mark Linscott, *ISSUE BRIEF Aligning India's*.

[2] SDG Indicators, https://unstats.un.org/sdgs/report/2024/ (Last Accessed: Nov 1, 2024).

[3] *Ibid.*

[4] Re-Inhuman Conditions in 1382 Prisons v. Director General of Prisons, 2024 WP(CIVIL) NO.406/2013

[5] NAMITA SINGH MALIK ET AL., LEGAL ANALYTICS: THE FUTURE OF ANALYTICS IN LAW (1 ed. 2022).

in India with the lens of Information Technology Act[6], Digital Personal Data Protection Act[7] along with analysing initiatives of government, policy, strategy etc. The following part of the paper will discuss the judicial efforts in safeguarding data governance practices and enhancing transparency, court services which are available on digital platforms, online dispute resolution (ODR), e-court project, national judicial data grid and judicial governance challenges.

SUSTAINABLE DEVELOPMENT GOAL 16 AND INDIA:

In 2015 the member nations of the United Nations made combined efforts to make the agenda 2030 sustainable development. They came up with a 17 points agenda which is also known as the 17 sustainable development goals, there were 169 targets associated with these goals. The goals are interrelated with each other. The assessment of the targets is also done internationally. The SDG index and dashboard is an annual assessment of SDG progress in UN member state[8]. India ranks 109[9] out of 167 countries that are ranked in 2024. Figure 2 explains the progress of India. Sustainable goal 16 is about peace, justice and strong institutions, the main objective of the goal is to impact the existence of a peaceful society. The provisions for access to justice and building accountable institutions. The goal has a focused interest in national and global institutions which are free from corruption, more transparent and effective including local governments and judicial systems which are most important in any state to guarantee rights, security, law and order. India is always talked about in Goal 16 because the judiciary in India is overburdened, large number of pending cases which is approximately to 3.5 crore cases, and the pendency has increased over the years[10], figure 1 depicts the same state wise which has also led to more under trial prisoners in jails. The case overload has also substantially grown in the Supreme court.[11] On top of that the judges to population ratio in India is one of the lowest in any of the countries, which 21 judges per million populations that too as per the census of 2011[12], the population has also substantially grown after that. These poor numbers have led to

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[6] Information Technology Act, 2000, No. 21 Act of Parliament, 2000 (India).

[7] Digital Personal Data Protection Act, 2023, No. 22 Act of Parliament, 2023 (India).

[8] Sustainable Development Report 2024, https://dashboards.sdgindex.org/ (Last Accessed: Nov 1, 2024).

[9] Ibid.

[10] *Examining pendency of cases in the Judiciary,* PRS LEGISLATIVE RESEARCH, https://prsindia.org/theprsblog/explainer-code-occupation-safety-health-and-working-condition?page=2&per-page=1 (Last Accessed: Nov 1, 2024).

[11] *Access to justice: Indian Supreme Court's backlog is 'serious issue,'* INTERNATIONAL BAR ASSOCIATION, https://www.ibanet.org/Access-to%20justice-Indian-Supreme-Courts-backlog-is-serious-issue (Last Accessed: Nov 1, 2024).

[12] Lok Sabha, *UNSTARRED QUESTION NO. 1335 TO BE ANSWERED ON FRIDAY, THE 9TH FEBRUARY, 2024 NUMBER OF JUDGES PER MILLION POPULATION.*

slow justice and '*justice delayed is justice denied*', the slow legal system has affected the poor and marginalized the most. In India, NITI Aayog makes the plans related to achievement of the targets under SDGs. The progress of India in achieving the SDGs can be seen in figure 2. SDG 16 has shown no growth and has remained stagnant.

The targets associated to our topic are as follows:

"16.3 Promote rule of law at national and international levels and ensure access to Justice for all

16.6 Develop effective, accountable and transparent institutions at all levels

16.7 Ensure responsive, inclusive, participatory and representative decision-making at all levels

16.10 Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements"[13]

% Undertrials vs. % of convicts (as of 2015)
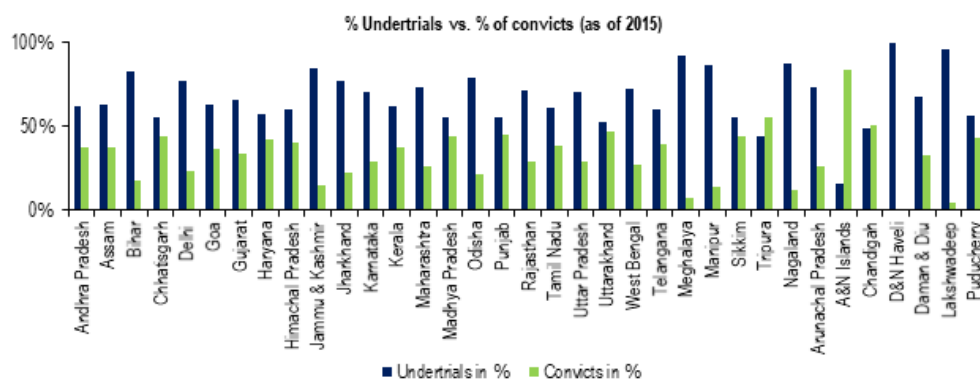
The targets mentioned above for justice can be achieved by having an effective data governance mechanism which can enable people- centric justice, which can enable collection of information, use it efficiently and provide management for sharing the data. Understanding the requirement of citizens and their experiences with legal and justice delivery systems to then develop and implement policies which meet such needs. First, we will try to understand the existing framework in India and then we will analyse whether such framework is people centric in nature.

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[13] *Goal 16 | Department of Economic and Social Affairs*, UNITED NATIONS https://sdgs.un.org/goals/goal16#targets_and_indicators (Last Accessed: Nov 1, 2024).
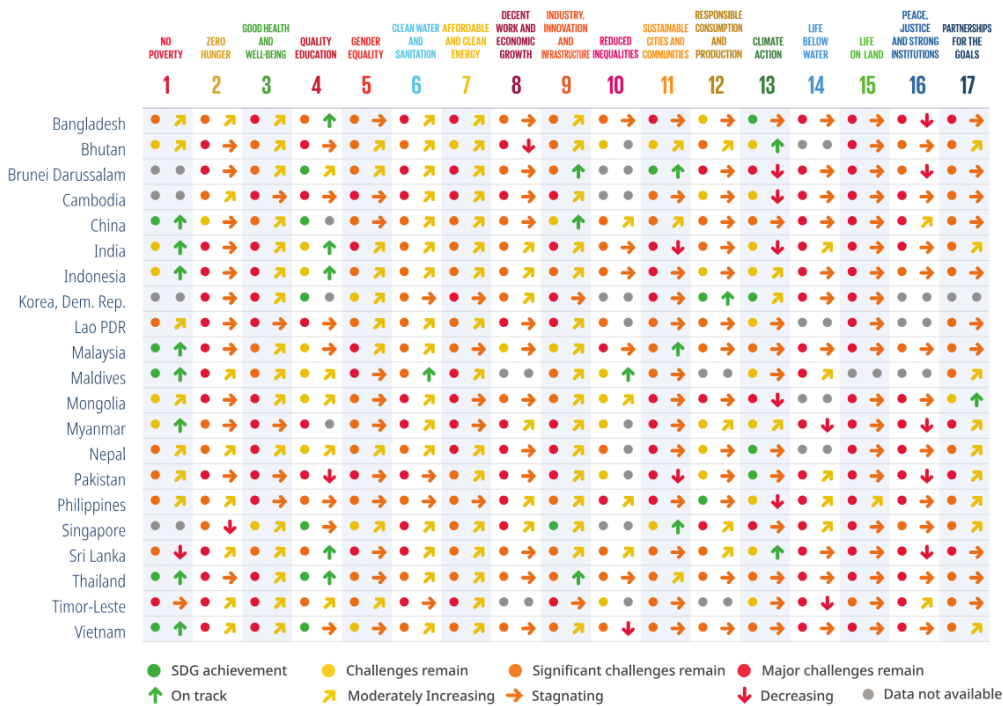
Figure 2: 2024 SDG Dashboard for East and South Asia

Source: Sustainable Development Report

SDG achievement · Challenges remain · Significant challenges remain · Major challenges remain
On track · Moderately Increasing · Stagnating · Decreasing · Data not available

DATA GOVERNANCE FRAMEWORK:

The data governance framework in India is evolving rapidly yet it is fragmented. The legislature has taken initiatives to facilitate data sharing for security, research, enabling access to knowledge etc. Digitization of the governments and governance is happening at a rapid pace around the world. The public digital platforms empower the citizens in leading to inclusive development. India is becoming one of the world's growing economies in using the technology in transforming citizen's lives and improving governance like the digital public infrastructure of UPI.[14]

Currently digital government data is accessed, managed and stored in inconsistent ways through different entities hence reducing the efficacy of data-driven governance. The government had introduced the National Data Sharing and Accessibility Policy (NDSAP) of 2012[15] and National Data Governance Framework Policy (NDGFP) of 2022[16] with an objective

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[14] NAMITA SINGH MALIK ET AL., LEGAL ANALYTICS: THE FUTURE OF ANALYTICS IN LAW (1 ed. 2022).

[15] Arul George Scaria et al.,2024, February. Data Governance in Emerging Economies to Achieve the Sustainable Development Goals. India Country Report Based on the Workshop Data Governance for Good Health & Well-Being: India's Way Forward to Achieving Sustainable Development Goal 3 (Bengaluru, September 8-9, 2022). In *India Country Report Based on the Workshop Data Governance for Good Health & Well-Being: India's Way Forward to Achieving Sustainable Development Goal* (Vol. 3, pp. 24-08).

[16] National Data Governance Framework Policy, https://pib.gov.in/pib.gov.in/Pressreleaseshare.aspx?PRID=1845318 (Last Accessed: Nov 1, 2024).

to transform the data collection and data management. The key objective was to accelerate digital governance, to introduce standardized data management and security standards, to promote transparency, accountability and ownership of non-personal data etc. The institutional structure recommended in the policy is as follows:

1. India Data Management Office (IDMO): with an objective to be set up under digital India cooperation (DIC) and shall be responsible for framing, managing and periodically reviewing and revising the Policy.
2. Every ministry, department, state government and other programs shall have a Data Management Unit (DMU) to be closely working with IDMO
3. State government will appoint state level data officers[17]

The policies categories data into three kinds based on the nature of shareable and non-shareable data, that is open access data, registered access data and restricted access data.[18] There have been department of justice digital initiatives as well to strengthen the judicial structure of the largest democratic country. Nyaya Vikas which is working towards monitoring centrally sponsored scheme for development of infrastructure of judiciary, especially the subordinate judiciary at local and district levels[19]. Tele-Law for mainstreaming legal aid to the marginalized community and population, providing pre litigation, e-interactions between lawyers and people, and facilitating legal advice to all.[20]

The Indian judiciary also has initiated certain initiatives to deal with the delays in courts. To find solutions to the issue of pendency it is also important to understand the reason behind these delays. One reason is the number of judges is not adequate, the citizen to judge ratio is very high. but in-depth study is required why the efficiency is low in disposing of cases. The Supreme court of India has made efforts to increase the use of technology to reduce pendency. They created an e-Committee in 2005[21] to implement the e-court project[22], the goal of the project is to speed up the process of decision making and have more transparency and ease of access to justice. ITC infrastructure for courts, e-filing of cases, summons through SMS, video

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[17] National Data Governance Framework Policy.pdf.

[18] Open Science India Report, ANYFLIP, https://online.anyflip.com/srkpg/wxpv/mobile/index.html (Last Accessed: Nov 1, 2024).

[19] Nyaya Vikas, https://bhuvan-nyayavikas.nrsc.gov.in/ (last visited Nov 1, 2024).

[20] Overview Of Tele-Law, Tele-law, https://www.tele-law.in/overview-of-tele-law.html (Last Accessed: Nov 1, 2024).

[21] E-Courts Mission Mode Project | Official Website of e-Committee, Supreme Court of India | India, https://ecommitteesci.gov.in/project/brief-overview-of-e-courts-project/ (Last Accessed: Nov 1, 2024).

[22] *Ibid.*

conferencing between jails and courts, training of judicial officers, digitization of legal tools, Acts, case laws, archives of cases etc. are part of the e-courts initiative. The project was adopted to deliver a time bound citizen centric services, to provide a decision support system, to enhance transparency and information access, to ensure judicial productivity is qualitative and quantitative, for better management of courts and cases, to increase interoperability and compatibility and to improve legal awareness.[23] In 2018, a great leap was taken to ensure access to judicial information by implementation of National Judicial Data Grid (NJDG)[24], now anyone can view the status of cases, information related to hearing etc. a snapshot of the page is shown in figure 3. We can see the cases based on institution date, disposed of last month, 10-year-old cases, more than a year-old cases, and cases by women and senior citizens.
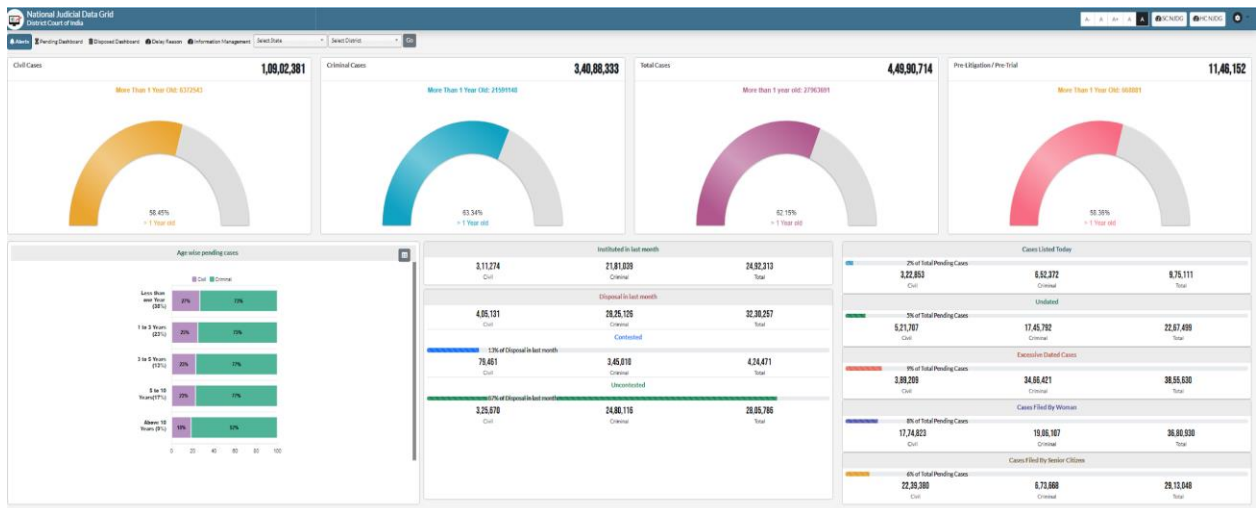
Figure 3: A snapshot of the National Judicial Data Grid as on October 27th 2024

However, there is lacuna when it comes to clear guidelines for data collection, processing and consequent sharing. The policy is also not binding in nature and hence different methods are followed in practice for data collection and sharing. The technological advancement is at a rapid pace and the projects are becoming outdated as still running on previous versions of reality, integration with the new technologies is slow. The initiatives have to improve according to the technology available today, use of the AI, data analytics is essential but the website of NJDG is the same since 2018. More has to be done especially to efficiently schedule the cases,

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[23] Kshitiz Verma, *e-courts project: A giant leap by Indian judiciary*, *6*(1), *JOURNAL OF OPEN ACCESS TO LAW*, (2018).

[24] NJDG-National Judicial Data Grid, https://njdg.ecourts.gov.in/njdg_v3/ (Last Accessed: Nov 1, 2024).

ways of classifying the cases etc. These initiatives are not bringing tangible change in the experience of the people, sample size surveys can be suggested in small areas by doing local mapping to understand issues at a local level and after understanding legal needs of the area local policies can be initiated with useful data for delivering people – centred justice. The advancement in technology and the speed of data analytics available with AI can be a useful tool to support the activities in promotion of law and justice. Leveraging online forums and AI for accessible justice Collection and analysis of data from online forums and user submitted natural language samples can be used to develop tools that help to reduce legal service providers' workload as well as the cost of legal services. The same technology can be used to provide targeted legal support (e.g. via chatbots) and link people to relevant sources of information and advice, helping to make justice systems and services more accessible.[25] The increasing availability of generative AI tools (such as Chat GPT and Google Bard) creates new opportunities and challenges for access to justice. On one hand, it is argued that these tools can be used to increase access to justice for individuals without legal representation. For example, AI tools can help people to prepare and submit documents and, hence, to participate more effectively in legal proceedings. Recent experiences in the United States, Canada and the United Kingdom have raised concerns about the accuracy and reliability of the outputs produced by generative AI tools when used for legal support purposes. People who do not have access to legal representation are particularly at risk in this regard. In the absence of access to legal expertise and bespoke legal research tools, they have no means of independently verifying the accuracy and reliability of the information generated. Research led by academics at Stanford University has shown that, in spite of these issues, there remains a strong consumer appetite for using generative AI products that only increases once people have tried them. This research finds that the free, instantaneous, cleanly formatted and seemingly authoritative nature of the information provided is enough to command confidence – even at the cost of information accuracy. In this context, gathering data to both understand who is using generative AI, for what purposes, in what kinds of cases and to monitor the outcomes that parties secure when they do so, is necessary to understand the impact of generative AI on equal access to justice.[26]

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[25] *Our AI Model*, JUSTICE CONNECT, https://justiceconnect.org.au/about/innovation/legal-help-experience/ai-project/ (Last Accessed: Nov 1, 2024).

[26] Dan Milmo, *Two US Lawyers Fined for Submitting Fake Court Citations from ChatGPT*, THE GUARDIAN, (Jun. 23, 2023), https://www.theguardian.com/technology/2023/jun/23/two-us-lawyers-fined-submitting-fake-court-citations-chatgpt (Last Accessed: Nov 1, 2024).

Data sharing can also give rise to many other legal challenges like concerns related to privacy, increase in the forms of discrimination, unauthorized surveillance and cyber security threats.[27] Safeguarding privacy requires drafting policies and procedures to aid the rights of an individual.

The matter of right to privacy is discussed in many Supreme Court judgements like that of *Kharak Singh v. State of Uttar Pradesh*[28] but the path changed forever by the *K.S Puttaswamy v. Union of India*[29] judgment*,* a nine-judge bench decision which laid down rules for privacy especially in the digital economy. Privacy was held to be an integral part of Part III of the constitution under Article 21, but it is not an absolute right, it is restricted by the test of proportionality to determine if privacy can be denied. There are four elements that have to be considered that is legality, reasonable nexus between object of law and privacy infringement, proportionality and intervention must be accompanied by procedural guarantee. The Supreme Court in the same case directed the government to formulate a data protection framework. As a response to the same established Justice B.N Srikrishna Committee, they released the draft "Personal Data Protection Bill" in 2018 which was amended and after two years withdrawn because of criticism from various stakeholder groups.

The Digital Personal Data Protection Bill was issued in 2022 and in August 2023 the parliament of India passed "The Digital Personal Data Protection Bill", 2023, now known as the DPDP Act. The law was primarily made after the highest court of India declared the right to privacy as an integral part of right to life under Article 21 of the constitution.[30] The law focuses on processing of digital personal data within India where such data is collected online or offline. The Act applies to Indian residents, companies collecting data in India and to also to non-citizen whose data with respect to any activity related to offering goods and services happens outside India. For example, the law is also applicable to the citizens of France if residing in India being provided with digital goods and services within India by any provider outside India. The Act categorizes data into digital, personal, non-personal, and critical data.

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[27] *World Development Report 2021: Data for better lives*, THE WORLD BANK, https://wdr2021.worldbank.org/
[28] Kharak Singh v. State of Uttar Pradesh, 1964 (1) SCR 332.
[29] Justice K.S Puttaswamy v. Union of India, 2017 10 SCC 1.
[30] *Ibid.*

CONCLUSION AND WAY FORWARD:

A range of court-centred projects, government initiatives are currently present in India and some are underway. These clusters of initiatives to govern data and judicial data in India creates various sorting systems to guide people with justice into appropriate tracks. It is a guide to policy makers that focus on effective data governance, focus on equality, judicial independence and public trust as depicted in figure 4. The discussions focus on the importance of data governance in a systematic manner to increase the value of the justice delivery system. While the judicial initiatives in terms of NJDG and the K.S Puttaswamy judgements shows promising levels of awareness and growing importance of court data governance as well, they are just looking at the surface now, scratching the surface and digging deep for such governance framework is yet to be talked about. There has been a rapid transformation which the pandemic has accelerated, data is already a strategic asset and it's becoming more important day by day. Courts require strong governance policies to have an effective framework. The policies can be based on the basic understanding of three-layer system i.e. Strategic, Tactical and Delivery as depicted in Figure 5. For effective governance you also have to move away from bad governance, so creation of technical capacity of staff, judges, lawyers and litigants is also an important aspect that should be worked on.

With smart data governance the courts can leverage growing data to administer and manage the system more empirically. Good data governance can also tap the ingenuity and resources of justice partners beyond court walls, facilitating private development of tools that assist the self-represented and a growing legal-tech toolkit that augments the work of lawyers. Identification of specific actors who should hold responsibility for leadership over justice data can be a complex project all together.
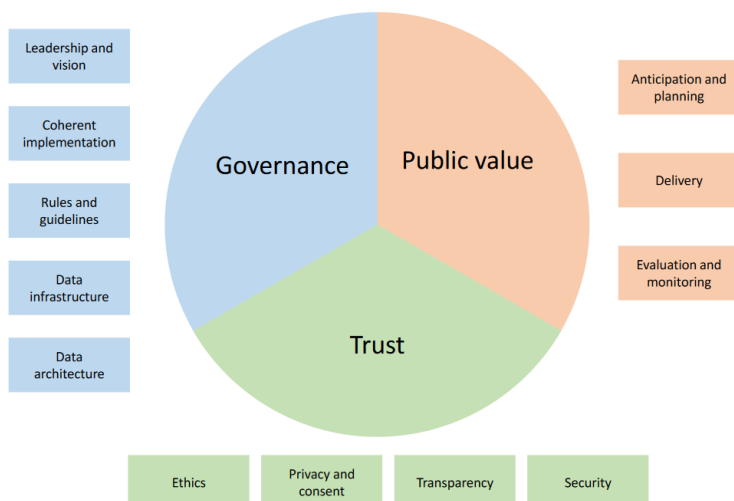
Figure 4: 12 Facets of becoming data driven public sector

Source: OECD (2019), The path of becoming data driven public sector, https://doi.org/10.1787/059814a7-en

Hence collaboration between different branches of government and the executive and judiciary is the key to achieve more access to justice and will bring us closer to SDG16. Joint leadership between the judiciary and executive, as part of a shared strategic approach for the role of justice data, is preferable to leadership that is vested in any one branch of government. Moreover, such a hybrid approach is more likely to lead to better outcomes and more sustainable change. Recognizing the need to have effective data governance in the justice system will be enhanced only through cultural shift in the ways in which justice services work and new systems will be designed to support data governance frameworks.
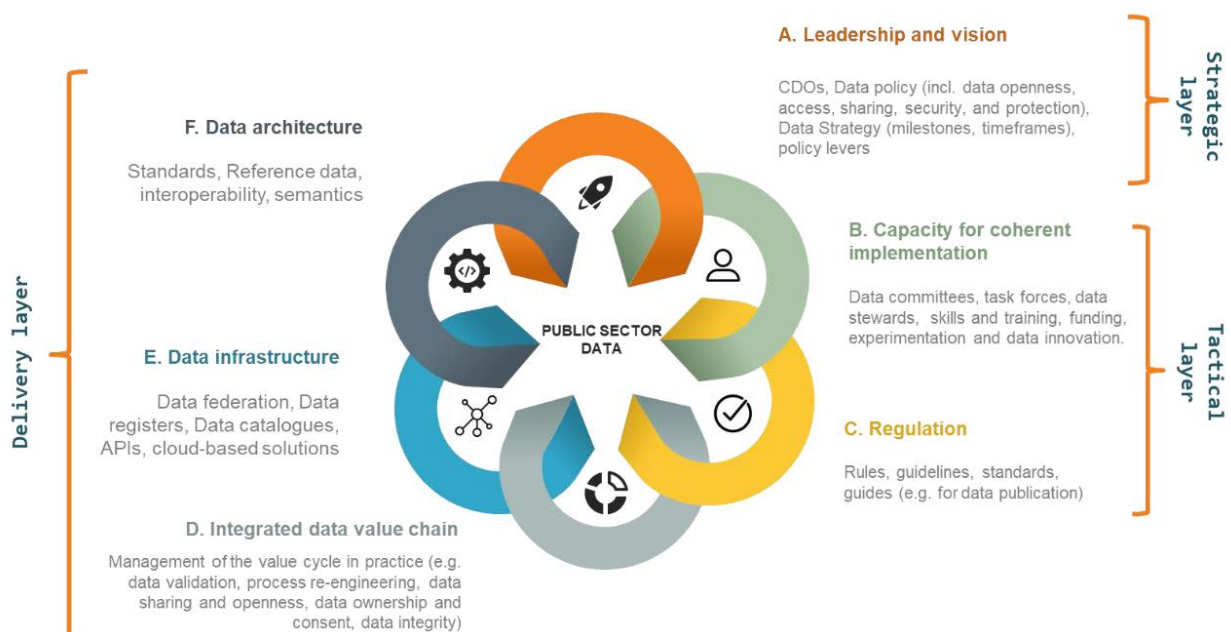
Figure 5: Data Governance in the Public sector

Source: OECD (2019[3]), Digital Government Review of Argentina: Accelerating the Digitalization of the Public Sector, https://doi.org/10.1787/354732cc-en

Policy makers should consider new frameworks that re-orientate data collection practices from recording data solely relevant to the agencies to data that helps understand the pathways, experiences and needs of the people who seek to navigate the justice system. New justice data governance frameworks should also consider constitutional/legal concerns on data collection,

sharing and use, as well as opportunities and challenges associated with digital transformation. In particular, as part of their new models for data governance policy makers should consider:

- Strong leadership that embraces a clear vision of data driven justice;
- Capacity for coherent implementation, including inter-institutional coordination bodies grounded in adequate institutional networks, capacity-building initiatives, collaboration and knowledge sharing;
- Regulatory functions that have the capability, capacity and lines of accountability to help deliver on the goals of the justice data framework; and
- Processes, mechanisms and tools facilitating the practical implementation of data governance at a granular level.

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The Forest Rights Act, 2006: A Case of Good Governance and Decentralization of Power

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ABSTRACT:

Governance is the process by which a decision is taken and the ways in which that decision is implemented. Good Governance as a concept is recognized to incorporate characteristics which will make the governance more effective and efficient. It will also ensure that the governance is free from corruption and the disadvantaged segments of the society are heard. It encourages participation of all the stakeholders which makes the decision making and implementation process inclusive. It makes the whole process transparent and holds the authorities bestowed with power accountable for their work. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, commonly referred to as the Forest Rights Act is an example of decentralization of power and imbibes in it the principles of good governance. The Forest Rights Act, 2006 was implemented to undo the historic injustices against the forest dwellers. It confers rights over forest land on the forest dwelling Scheduled Tribes and other Traditional Forest Dwellers. The Act provides for a three-tier system of authorities for the recognition and vesting of forest rights. The claims application acceptance and verification process start with the Gram Sabha. Thereafter the claims recognized by them are approved by the Sub-Divisional Level Committee. Then the approved list of claimants is sent to the District Level Committee which is the final authority for the approval of the claims raised. Even though the Forest Rights Act, 2006 recognizes the Ministry of Tribal Affairs as its Nodal Agency, the actual implementation of the Act is left in the hands of the local level authorities. This research paper aims to analyze the provisions of the Forest Rights Act, 2006 in the light of the characteristics imbibed in the concept of Good Governance. It will examine how the Forest Rights Act, 2006 provides for the decentralization of power in its implementation. The role played by authorities established under the Forest Rights Act, in particular, the Gram Sabha in the whole claim settlement process shall be examined. The

research paper will be doctrinal in nature and will analyze the various primary and secondary resources available.

Keywords - *Good Governance, Forest Rights, Gram Sabha, Decentralization of Power*

INTRODUCTION:

Governance involves the way in which any decision is taken and the method in which such a decision is implemented. It provides for a structure and brings in control over the system. It encompasses within it measures to ensure accountability of the people. With respect to a country, "governance refers to the exercise of political and administrative authority at all levels to manage a country's affairs".[1] So governance covers every aspect of running a country. It includes the policies formulated by the Government. It provides mechanisms to the citizens to express their opinions. It provides them a platform to exercise their legal rights, fulfil their duties and resolve their disputes.

UNDP defines governance as "the system of values, policies and institutions by which a society manages its economic, political and social affairs through interactions within and among the state, civil society and private sector. It is the way a society organizes itself to make and implement decisions achieving mutual understanding, agreement and action".[2] This system helps in strengthening the process of taking decisions which thereby improves the performance of the Government. It is based on values and qualities which bring stability to the society. It lays down the base for an inclusive and responsive governance system in the country.

The notion of Good Governance came into prominence in the 1990s. It incorporates within itself characteristics which makes the governance efficient and accountable. In short, the process of taking and the execution of the decisions becomes more effective and efficient. It provides for the basis on which the standard of governance can be tested. The World Bank in its report titled 'Governance and Development' published in 1992 defined the term Good Governance as "the manner in which power is exercised in the management of a country's economic and social resources for development".

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[1] UNDESA, UNDP & UNESCO, *UN System Task Team on the Post 2015 UN Development Agenda*, United Nations (July 15, 2024, 02:40 PM), https://www.un.org/millenniumgoals/pdf/Think%20Pieces/7_governance.pdf
[2] UNDP, *Responsible and Accountable Institutions*, United Nations (July 15, 2024, 02:55 PM), https://www.undp.org/eurasia/our-focus/governance-and-peacebuilding/responsible-and-accountable-institutions

Good governance is necessary for a nation's overall growth. The United Nations Human Rights Office of the High Commissioner states that "good governance relates to the political and institutional processes and outcomes that are necessary to achieve the goals of development".[3] A country's development is dependent on the efficient Government which realizes the aspirations of its citizens. Development is truly achieved when there is equality amongst people and rule of law in the country. It is a state where the legal rights of people are protected, and people have access to justice. Good governance is crucial for human development and protection of vulnerable sections of the society.

Keeping in mind the role played by Good Governance in the development of any country, it was included as a sustainable development goal to be achieved by every country. Sustainable Development Goal 16 talks about good governance. "It emphasizes on promoting rule of law. Firstly, it aims at reducing corruption and bribery in all forms. Secondly, it aims to develop effective, accountable and transparent institutions at all levels. Thirdly, it aims at ensuring a responsive, inclusive, participatory and representative decision making at all levels."[4]

One can find reference to the concept of Good Governance in India's history. Bhagavad Gita mentions that people follow in the footsteps of their leader. People follow whatever standards are laid down by the leader. So, it is imperative for the leader to perform his duties efficiently and without malice. Kautilya's Artha Shastra mentions the principle of good governance. According to him, the ruler's happiness lies in the happiness of his people. His welfare lies in the welfare of the people. His actions should reflect what the people desire. He should make decisions which pleases the people and not himself. The Kings followed the principle of raj-dharma. It was the duty of every King to maintain peace and order in his kingdom and thereby ensure the protection of his people. The King worked towards achieving the prosperity of his people.

Mahatma Gandhi envisioned an ideal form of governance in what he termed as Ramrajya. It is the highest level of good governance a country can strive to achieve. According to him, it is a form of Government which will empower the people and provide them with equal opportunity. It envisioned the participation of people in the governance and decentralization of power. He stressed on the concept of self-government or 'swaraj'. He termed good governance as 'su-raj'

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[3] United Nations Human Rights Office of the High Commissioner, OHCHR and Good Governance, UNITED NATIONS (July. 15, 2024, 03:15 PM), https://www.ohchr.org/en/good-governance/about-good-governance
[4] Department of Economic and Social Affairs, *United Nations 2030 Agenda for Sustainable Development*, UNITED NATIONS (July. 15, 2024, 03:30 PM), https://sdgs.un.org/goals/goal16#targets_and_indicators

which can be translated as good rule or good governance. He included spirituality and ethical considerations into good governance.

The Constitution of India provides for the structure of good governance in the country. It establishes a democracy with rule of law. It provides for separation of the Executive and the Judiciary and establishes an independent Judiciary to guarantee that people's rights are not infringed by the State. The principles of Constitutionalism embedded in the Constitution of India ensures that there is control over the State using its power. It also ensures the efficiency of the Government by establishing independent Constitutional institutions who keep a check on the Governmental powers.

With the focus on striving for good governance in the country, 25th December was declared as the Good Governance Day in the year 2014. "The Good Governance Index (GGI) was launched by the Ministry of Personnel, Public Grievances and Pensions in the year 2019 on the Good Governance Day. It determines the status of governance of the country. The GGI takes into consideration ten sectors to assess the level of governance. The different States and Union Territories are also divided into three categories, viz., the Big States, the North-East and Hill States and the Union Territories. The objective behind the index is to compare the state of governance across the country. It helps the states and union territories to prepare and implement different strategies and policies which will improve the level of governance."[5]

The Forest Rights Act, 2006 was passed by the Parliament with the objective of undoing historical injustices committed towards the forest dwellers. The Act has been termed as a genre of legal innovation which is sui generis.[6] The Act aims at transferring the forest rights to the individuals and communities and decentralization and self-governance.[7] It provides the legal framework for the recognition and vesting of forest rights over forest land on 'forest dwelling Scheduled Tribes and other traditional forest dwellers. It defines what are the forest rights and establishes a hierarchy of authorities aimed at decentralization of power. The Act encompasses the principal characteristics of good governance within itself.

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[5] Press Information Bureau, *'Good Governance Index' launched by MoS (PP) Dr Jitendra Singh on 'Good Governance Day' Today'*, GOVERNMENT OF INDIA, (July. 15, 2024, 03:30 PM), https://pib.gov.in/newsite/PrintRelease.aspx?relid=196119

[6] Rajshree Chandra, *Forest Rights Act of India: Putting Indigeneity in Place,* 3(2), INDIAN LAW REVIEW, 159-179 (2019).

[7] Benjamin Lalfakzuala, *The Forest Rights Act: A Comparative Study of Mizoram and Odisha*, 25, 3(3) IOSR-JHSS,42, 42-48 (March 2020)

CHARACTERISTICS OF GOOD GOVERNANCE:

Good Governance has eight major characteristics to ensure that governance is effective and efficient. The characteristics are "Participation, Rule of Law, Transparency, Responsiveness, Consensus oriented, Equity and inclusiveness, Effectiveness and efficiency and Accountability".[8]

'Participation' in governance by all genders is always beneficial. An informed society can contribute constructively to the development of the country. People should be given freedom to form associations and represent their concerns and put forth their suggestions. The existence of a legal system is not enough in the country. The legal system must be fair and impartial. A 'Rule of Law' ensures that law is supreme. Law must provide for the basic human rights of people and also provide for appropriate forums for enforcement of these rights. An impartial and independent judiciary is at the cornerstone for protecting the rights of people.

As governance primarily involves taking decisions and implementing them, it is important to have 'Transparency' in the whole process. To ensure transparency, information should be freely available to the people. They should have easy access to information which led to the taking of a particular decision as well as to the implementation of any decision. This will in turn ensure that any corrupt practices do not creep into the system. A governance system should be 'Responsive'. All the institutions involved in the governance must take into consideration the interests of all the stakeholders. They should also try to work within reasonable time. So instead of sitting over any policy matter, what good governance requires is a prompt action taking into consideration the interests of the concerned parties.

The society has multiple players operating at the same time. A decision taken by the authority involves many interested parties. What is required is a 'Consensus Oriented' approach. In order for good governance to exist, stakeholders' interests must be taken into consideration and a broad and long term perspective is adopted by the authorities while making any decision. So what is best for the society and will lead to its sustainable development must be adopted. Something similar to this is 'Equity and Inclusiveness' in the decision-making process or its implementation. The policies and decisions taken should reflect the interests of the people. All the people, especially the disadvantaged segment of the society, should feel included. Their

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[8] United Nations Economic and Social Commission for Asia and the Pacific, *What is good governance?*, UNITED NATIONS, (July. 15, 2024, 03:30 PM), https://www.unescap.org/sites/default/files/good-governance.pdf

rights should be recognized and protected. They should be given the opportunity of improving their standard of life.

The governance of the country must be 'Effective and Efficient'. The objectives of the laws and policies formulated must be realized in an efficient manner. Otherwise, they would remain on paper only. To make the system efficient, there should be sustainable use of the resources. The system and institutions of the Government will be effective when they meet the demands and needs of the people. Finally, 'Accountability' is an important characteristic of Good Governance. The government agencies, businesses, civil society organizations, and other pertinent parties must be held responsible to the people who will get affected by their decisions. Accountability will ensure that the decision-makers are transparent and abide by the law. It will safeguard individuals' rights and in turn lead to sustainable development.

THE FOREST RIGHTS ACT, 2006:

The Scheduled Tribes and other traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 popularly known as the Forest Rights Act, 2006 has been passed by the Parliament with the objective of undoing historical injustices committed against the forest dwellers. The Forest Rights Act, 2006 recognizes and vests various Forest Rights on the forest dwelling Scheduled Tribes (ST) and the other traditional forest dwellers (OTFD). The Forest Rights can be categorized into three, namely, forest rights conferred on individuals, forest rights conferred on community and community rights to forest products. Consequently, the Act also aims to provide sustainable livelihood to the forest dwellers.

Section 3 of the Forest Rights Act, 2006 enumerated the forest rights. Forest rights include the right of an individual or community to reside and cultivate any forest land. It also includes the authority to gather small-scale forest products. It recognizes the right to access and use the natural resources and use the forest land for grazing. Forest rights also include all kinds of settlements being transformed into revenue villages. The community's right over biodiversity and traditional knowledge is restored by this Act.

The Forest Rights Act, 2006 also provides for the diversion of forest land for development activities. The forest land sought to be diverted for the infrastructural activities shall not be more than one hectare. These activities may include the constitution of schools, dispensaries, roads, telecommunication, Anganwadi, etc. It shall not involve the removal of more than 75 trees per hectare of land. These activities shall be conducted only after receiving prior informed consent of the concerned Gram Sabha.

The Forest Rights Act, 2006 also confers forest rights on the forest dwelling ST and OTFDS in critical wildlife areas found inside the National Parks and Sanctuaries. In case co-habitation between humans and wildlife species is impossible without having an adverse effect on the habitat of the wildlife species, provisions are made for the rehabilitation of such people in some other areas. Such rehabilitation and resettlement packages have to be prepared before the forest dwellers are removed from the critical wildlife areas. No forest dwellers shall be removed from any land situated in a forest unless the whole procedure of recognition and vesting of forest rights under the Act is completed. The rehabilitation and resettlement shall be done only with the prior informed consent of the Gram Sabha concerned.

The Forest Rights conferred on the forest dwelling STs and the OTFDs are heritable in nature. This forest right is neither alienable nor transferable. The Forest Right is vested in the name of both the spouses in the case of a married couple. It is vested in the name of an individual if there is just one person living in the household. The forest right passes on through inheritance. In case of lack of a direct heir, the forest right gets transferred to the next of kin.

The Forest Rights Act, 2006 sets up a three-tiered authority system for completing the whole procedure of recognition and vesting of forest rights. The Gram Sabha accepts all the claims filed by the individual or community. After the process of verification is over, the Gram Sabha prepares a map delineating the area and passes a resolution on the same. It then sends the resolution to the Sub-Divisional Level Committee (SDLC). Any person aggrieved by the resolution passed by the Gram Sabha may move to the SDLC.

The Act empowers the State Government to establish an SDLC. It is tasked with hearing the aggrieved persons and passing an order after hearing the person. It is also tasked with examining the resolution passed by the Gram Sabha. Based on it, they prepare the list of Forest Rights. They send the list of Forest Rights to the District Level Committee (DLC). The Act empowers the State Government to establish a DLC which will finalize the forest rights recognized and vested on any claimant. It also hears any person aggrieved by the decision of the SDLC. The decision passed by the DLC is final and binding.

ROLE PLAYED BY GRAM SABHA:

The Gram Sabha plays an important role in the effective implementation of the Forest Rights Act. It acts as the first level of authority with whom the procedure of recognition and conferment of forest rights starts. The Gram Sabha accepts the claims filed by the forest dwellers. It is their duty to ascertain the kind and scope of the rights to be conferred. After

receiving the claims, they compile, check, and create a map of them. The Gram Sabha is authorized to constitute a Forest Rights Committee.[9] This committee shall help the Gram Sabha in discharging its functions under the Act.

The Gram Sabha is empowered to consider the resettlement package offered to forest dwellers who are being displaced from the forest land situated in the critical wildlife areas. The informed consent of the Gram Sabha is necessary before any such resettlement can be done. It is also empowered "to constitute committees for the protection of wildlife, forest and biodiversity."[10] They have the power to monitor and control all the committees constituted by it. They are the final authority to approve any decision of the committees. The authorities of the State are mandated to offer the support that is required to the Gram Sabha.

The Gram Sabha also has power over any developmental projects being undertaken in the forest land. The Central Government cannot divert forest land for the developmental projects which involves felling of trees without the recommendation of the Gram Sabha. The Gram Sabha along with the forest rights holders are conferred certain duties under the Act. The Gram Sabha is obligated to protect the forest and the wildlife. It shall ensure that the community resources and ecological sensitive areas are protected. They have to give protection to the habitat of the forest dwellers from the destructive practices. It also regulates the access to community forest resources. Any practices which may cause harm to the animals and forests have to be regularized by the Gram Sabha.

The Gram Sabha plays a major role at the grass root level. On one hand, it decides the forest rights and on the other hand it protects and conserves the forest. Since Gram Sabha is a group of every adult residing in the village, the Act delegates power to the people who are the primary stakeholders in the Forest Rights Act, 2006. The power under the Act is distributed and conferred on the people which leads to a decentralized system of governance.

ANALYSIS OF FOREST RIGHTS ACT, 2006 IN LIGHT OF GOOD GOVERNANCE:

The Forest Rights Act, 2006 provides an excellent example of decentralization of powers. The mechanism of the Act ensures that the final power vests with the people. With the noble objective of undoing injustices which has been historically meted against the forest dwelling

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[9] The Scheduled Tribes and other Traditional Forest dwellers (Recognition of Forest Rights) Rules, 2007, 2007 (India), Rule 3(1).
[10] The Scheduled Tribes and other Traditional Forest dwellers (Recognition of Forest Rights) Rules, 2007, 2007 (India), Rule 4(1)(e).

tribal communities and forest dwellers, this Act provides for the structure and procedure to recognize and vest the forest rights on them. It incorporates all the characteristics of Good Governance. Even though the Nodal Agency under the Act is the Ministry of Tribal Affairs, the powers under the Act are distributed amongst the hierarchy of authorities established under the Act. It leads to decentralization of power.

The primary role is played by the Gram Sabha under the Act. Gram Sabha consists of every adult residing in the village. The Act also states that it shall have complete and unrestrained involvement of the women.[11] The Gram Sabha initiates the process of recognition of the forest rights. They determine the nature of the forest right and also the extent to which forest right shall be granted to the individual or community. The Act mandates the taking of prior informed consent of the Gram Sabha before the forest land is diverted for non-forest use by the Government. The Gram Sabha and the forest right holders have the duty to protect the forest. They have to ensure that the resources are used in a sustainable manner. So the participation of all the adult members of the village is there in every aspect of decision-making. The composition of the Committees under the Act mandates that two members shall belong to the STs and one member shall be a woman.

The Forest Rights Act provides for a fair legal procedure to get the forest rights recognized. The Gram Sabha receives the claims, verifies them and then passes a resolution delineating the area of each recommended claim. Any aggrieved person or community has the option to petition before the SDLC against the resolution passed by the Gram Sabha. The SDLC examines the resolution passed by the Gram Sabha and prepares a record of the forest rights. Thereafter, it forwards the record to the DLC for the final approval of the forest rights. Any aggrieved person may petition before the DLC against the decision of the SDLC. This hierarchical process ensures that the Rule of Law prevails. The Act ensures that rights are conferred on the claimants and proper redressal mechanism is in place to resolve any dispute.

The whole process of recognition and vesting of forest rights is transparent. The details of the claims made and processed, the claims approved at each level and the area conferred on the claimant to exercise the forest rights are freely available to the people. The authorities are also duty bound to provide the reasons to the claimant for rejection of their claims. This ensures a

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[11] The Scheduled Tribes and other Traditional Forest dwellers (Recognition of Forest Rights) Act, 2006, No. 02, Acts of Parliament, 2007 (India), § 2(g).

transparent and robust procedure to implement the provisions of the Act. The easy availability of information ensures that the rules and procedures as laid down in the Act are followed.

The procedure under the Act is responsive and tries to satisfy the needs of the stakeholders. The forest dwellers' rights over forest land are recognized. The Act also focuses on forest conservation and sustainable use of resources which satisfies the objective of the forest conservationists. The Act also ensures that the claims and disputes arising out of any decision are resolved in a time-bound manner.

The Forest Rights Act is consensus driven. It takes into consideration the needs of the different stakeholders and then decides on what is best for the forest and the forest dwellers. The Gram Sabha also provides its informed consent to developmental activities and resettlement of displaced tribal people. The decision is taken by the majority of the people. The Act makes provision for providing land to the people displaced from forest land situated inside critical wildlife habitat. It confers a duty on the stakeholders to conserve the forest and its resources. The Gram Sabha regulates the access to resources and has a right to stop any activity which is detrimental to the forest and its inhabitant.

One of the objectives of the Forest Rights Act is to ensure the sustainable livelihood of the tribal people and the forest dwellers. This will in turn lead to the upliftment and empowerment of that section of the society which is predominantly ignorant and backward. The forest dwelling tribal people are characterized by their disassociation from the mainstream society. This Act for the first time recognized their rights over the forest land. It also provides for the government to take up developmental activities in and around the forest land. It ensures their involvement at all levels and leads to equity and inclusiveness.

The objective of the Act is to bestow the forest rights on the forest dwellers and communities. The procedure outlined in the Act ensures that the claims over forest lands are verified, then recognized and vested on the claimants. For the first time, it recognizes the intimate interaction between the forest and its inhabitants and its resources. The involvement of the forest dwellers in the preservation of the forest will lead to fruitful conclusion. These forest dwellers have been residing in the forest since ages. Their means of subsistence are derived from the forest. Therefore, they are the best people to get involved in policy making for protection and conservation of the forests. This ensures the Act is effective and efficient in nature.

The availability of the information regarding the status of claims filed and the reasons for its rejection ensures that the authorities are accountable. The various members and officers of the

authorities and committees are held responsible under the Forest Rights Act. In case any of them contravenes any provision under the Act or rules made thereunder, they are guilty of an offence under the Act which is "punishable with a fine which may extend to one thousand Rupees."[12] The Act also makes provision for the establishment of a State Level Monitoring Committee (SLMC) which monitors the entire procedure of recognition and vesting of forest rights. This Committee also sends reports regarding the implementation of the Act to the Ministry of Tribal Affairs.

Hence the characteristics of Good Governance is imbibed in the Forest Rights Act, 2006. It is an Act which provides for the decentralization of power in the form of the hierarchy of authorities which are established under the Act for the recognition and vesting of the forest rights. The Act envisages the participation of the people in the decision-making process. It aims to empower the forest dwellers and consequently lead to their upliftment. It also provides for a balance between the protection of forest and the development of the forest dwellers.

CONCLUSION:

The Forest Rights Act, 2006 is a benevolent legislation which aims to recognize the rights of forest dwelling STs and OTFDs over forest land. It ensures involvement of the people in the governance at the grassroot level. Along with the power conferred on the Scheduled Areas under the Constitution of India, the Forest Rights Act leads to the establishment of self-governance amongst the forest dwellers. This Act if implemented properly will lead to the true empowerment of the forest dwellers. In spite of these idealistic provisions laid down, this Act is far from being effective in ensuring the rights of the forest dwellers.

There is a lack of clarity in the structure of authorities which lead the States to change the structure according to their political interests. The Forest Rights Committees are not properly constituted. There is a shortage of manpower which makes it difficult to implement the Act. Many times, the rejection is not communicated to claimants whereby they fail to appeal against such a decision. The high rejection of claims also shows that the committees are taken by

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[12] The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, No. 02, Acts of Parliament, 2007 (India), § 7.

political parties and bureaucrats who are not in favour of recognizing the rights of the forest dwellers.[13]

There is conflict between the State Governments and tribal communities which gives rise to problems. Many mandatory functions of the various committees like conducting meetings, proper scrutiny of claims and its verification are not happening.[14] The progress in the implementation of the Act is slow due to lack of manpower, lack of awareness amongst the claimants and ambiguity regarding the procedure. The Act also lacks the post claim management framework. There are questions raised over the effectiveness of the Act in ensuring sustainable livelihood as people seek out other employment opportunities.[15]

The Act's true potential can be achieved through the conferment of community forest rights. But a ten-year review of the implementation of the Act shows that around 3% of the estimated potential of community forest rights has been achieved.[16] Even though community rights are to be recognized and vested in a community, it is extremely difficult for the Government to protect the community rights to intellectual property and traditional knowledge.[17] Some also claim that there has been a hurried implementation of the Forest Rights Act. There are various impediments on the effective implementation of the Act such as asymmetric information flow, undemocratic participation, deficient coordination, and lack of transparency.[18]

It is pertinent to note the role of non-governmental organizations in the effective implementation of the Forest Rights Act. These organizations not only advocate for the rights of the forest dwellers but also play an important role in creating awareness about the Act amongst the people.[19] The Act provides for decentralized forest governance. But this decentralization has been selective and largely dependent on political will. The Act shows

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[13]Bidhan Kanti Das, *Denial of Rights Continues: How Legislation for 'Democratic Decentralisation' of Forest Governance was subverted in the Implementation Process of the Forest Rights Act in India*, 31, 4, THE EUROPEAN JOURNAL OF DEVELOPMENT RESEARCH, 957-983 (2019).

[14] Benjamin Lalfakzuala, *The Forest Rights Act: A Comparative Study of Mizoram and Odisha*, IOSR-JHSS, 42, 42-48 (March 2020).

[15]Tapas KumarSarangi, *Reform in Forest Tenure and Livelihood Impact: Implementation of Forest Rights Act 2006 in Odisha and Jharkhand*, 8(1), JOURNAL OF LAND AND RURAL STUDIES, 77-95 (2020).

[16] Kundan Kumar et al., *Promise and performance of the Forest Rights Act*, 52, EPW, 25, 25-26 (2017).

[17]Lovleen Bhullar, *The Indian Forest Rights Act 2006: A Critical Appraisal*, 4, Law, ENVIRONMENT AND DEVELOPMENT JOURNAL, 20 (2008).

[18] Bijayashree Satpathy, *Forest Rights Act Implementation in Odisha: Redressing Historical Injustices*, 37, 3, SOUTH ASIA RESEARCH, 259, 259-276 (2017).

[19] Abee Narayan, *Significance of the Forest Rights Act, 2006 and Its Implementation in Forest-dwelling Communities of India*, 25, 4(8), IOSR-JHSS, 35, 35-42 (April 2020).

success in areas which see an active involvement of civil society.[20] The non-governmental organization mobilizes and empowers the tribal communities.[21] There have been multiple barriers to the participation of women in the implementation of the Forest Rights Act like patriarchal society, gender specific roles and domestic responsibilities. Women rarely attend the meetings of the Gram Sabha and do not take part in the taking of decisions.[22]

Even though various challenges remain in the effective implementation of the Act, still the Act shows promise. The proper implementation of the Forest Rights Act will lead to the improvement of the socio and economic status of the forest dwellers. It will also help in improving the quality of the forest and its natural resources.[23] The Forest Rights Act, 2006 restores the right of forest dwellers forest land, community forest resources and the governance. The Act grants the Gram Sabha the legal power to grant consent to any land acquisition attempt by the Government for construction of developmental infrastructure.[24] The Act also provides an opportunity to the forest dwellers and the Government to bargain on strategies concerning forest conservation and beneficial projects.[25]

The Forest Rights Act, 2006 has the potential to be a landmark piece of legislation showcasing an example of good governance with the decentralization of power in action. By overcoming the different constraints with the help of civil society and non-governmental organizations, the Act can lead to an effective and efficient form of governance by the people. It is the need of the hour to make such legislation and policies which will lead to good governance. This will not only help in protecting the rights of the people but also in achieving sustainable development in the country.

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[20] Bidhan Kanti Das, *Denial of Rights Continues: How Legislation for 'Democratic Decentralisation' of Forest Governance was subverted in the Implementation Process of the Forest Rights Act in India*, 31, 4, THE EUROPEAN JOURNAL OF DEVELOPMENT, RESEARCH, 957, 957-983 (2019).
[21] Divya Gupta, et al., *Promoting a Responsive State: The role of NGOs in Decentralized Forest Governance in India*, 111, FOREST POLICY AND ECONOMICS, 102066 (2020).
[22] Satyapriya Rout, *Gendered Participation in Community Forest Governance in India*, Sustaining Natural Resources in a Changing Environment, 72, 72-84 (2020).
[23] Ayesha Khosla & Prodyut Bhattacharya, *Use of Composite Index to Critically Assess the Post Rights Recognition Impact of Forest Rights Act, 2006: A Case Study from the Tribal State of Tripura, India*, 2, Trees, forests and people, 100023 (2020).
[24] Rajshree Chandra, *Forest Rights Act of India: Putting Indigeneity in Place*, 3, 2, ILR, 159, 159-179 (2019).
[25] Kanchi Kohli, *Historical Injustice and "Bogus" Claims: Large infrastructure, Conservation and Forest Rights in India*, Heinrich-Böll-Stiftung (2019).

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➤ Bidhan Kanti Das, *Denial of Rights Continues: How Legislation for 'Democratic Decentralisation' of Forest Governance was subverted in the Implementation Process of the Forest Rights Act in India*, 31, 4, THE EUROPEAN JOURNAL OF DEVELOPMENT RESEARCH, 957-983 (2019).

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➤ Divya Gupta, Lele Sharachchandra, and Geetanjoy Sahu, *Promoting a Responsive State: The role of NGOs in Decentralized Forest Governance in India,* 111, FOREST POLICY AND ECONOMICS, 102066 (2020).

➤ Khosla, Ayesha & Prodyut Bhattacharya, *Use of Composite Index to Critically Assess the Post Rights Recognition Impact of Forest Rights Act, 2006: A Case Study from the Tribal State of Tripura, India*, 2, TREES, FORESTS AND PEOPLE, 100023 (2020).

➤ Kanchi Kohli, Historical Injustice and "Bogus" Claims: Large infrastructure, Conservation and Forest Rights in India, Heinrich-Böll-Stiftung (2019).

➤ Kumar Kundan, Neera M. Singh, and Y. Giri Rao, Promise and performance of the Forest Rights Act, 52, ECONOMIC AND POLITICAL WEEKLY, 25-26 (2017).

➤ LEELAKRISHNAN P., ENVIRONMENTAL LAW IN INDIA, Lexis Nexis Butterworths Wadhwa (3rd ed. 2008).

➤ Abee Narayan, *Significance of the Forest Rights Act, 2006 and Its Implementation in Forest-dwelling Communities of India*, 25, 4(8), IOSR JOURNAL OF HUMANITIES AND SOCIAL SCIENCE, (April 2020): 35-42

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Need for Good Governance and Sustainable Development in securing effective Global Climate Governance

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ABSTRACT:

The human race is facing an existential crisis due to self-created problems, and one such problem is climate change. Currently, climate change refers to long-term shifts in temperatures that are occurring unnaturally, meaning that they are happening due to man-made factors such as the burning of fossil fuels. This problem was recognized years ago, and yet we fail to acknowledge its gravity and find an effective solution. This paper aims to recognize the role of good governance and the rule of law in achieving sustainable development for all and exhibit their effectiveness via case studies from around the globe. The paper is divided into three parts: Part I highlights the interconnection between good governance, rule of law, and sustainable development; Part II deals with the applicability of these to our currently existing systems; and Part III showcases the case studies wherein the holistic approach to progress has helped achieve the sustainable development goals. Sustainable development, good governance, and the rule of law are interconnected concepts that can help us tackle this problem for good. One of the most effective ways is through global-scale policies that are meticulously formed and effectively implemented. Even though sustainable development, good governance, and the rule of law form a virtuous cycle, the real challenge lies in their integration into already existing systems.

Key Words - *Rule of law, Good Governance, Sustainable Development, Climate Change*

RESEARCH OBJECTIVES:

1. To explain the inter connection between rule of law, good governance and sustainable development.
2. To highlight the importance of integration of the values of rule of law, good governance into policies.

3. To propose possible recommendations for policymakers on strengthening governance models and legal frameworks to better address the problem climate change.

INTRODUCTION:

One of the most raging problems of our times is climate change. Climate change refers to long-term shifts in temperatures and weather patterns. Such shifts can be natural, however since the 1800s, human activities have been the main driver of climate change.[1] Fossil fuels such as coal, oil and gas are statistically the largest contributors to the rapid global change, accounting for over 75 percent of global greenhouse gas emissions and nearly 90 per cent of all carbon dioxide emissions.[2] As of 2021 industries emit nearly 21% of greenhouse gases from burning of fossil fuels for energy generation and if emissions from electricity generation are added to this calculation then the total industrial end-use sector activities account for 30% of U.S. greenhouse gas emission.[3]

As a consequence of these harmful activities the planet is facing several threats such as hotter temperatures, more severe storms, increased drought, changing water availability, rising ocean levels, endangering of species both on land and in water, scarcity of enough food and increase in health risks[4].Climate change is one of the biggest threat facing humanity.[5] And to combat all of this we require effective environmental security policies in order to safe guard our planet from further deterioration[6]. Formulating effective policies to protect the environment requires a comprehensive approach at both the national and international levels.[7]

Achieving effective climate governance is a mammoth task and it requires a multi-layered approach. A combination of prevalence of rule of law, good governance and achieving the already set sustainable development goals can be the foundational pillars for it.

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[1] *What is Climate Change*, UNITED NATIONS, https://www.un.org/en/climatechange /what-is-climate-change.
[2] *Causes and Effects of Climate Change*, UNITED NATIONS, https://www.un.org/en/climatechange/science/causes-effects-climate-change.
[3] S*ources of Green House Gas Emissions-Climate Change*, (Last Accessed: 17th June, 2024) https://climatechange.chicago.go
[4] Supra note 2
[5]*Climate Change 'Biggest Threat Modern Humans Have Ever Faced', World-Renowned Naturalist Tells Security Council, Calls for Greater Global Cooperation*, UNITED NATIONS, https://press.un.org
[6]*Environmental Policy-an Overview*, (Last Accessed: 17th June, 2024) https://www.sciencedirect.com
[7] *An OECD Framework for Effective and Efficient Environmental Policies*, OECD (Last Accessed: 17th June, 2024) https://www.oecd.org/env/tools-evaluation/41644480.pdf

Rule of law can be defined as, the mechanism, process, institution, practice, or norm that supports the equality of all citizens before the law, secures a non-arbitrary form of government, and more generally prevents the arbitrary use of power[8]. In simpler words rule of law is the mechanism for protecting citizens from arbitrary use of power by any government body. It establishes a framework where all individuals, regardless of their status or position, are subject to and accountable to the same laws. This principle ensures that laws are applied fairly and consistently, creating a level playing field for all members of society. When rule of law takes the front and centre position in the field of life then society can truly become equitable and find solutions to the everyday problems of the people.

Governance refers to all processes of governing, the institutions, processes and practices through which issues of common concern are decided upon and regulated. Good governance adds a normative or evaluative attribute to the process of governing[9]. The government in entrusted with the responsibility of protecting its people and in today's rapidly globalizing world we need a global governmental body that will put its people's interests first and foremost.

Sustainable development represents a holistic approach to progress that balances economic growth with social inclusivity and environmental protection. It recognizes that development should not come at the expense of future generations or the planet's ecosystems. This concept calls for responsible resource management, investment in renewable energy sources, and the promotion of inclusive economic models that benefit all segments of society. Sustainable development also emphasizes the importance of education, healthcare, and social welfare systems in creating resilient and prosperous communities.

HOW RULE OF LAW AND GOOD GOVERNANCE CAN BE APPLIED TO ACHIEVE SUSTAINABLE DEVELOPMENT GOALS?

One of the most effective ways of dealing with a problem with a magnitude as big as climate change is via effective policies and laws. Public policy mainly constitutes of the set of actions—plans, laws, and behaviours—adopted by a government.[10] It's a statement that showcases the

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[8]Naomi Choi, *Rule of Law- Definitions, Implications, Significance and Facts,* BRITANNICA, https://www.britannica.com/topic/rule-of-law.
[9]United Nations Human Rights, *About good governance*, UNITED NATIONS (Last Accessed: 24th June, 2024). https://www.ohchr.org/en/good-governance/about-good-governance,
[10]Mark Bevir, *Public Policy, Regulation, Accountability - Governance*, BRITANNICA, https://www.britannica.com/topic/governance/Public-policy.

government's intent and commitment to address a particular issue or problem[11]. The policy serves as a roadmap for administering and guiding governments for the use of resources, formulating regulations, and providing efficient services to address pressing social, economic, and environmental challenges.[12] An important subsection to that is environmental policy making.

Environmental policy is any measure taken up by a government or corporation or private organisation regarding the result of human activities on the environment, specifically those measures that are intended to prevent or reduce detrimental effects of human activities on ecosystems.[13] These harmful effects include climate change, soil erosion, poor air quality, and undrinkable water.[14]

Formulating effective policies to protect the environment requires a comprehensive approach at both the national and international levels.[15] Nationally, governments play a central role in formulating and implementing policies that are designed to tackle environmental challenges.[16] This comprises setting regulations and standards for industries, promoting renewable energy sources, and establishing protected areas for biodiversity conservation.[17] Effective policies also involve integrating environmental considerations into sectors such as agriculture, transportation, and urban planning to minimise negative impacts on ecosystems and natural resources.[18]

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[11]*What is Public Policy? Definition, Scope, Features, Types & More*, O.P. JINDAL GLOBAL UNIVERSITY, https://jgu.edu.in/blog/2023/12/30/what-is-public-policy/.

[12] *Navigating the Landscape of Public Policy: Understanding its Essence and Impact,* UNIVERSITY OF THE PEOPLE, https://www.uopeople.edu/blog/what-is-public-policy/.

[13] Ellen van Bueren, *Environmental Policy*, BRITANNICA, https://www.britannica.com/topic/environmental-policy.

[14]Human Impacts on Environment, NATIONAL GEOGRAPHIC, https://education.nationalgeographic.org.

[15]*An OECD Framework for Effective and Efficient Environmental Policies*, OECD (Last Accessed: 17th June, 2024) https://www.oecd.org/env/tools-evaluation/41644480.pdf

[16]*The Role of Government in Protecting the Environment: Quality of Government and the Translation of Normative Views about Government Responsibility into Spending Preferences*, (Last Accessed: 24th June, 2024) https://www.tandfonline.com/doi/full/10.1080/00207659.2019.1582964

[17]*Guidelines for Applying Protected Area Management Categories*, (Last Accessed: 24th June, 2024) https://portals.iucn.org/library/sites/library/files/documents/PAG-021.pdf,.

[18] David Dodman, Gordon McGranahan and Barry Dalal-Clayton, *Integrating The Environment In Urban Planning And Management*, UNEP, https://www.uncclearn.org/wp-content/uploads/library/unep247.pdf.

Internationally, cooperation and collaboration are vital for addressing global environmental issues that transcend national boundaries[19]. International agreements and treaties, provide frameworks for countries to come together and tackle the problem of environmental degradation, the Paris treaty is an example of an international policy on climate change.[20] These agreements facilitate the exchange of information, technology, and resources to support environmental conservation efforts worldwide.[21] Furthermore, international organisations like the United Nations Environment Programme (UNEP) and regional bodies play vital roles in coordinating action, conducting research, and providing assistance to countries in implementing environmental policies effectively.[22]

Effective policies to protect the environment must also consider the principles of equity and justice, understanding the irregular impact of environmental degradation on marginalised communities and future generations.[23]

Environmental principles are typically overlooked in corporate decision-making, making stringent environmental policies necessary.[24] The omission can be attributed to two key factors, first that the environmental impacts are economic externalities. As mostly the main aim of corporate companies is to make profit.[25] And second, polluters usually escape the ill-consequences of their actions; the harm they cause either occurs later in the future or manifests in some other place.[26] Second, because it's common to expect that natural resources will always be available, their prices are virtually always low.[27] When these elements come together, the outcome is what American ecologist Garrett Hardin dubbed "the tragedy of the commons" in

[19]*Addressing Global Environmental Issue*, 3(2) INTEGRATED ENVIRONMENTAL ASSESSMENT AND MANAGEMENT, 55 (2007). https://setac.onlinelibrary.wiley.com/doi/pdf/10.1002/ieam.5630030201.

[20]*The Paris Agreement,* https://www.un.org/en/climatechange/paris-agreement, , (Last Accessed: 24th June, 2024).

[21] *Improving knowledge exchange among scientists and decision-makers to facilitate the adaptive governance of marine resources: A review of knowledge and research needs,* (Last Accessed: 24th June, 2024) https://www.sciencedirect.com/science/article/pii/S0964569115001167,

[22]*About the United Nations Environment Programme*, (Last Accessed: 24th June, 2024) https://www.unep.org/who-we-are/about-us.

[23] *Environmental Equity*, (Last Accessed: 10th March, 2024)https://www.sciencedirect.com/topics/earth-and-planetary-sciences/environmental-equity

[24]Ellen van Bueren, *Environmental Policy*, BRITANNICA, https://www.britannica.com/topic/environmental-policy.

[25]*Business Aims and Objectives* , (Last Accessed: 24th June, 2024) https://www.studysmarter.co.uk/explanations/business-studies/nature-of-business/business-aims-and-objectives/,

[26] *Environmental Externalities*, (Last visited 24/06/2024), https://academic.oup.com

[27]*Environmental Impact: Concept, Consequences, Measurement*, (Last Accessed: 25th June, 2024), https://www.ncbi.nlm.nih.gov

1968.[28] It is possible to think of the natural resource pool as a common that everybody can exploit for their own gain.[29]

When we integrate the vales of rule of law and good governance into the policy making process we can truly commit towards the cause of environmental protection. Rule of law and good governance provide the essential framework for creating and enforcing environmental policies. When laws are clear, consistently applied, and backed by strong institutions, it becomes much easier to implement and uphold environmental regulations.[30] This creates a stable foundation for conservation efforts and sustainable development practices.

Good governance ensures transparency, accountability, and public participation in environmental decision-making. When policymakers are held accountable for their actions and citizens have a voice in the process, it's more likely that environmental concerns will be prioritised and addressed effectively.[31] This also helps build public trust and support for environmental initiatives. The integration of these values promotes fairness and equity in environmental policies.

Furthermore, rule of law and good governance facilitate international cooperation on environmental issues. When countries have robust legal systems and transparent governance, it's easier to negotiate and enforce global environmental agreements. This is particularly important for addressing problems at a global scale problems like climate change, ocean pollution, and biodiversity loss.

The integration of values of rule of law and good governance into policies that are formulated to achieve sustainable development and combat climate change would ensure long term success of the policies. As rule of law provides a framework for creating and enforcing policies that are clear, consistent and are applicable to everyone irrespective of their status or wealth. When regulations are backed by laws, they have a stronger impact and are therefore more likely to be

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[28] *Tragedy of the commons*, (Last Accessed: 25th June, 2024) https://www.britannica.com/science/tragedy-of-the-commons

[29] Ellen van Bueren, *Environmental Policy*, BRITANNICA, https://www.britannica.com/topic/environmental-policy.

[30] Environmental Regulation, (Last Accessed: 17th June, 2024) https://www.sciencedirect.com/topics/earth-and-planetary-sciences/environmental-regulation

[31] *How Public Participation Shapes Environmental Decision*, (Last Accessed: 17th June, 2024) https://www.sei.org/wp-content/uploads/2019/01/making-space-how-public-participation-shapes-environmental-decision-making.pdf

followed. This shall lead to better compliance with carbon emission reduction targets, conservation efforts and help achieve the sustainable development goals.

The formulation of policies will require good governance to play a crucial role. Good governance is characterised to have values of transparency, accountability and active public participation. These are the exact values that policies regarding climate change requires, the people need to know what regulations, rules and laws are being drafted to combat climate change as public scrutiny and input would allow for a more open and inclusive discussion on climate change leading to the formulation of more effective policies. Making the common public an active part of the drafting process would help governments identify grass-root level problems and find their solutions. Curating policies that would help tackle the local level problems that have been created due to adverse climatic conditions would not only help in combating the problem but also in building trust amongst people towards their governments. A more open and accessible policy making process would ensure accountability making policy makers answerable for their actors and decisions, lessening the risk of corruption and mismanagement of allocated resources for environmental initiatives.

The integration of these principles can also help in addressing complex problems that may arise during implementation of the policies. For instance, a robust policy by a well-governed system can sure that development projects which are necessary of economic prosperity do not compete with environmental interests. Ways can be found wherein the project is made more sustainable and safer for the environment. Development cannot happen at the cost of environment.

The projects should undergo robust environment impact assessment and its results should be available to the public. Furthermore, the rule of law and good governance can help in the equitable distribution of the costs and benefits of climate action. The communities that are more vulnerable to the drastic impacts of climate change should be protected via conservation efforts and businesses should be incentivized and helped in transitioning from fossil fuel centric fuels to renewable energy resources.

The integration of these principles can also enhance international cooperation on climate change. When countries have strong legal frameworks and governance structures in place, they are better equipped to negotiate, implement, and comply with international environmental agreements. This can lead to more effective global action on issues like reducing greenhouse gas emissions and protecting biodiversity. Moreover, the rule of law and good governance can

attract investment in sustainable technologies and practices. Investors are more likely to support green initiatives in countries with stable legal systems and transparent governance, as these factors reduce risk and increase the likelihood of project success.

However, integrating these principles into climate and sustainability policies is not without challenges. It requires political will, institutional capacity, and often, significant reforms. Developing countries, in particular, may face difficulties in strengthening their legal and governance systems while simultaneously addressing pressing environmental and development needs. To overcome these challenges, capacity building and international support are essential. Developed countries and international organisations can play a crucial role in helping developing nations strengthen their legal and governance frameworks for environmental protection and sustainable development.

CASE STUDIES:

The Keystone XL Pipeline Project -

An important case study to understand the value of transparency, rule of law and active public participation is the Keystone XL pipeline project.

The pipeline extension project, proposed by TC Energy (then TransCanada) in 2008, was originally formulated to transport the planet's filthiest fossil fuel, tar sands oil, to market.[32] The project was supposed to serve as an extension of the company's existing pipeline system, which has been operating since 2010 (which continues to transport Canadian tar sands crude oil from Alberta to a variety of processing factories in the USA), the project had promised to dramatically increase capacity to process the 168 billion barrels of crude oil locked up under Canada's boreal forest.[33]

The pipeline would have crossed more than 340 perennial water bodies and put the Ogallala Aquifer at the risk of contamination from potential leaks. The Ogallala Aquifer is one of the primary sources of drinking water for millions of American citizens. The pipeline also

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[32] *What Is the Keystone XL Pipeline?*, (Last Accessed: 28th June, 2024) https://www.nrdc.org/stories/what-keystone-xl-pipeline#whatis
[33] *Ibid.*

threatened Nebraska's Sand Hills, the largest intact natural habitat left in the Great Plains ecosystem.[34]

One of the major reasons why the environmentalists protested against the construction of the pipeline is due to the type of oil the pipeline would transport; the pipeline was set to transport oil sands crude from Alberta. This particular crude oil requires more processing and filtering than most oils, which would consequently emit more greenhouse gases.[35] Producing oil from sand has dangerous consequences on the environment, which could result in decaying and drying of acres of boreal forest in Alberta, posing a risk of polluting nearly millions of gallons of water from the Athabasca River and on top of all this processing of each barrel of oil would require three barrels of water, and giving a previously untapped and a humongous source of fossil fuels that Dr. James Hansen has dubbed "game over" for ever having a chance to avert the climate crisis.[36]

TransCanada, in order to get the approval of the government and gain industry support spent $410,000 on federal lobbying in 2011, this figure was a new quarterly high for the company.[37] The final amount spent on lobbying in 2011 was $20,000 more than TransCanada spent in the first half of the 2011 and nearly double the $220,000 it spent in the second quarter of 2011. Altogether, the company paid $1.33 million on lobbying in D.C. in 2011.[38]

Due to environment concerns on January 18 of 2011, President Barack Obama denied the company's permit request. However, TransCanada made a statement that it shall be trying again which would imply another surge in their lobbying spending in[39]. TransCanada officials have a meeting with the Republican legal team to lobby and fight for the construction of the pipeline. House Speaker John Boehner (R-Ohio) even had "folks from Keystone management as his

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[34]*Keystone XL Ppipeline,* CENTRE FOR BIOLOGICAL DIVERSITY https://www.biologicaldiversity.org/programs/public_lands/energy/keystone_xl_pipeline/.
[35]Jeff Brady and Neela Banerjee, *Developer Abandons Keystone XL Pipeline Project, Ending Decade-Long Battle*, WBUR, Developer Abandons Keystone XL Pipeline Project, Ending Decade-Long Battle | (wbur.org).
[36] *Supra* note 34.
[37]*TransCanada, developer of controversial pipeline, boosts lobbying spending*, (Last Accessed: 28th June, 2024) https://publicintegrity.org/environment/transcanada-developer-of-controversial-pipeline-boosts-lobbying-spending/
[38]*Ibid.*
[39]*Obama rejects Keystone XL pipeline and hails US as leader on climate change,* (Last Accessed: 28th June, 2024) https://www.theguardian.com/environment/2015/nov/06/obama-rejects-keystone-xl-pipeline

guests at last night's [State of the Union speech]," according to Brookings Institution's Stephen Hess.[40]

In January 2017, after merely a few days after taking over as the President, Donald Trump issued an executive order which invited TC Energy to once again apply for the presidential permit required for crossing the border and venturing into Canada for the construction of the pipeline. He went ahead assured the company of a quick and speedy, only a year after Obama had said the pipeline extension wasn't in alignment with the nation's interest.[41]

After Obama's decision the idea of the Keystone project being a necessity or an important construction was not received well by the public, it became more difficult to justify the destruction the project would cause. "Public scrutiny around Keystone XL and the permitting process has shifted the expectation that pipelines would be rubber-stamped on its head. Now the public does want to see a robust analysis and a confirmation process that does make it difficult to move such pipelines forward," the Natural Resources Defence Council's Anthony Swift.[42] Indigenous leaders and environmentalists fought back against the project which hindered the company's construction. The project now received massive backlash from the citizens of America, Canada and from people all over the globe.[43]

In the beginning of the year 2020, The White House administration of President Donald Trump made a final attempt at hastening the process of attaining clearances required for the Keystone XL and for projects similar to it all across the US by hindering the application of the National Environmental Policy Act (NEPA)[44], that mandated the federal government to conduct layered test and analysis of any project with environment, economy and even social impact as its parameters.[45]

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[40]*Supra* note 37

[41]*More than 20 Republican-led states sue Biden for canceling the Keystone XL pipeline*, (Last Accessed: 28th June, 2024) https://www.vox.com/22306919/biden-keystone-xl-trudeau-oil-pipeline-climate-change

[42]Jariel Arvin, *The Keystone XL pipeline is dead. But the fight against similar projects is far from over*, VOX, https://www.vox.com/2021/6/10/22526803/keystone-xl-oil-gas-biden-climate-change.

[43]Giulia C.S. Good Stefani., *Indigenous Leaders at the Frontlines of Environmental Injustice and Solutions*, NRDC, Indigenous Leaders at the Frontlines of Environmental Injustice and Solutions (nrdc.org).

[44] The National Environmental Policy Act of 1969,https://www.energy.gov/nepa/articles/national-environmental-policy-act-1969, (Last Accessed: 28th June, 2024)

[45] *More than 20 Republican-led states sue Biden for canceling the Keystone XL pipeline*, (Last Accessed: 28th June, 2024) https://www.vox.com/22306919/biden-keystone-xl-trudeau-oil-pipeline-climate-change,

However those efforts made by the Trump's administration were in vain as in July 2020, the Supreme Court of USA quashed the project and with it any hope that would be left for completing Keystone XL under the Trump administration, as the verdict went against the company's interests.[46]

Finally, after 13 years of protests by various communities and organizations, the President of USA Joe Biden's executive order stated that the companies permit for the extension project has been revoked for good.[47]

The Keystone project is the perfect example of the intricate dynamics between economic development, environmental conservation, and societal values. The project faced numerous challenges and controversies, it has sparked critical discussions surrounding energy policy, climate change, carbon lobbying and indigenous rights. The project's journey reflects a broader societal shift towards being more sensitised towards the climate crisis and showed heightened environmental awareness. As the world tries to transition towards a more sustainable future, the Keystone project serves as a pivotal chapter in the ongoing dialogue on responsible resource management and the need for comprehensive, inclusive transparent decision-making processes that prioritise environmental preservation and social justice. An early on integration of rule of law and good governance could have prevented years of turmoil of the indigenous people and the environment.

The Great Barrier reefs of Australia -

The Great Barrier Reef[48] is the crowning jewel of Australia which is situated inside the Great Barrier Reef Marine Park. It covers 344,400 sq. km in area and includes some 3,000 coral reefs, 600 continental islands, 300 coral bays, and about 150 inshore mangrove islands.[49]

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[46] *Supreme Court deals major blow to Keystone XL project*, (Last Accessed: 28th June, 2024) https://edition.cnn.com/2020/07/06/politics/keystone-xl-supreme-court-pipeline/index.html
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[48] *Great Barrier Reef*, Last visited: 08/07/2024 https://whc.unesco.org/en/list/154/,
[49] *How is the Great Barrier Reef being protected?*, (Last Accessed: 28th June, 2024) https://encounteredu.com/cpd/subject-updates/learn-more-how-is-the-great-barrier-reef-being-protected

The Reef is a safe abode to several marine species, including 1,200 species of coral, 1,500 species of fish, 6 of the world's 7 species of marine turtle, whales, dolphins, plus a great diversity of sponges, anemones, marine worms and crustaceans.[50]

The corals have evolved to survive within particular temperature range.[51] Due to rising global temperatures the algae produce materials which are hazardous to corals.[52] This process is called bleaching because the coral becomes white.[53]

A 2018 study showed that one-third of the corals had substantial damage from bleaching.[54] It was also found that the corals had begun dying even before the algae had expelled the toxins. This new discovery implied that there was actually an even greater threat to the corals than what was previously estimated. Climate change is not the only threat to the reef.[55] Hazardous chemical wastes being dumped into the sea water is also a major threat to corals and marine life in general.[56]

Multiple studies conducted by different scientific communities led to an increase in public concern towards the coral reef. Several grass-root level campaigns were conducted by groups like Australian Marine Conservation Society and WWF-Australia. This helped in gaining public support and spreading awareness which in the long run provided for a strong lobby in formulating laws to protect the coral reef. Clubbed with the active research by marine biologists the moment gained its footing.

In response to this in 2015, Australia launched the Reef 2050 Long-Term Sustainability Plan, with the aim to have a comprehensive strategy to tackle the problem at hand and to improve the reef's health over 35 years. The plan laid out the following as its aims:

1. Limiting port development along the Queensland coast

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[50]*Protecting the Great Barrier Reef*, DEPARTMENT OF CLIMATE CHANGE, ENERGY, THE ENVIRONMENT AND WATER (Last Accessed: 28th June, 2024) https://www.dcceew.gov.au/parks-heritage/great-barrier-reef/protecting

[51]*Great Barrier Reef*, NATIONAL GEOGRAPHIC, (Last Accessed: 28th June, 2024) https://education.nationalgeographic.org/resource/great-barrier-reef/

[52]*What is coral bleaching*, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, (Last Accessed: 8th July, 2024) https://oceanservice.noaa.gov/facts/coral_bleach.html

[53]*Supra* note 51

[54] *Ibid.*

[55]*Can the Great Barrier Reef survive climate change?*, (Last Accessed: 8th July, 2024), https://interactive.carbonbrief.org/can-great-barrier-reef-survive-climate-change/

[56] *Supra* note 51

2. Enhancing water quality through stricter regulations on land-based activities
3. Increasing protected areas within the marine park
4. Investing in research and monitoring programs

In 2015, the government banned the dumping of dredge spoil from port projects in the Great Barrier Reef Marine Park.[57] The fact that the Australian government paid heed to the environmental problems in the country and paid attention to the public concern shows its commitment towards protecting the environment. While the challenges continue to exist, there is a lot of research being funded by the government to find effective solutions to the problem.

In conclusion, while the Great Barrier Reef continues to face significant challenges, the case demonstrates how public concern, when combined with scientific evidence and active public participation, can lead to substantial government action on complex environmental issues. It also showcases the need for active public participation and transparency in problem solving, which are the key qualities of good governance.

SUMMARY:

Environmental policies are crucial for protecting the world from any further harm of rapid climate change. These policies need to integrate the values of good governance and rule of law into their very formation in order for them to be a lasting success. It's the state's responsibility to protect and preserve natural resources and be a custodian of human rights, this responsibility cannot be dodged or ignored by the policymakers. The case studies of The Keystone Project and the Great Barrier Reef, showed how environmental awareness amongst the people can be great asset in the battle against climate change and in stopping projects that would not only harm the environment but would also put the world population at risk.

CONCLUSION:

The paper has showcased how with the help of rule of law and good governance we can achieve sustainable development for all. In today's time humanity cannot afford to lose out on any more

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[57] *Government bans dumping from new dredging projects into Great Barrier Reef*, THE GUARDIAN, (Last Accessed: 29th June, 2024) https://www.theguardian.com/environment/2015/may/17/government-to-ban-dumping-from-new-dredging-projects-into-great-barrier-reef

time, the rising problem of climate change has reached a catastrophic level and it requires immediate attention.

Integrating the values of rule of law and good governance will help us achieve the already set sustainable development goals. And in the long run these values shall help in attaining effective global climate governance. When policies are made with the welfare of people and environment in mind on a national level it shall help in negotiating deals and agreements on an international level which will put the people's security first. The case studies mentioned in the paper showed how transparency, public participation and consideration towards the environment can assist in addressing complex problems.

To conclude, the issue of rapid climate change is a world problem and hence it requires cooperation at an international level. Addressing the concerns surrounding global warming and climate change requires a comprehensive approach that combines regulatory measures, transparency efforts, public engagement, and a shift towards sustainable practices. By implementing these measures, governments can strengthen their climate policies and protect the interests of both current and future generations from further harm.

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Role of AI and Cyber Laws for Good Governance in India

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ABSTRACT:

The term artificial intelligence (AI) is prominent in today's world of technology. In so many ways, it is still a developing science considering the problems presented by the twenty-first century. AI use has been established in daily life. Since AI has such a significant influence on human existence now, it is difficult to comprehend a world without it. Simply define, artificial intelligence (AI) is the study of how people think, work, learn, and decide in every situation in life, whether it is connected to problem-solving, learning something new, thinking logically, or coming up with a solution, etc. If Artificial Intelligence mostly connected with the daily life of the human being it must be protect the relationship between the human being and society people and there should be remedy to the peoples in case of violation of laws by AI machines. Cyber law already new concept in the development of modern laws of the country. Cybercrimes are becoming common and frequently reported in the news. It is a global challenge, not simply one that affects one nation. AI is meaningless without strong security measures since it may be readily accessible by outsiders. Governments, banks, and global corporations now face a serious threat because of cyber security threats. Hackers use a lot of private and business data to their advantage, which poses a serious threat to the online community.

***Key words** - Artificial Intelligence (AI), Cyber Law, Good Governance*

INTRODUCTION:

With the increased use of the cyber facilities and as development in the technology all human beings depend on the net for all their requirements. The web has provided us with quick access to everything while being seated in one location. Every imaginable thing that one can think about will be done through the medium of the net, including social networking, online shopping, data storage, gaming, online schooling, and online jobs. the web is employed in nearly. There are online jobs and online schools. The web is used in almost every aspect of life. The internet

and its advantages grew in popularity. The increasing dependency on the web has led to different kinds of cybercrime. There was a lack of understanding about the crimes that may be perpetrated over the net some years ago but today in terms of cybercrime, India is not far behind the other countries. India is not far behind the other countries in terms of occurrence of cybercrime. In the last year, 27 million Indian adults have been victims of fraud, and 52 percent of people in the nation are unaware of how to defend themselves. The National Cyber Crime Reporting Portal was launched by the Ministry of Home Affairs on August 30, 2019. In keeping with the statistics of the portal, there have been 3,17,439 cybercrime events and 5,771FIRs recorded in the country. Up to February 28, 2021, there were 21,562 cybercrime occurrences and 87FIRs in Karnataka. From the information we have, we know that the number of victims of cybercrime is large. The web was like every other invention before it, with its advantages and drawbacks. The founding fathers didn't know that their creation could be used to harm or destroy someone. There are dangerous things happening in cyberspace. It is believed that using the net with criminal intent is a crime.

The term "cybercrime" isn't defined under any statute in India. But within the broader sense, it could mean, any activity finished with criminal intent in cyberspace, where the computer is also a tool further because of the victim. Sometimes, these crimes are committed for generating profits, sometimes it's done to interrupt software and at other times it's done to ship malware into a system that enters other machines and spreads to the complete network in no time. Cybercrime could involve traditional criminal activities like theft, fraud, mischief, forgery, or defamation which are subject to the Indian codification, 1860; and, the new age crimes are subject to the Information Technology Act, 2000.

WHAT IS THE SCOPE OF CYBER LAW IN INDIA?

Cybercrime, like phishing, fraud, and fraud, has skyrocketed in recent years. However, its coverage under the prevailing laws is neither adequate nor comprehensive. In addition, we are expected to determine greater consolidation of cybercrime penetration in India. This emphasises the importance of developing more practical and deterrent legal frameworks further as more strict laws for cybercrime. The National Cyber Security Strategy is one amongst the foremost eagerly anticipated breakthroughs in Indian cyber law. This plan aspires to be a whole guiding gospel for people, policymakers, and other stakeholders, also as a follow-up to the National Cyber Security Policy of 2013. The strategy will presumably shed additional light on the most

effective reaction mechanisms for improving cyber security in government and other industries. India must start engaging in a separate national cyber security law very soon. The necessity for such a law is critical since it'll be a critical weapon for safeguarding India's cyber security and cyber sovereign interests. India is slightly behind the curve at a time when many other countries have already begun enacting specialised cyber security legislation. Appropriate action is required during this regard. Hopefully, the government will target more practical measures to tackle cybercrime within the future. It is also hoped that more relevant reforms in Indian cyber law are going to be made to incorporate enabling legal measures to handle the difficulties posed by rapidly emerging technologies.

Cybercrime is easy to commit (if one has the know-how to do it), hard to detect (if one knows how to erase one's tracks) and often hard to locate in jurisdictional terms, given the geographical indeterminacy of the net. But are hard to understand, they are really very complex crimes. The hackers are always in search of any lacuna or loopholes of this programming system. And if they find it, they can break open the security of the programs and enter into the security zone where they can do any havoc. Ignorance of cybercrime may prove fatal. Cyber criminals exploit the country as well as victimise fellow citizens.

A Cyber-criminal can destroy websites and portals by hacking and planting viruses, play online frauds by transfer of funds from one corner of the globe to another and gain access to highly confidential and sensitive information. Moreover, he can cause harassment by email threats or obscene material, play tax frauds, indulge in Cyber pornography involving children, and commit innumerable other crimes on the Internet. With the growing use of the Internet, Cybercrime would affect us all, either directly or indirectly.

There are two categories for cybercrimes. The computer is used as a weapon. There are crimes such as cyberterrorism, Mastercard fraud, and pornography. The computer is the target. The employment of one computer to wreck another is a crime. There are different types of cybercrimes. into mainly 2 headings supported by their target -

(i) Cybercrimes against persons include pornography, defamation, harassment via mail, E-mail bombing, cyberstalking, and cyber extortion. These are the most important cybercrimes that can cause harm.

(ii) Cybercrimes against property include cyber vandals, data theft, transmission of the virus, unauthorised computer trespassing, and MasterCard frauds.

Similar to cyber terrorism, cybercrimes are similar. Cyberspace can be used to threaten citizens of governments. The computer is used as a goal in cybercrime. Cybercrime is increasing at a rapid rate, and it may be a rapidly developing field of crime. The cyber world makes it easier for criminals to commit crimes. It becomes a significant issue that adequate laws are put in place. The first victims of the violation are women and kids. The amount of social network users in India has risen from 202. Only 25% of the women are responsive to cyber-crime. The majority of cyber-crime is not reported due to the victim's shyness and reluctance, as well as the fear of defamation of the family's name. The girl thinks she is answerable for the crime. Women sometimes don't report crimes because of their concerns. The spirits will become even more harmed. Cybercrime is on the rise because it's considered to be the best method to commit against the law, and other people who have plenty of computer expertise but are unable to search out work or don't have lots of cash address this source and start abusing the net. It's easy for cyber criminals to get access to data from here. To withdraw money or do other crimes. Cyber thieves are on the rise because they don't see much of a threat and they're so well-versed in the networking system that they think they're safe. They make phone accounts and then commit crimes. Individuals don't use it for fraud, stalking, harassment because there are many different types.

HOW CYBER LAW GIVES YOU PROTECTION?

Nowadays all the transactions associated with shares are in Demat form. Hence, anyone who is related to these transactions requires Internet and protection under Cyber Law just in case of any fraudulent transaction. Most of the businesses in India keep their official data in electronic form. To avoid the misuse of such data, an organisation can need the help of this law. Due to the rise of technology, various Government forms like ITR return, Service tax returns are filled in electronic form. Anyone hacking the government portal sites can easily misuse those forms. Only under cyber law are you eligible to induce remedy against this sort of fraud.

ADVANTAGES OF CYBER LAWS:

The IT Act 2000 attempts to alter outdated laws and provides ways to house cybercrimes. We want such laws in order that people can perform purchase transactions over the web through

credit cards without concern of misuse. The Act offers the much-needed legal framework, so information isn't denied legal effect, validity, or enforceability, solely on the basis that it's within the kind of electronic records. In view of the expansion in transactions and communications administered through electronic records, the Act seeks to empower government departments to just accept filing, creating and retention of official documents within the digital format. The Act has also proposed a legal framework for the authentication and origin of electronic records / communications through digital signature. From the angle of e-commerce in India, the IT Act 2000 and its provisions contain many positive aspects. Firstly, the implications of those provisions for e-businesses would be that email would now be a legitimate and legal style of communication in our country which will be duly produced and approved in a very court of law. Companies shall now be able to perform electronic commerce using the legal infrastructure provided by the Act. The Act throws open the doors for the entry of corporate companies within the business of being Certifying Authorities for issuing Digital Signatures Certificates. The Act now allows the Government to issue notification online thus heralding e- governance. The Act enables the businesses to file any form, application or the other document with any office, authority, body, or agency owned or controlled by the acceptable Government in

WHY CYBER CRIME LAWS IN INDIA?

Every government within the world, including our own country, is worried about cyber security. India is facing a rising number of cyber security issues, and it is critical that it accepts the responsibility for them. In keeping with a recent Economic Times analysis on global cybercrime, cyber-attacks cost the government nearly Rs. 1.25 lakh crore each year. Another research by Kaspersky highlights that the amount of cyberattacks in India increased from 1.3 million to 3 million during the primary quarter of 2020. India recorded the most important number of attacks, 4.5 million, in July 2020. Recently, the Federal Reserve Bank of India (RBI) prohibited MasterCard from failing to go with the direction for storing payment system data. The hazards posed by the net are nearly limitless, and therefore the only method to resist them is to implement a cyber security policy. The government must devote significant resources to safeguarding key data assets. The country's cyber security law should be updated to integrate legal rules and address the problems posed by rapidly developing technologies.

STYLES OF CYBERCRIME ACT IN INDIA?

There are four predominant cyber laws to hide when it involves cybersecurity: In countries like India, where the web is employed very extensively, cyber laws in India become extremely crucial. Stringent cyber laws fulfil the aim of supervising the digital circulation of knowledge, software, information security, e-commerce, and monetary transactions. By providing maximum connectivity and minimising cybersecurity concerns, India's Cybersecurity Law has cleared the trail for electronic commerce and electronic government within the country and also broadened the scope and application of digital media.

INFORMATION TECHNOLOGY ACT, 2000:

The Indian cyber law is governed by the Data Technology Act, penned down back in 2000. The principal impetus of this Act is to supply reliable legal inclusiveness to e-Commerce, facilitating registration of real-time records with the government. But with the cyber attackers getting sneakier, Now, the scope of ITA has been enhanced to encompass all the newest communication devices. The IT Act is that the salient one, guiding the complete Indian legislation to manipulate cybercrimes rigorously:

Section 43 -

Applicable to people that damage the pc systems without permission from the owner. The owner can claim compensation for the whole damage in such cases.

Section 66 -

Applicable just in case an individual is found to dishonestly or fraudulently commit any act noted in section 43. The imprisonment term in such instances can jump to 3 years or a fine of up to Rs. 5 lakhs.

Section 66B -

Incorporates the punishments for fraudulently receiving stolen communication devices or computers, which confirms a probable three-year imprisonment. This term also can be topped by a Rs. 1 lakh fine, depending upon the severity.

Section 66C -

This section scrutinises the identity thefts associated with imposter digital signatures, hacking passwords, or other distinctive identification features. If proven guilty, imprisonment of three years may also be backed by a Rs.1 lakh fine.

Section 66 D -

This section was inserted on-demand, that specialises in punishing cheaters doing impersonation using computer resources.

INDIAN PENAL CODE (IPC) 1980:

Identity thefts and associated cyber frauds are embodied within the Indian legal code (IPC), 1860 - invoked together with the data Technology Act of 2000. The first relevant section of the IPC covers cyber frauds: Forgery (Section 464) Forgery pre- planned for cheating (Section 468) False documentation (Section 465) Presenting a forged document as genuine (Section 471) Reputation damage (Section 469).

CONCLUSION AND SUGGESTIONS:

The technology is evolving and with the evolution is coming disturbing elements surfacing on the dark web. Intelligent people are mis-utilising their skills and exploiting the web for evil deeds and sometimes for monetary profit. Thus, cyber law is the need of your time and it's equally necessary that the cyber laws in India be stringent to curtail various cybercrimes. Cyberspace is an especially difficult terrain to pander to and so some activities fall under the grey zone where there's no law to control them. Thus, there's an extended thanks to go before having an unlimited and comprehensive law for cybercrimes in India.

Cybercrimes are a rapidly increasing issue that knows no orders and may potentially affect almost everyone within the world. With every technological advance, a brand-new crop of cybercrime may be seen to be sprouting. In times when a brand-new kind of crime has developed together with the shifting of the standard crimes into cyberspace, it's the responsibility of the government. likewise, because the Courts make sure that the criminal justice system is up so far to fight such crimes. The Courts are bound by the word of law and

can't transcend their role as defined by the Constitution of India. The IT Act and therefore the Rules promulgated thereunder regulate the cyber law regime. When the IT Act is unable to produce for any specific type of offence or if it doesn't include exhaustive provisions with reference to an offence, one may additionally intercommunicate the provisions of the Indian legal code, 1860.

However, this cyber law system continues to be insufficient to address the big selection of cybercrimes that exist. With the country advancing towards the 'Digital India' movement, cybercrime is continuously developing, and new varieties of cybercrime are being added to the cyber law regime day after day. So, there's a desire to bring some amendments to the laws to cut back on such crimes.

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Culture's Influence on Sustainability Practices: A Comparative Case Study Analysis

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ABSTRACT:

Sustainability practices are pivotal in addressing global environmental, social, and economic challenges, yet their effectiveness varies significantly across cultural contexts. This research investigates how cultural dimensions influence the adoption, implementation, and success of sustainability initiatives, advocating for culturally sensitive strategies to achieve comprehensive and enduring outcomes. Drawing on qualitative case studies from Scandinavia, Japan, and India, and employing Hofstede's Cultural Dimensions theory as a framework, this study explores the complex interplay between culture and sustainability practices. This study employs a qualitative case study methodology to delve into the influence of culture on sustainability practices. The selection of case studies from Scandinavia, Japan, and India allows for a comparative analysis across diverse cultural contexts. Data collection involves interviews with key stakeholders, document analysis of policy frameworks, and observation of sustainability practices in each region. Hofstede's Cultural Dimensions theory provides a theoretical lens to interpret findings, focusing on dimensions such as individualism-collectivism, power distance, and uncertainty avoidance to understand how cultural values shape decision-making and policy implementation in sustainability contexts. Cultural values profoundly shape societal attitudes towards environmental stewardship and resource management. In Scandinavia, cultural norms emphasizing egalitarianism and environmental consciousness have underpinned widespread adoption of renewable energy and stringent environmental policies. The findings reveal a strong community ethos that drives collective action towards sustainability goals. Japan's values of harmony and long-term orientation influence practices like efficient resource use and waste reduction, reflecting a deep cultural commitment to sustainability embedded in traditional practices and modern policies alike. In contrast, India's diverse cultural landscape manifests in varied approaches to sustainability, with communal values and spiritual beliefs informing practices such as sustainable agriculture

and water management. These insights highlight the diverse cultural influences on sustainability efforts and underscore the importance of context-specific strategies that resonate with local values and priorities. Understanding these cultural nuances is essential for policymakers, educators, and sustainability practitioners seeking to design strategies that align with local contexts, thereby enhancing the acceptance and effectiveness of sustainability initiatives. Integration with the United Nations Sustainable Development Goals (SDGs) framework offers a global perspective on assessing the impact of culturally sensitive sustainability strategies. By aligning local cultural insights with SDG targets, countries can develop inclusive and contextually appropriate approaches to sustainable development. This approach not only promotes environmental resilience but also addresses social inequalities and economic disparities within diverse cultural landscapes. In conclusion, this study contributes to advancing theoretical understanding by elucidating how cultural dimensions influence the implementation and success of sustainability practices across global contexts. Embracing cultural sensitivity in sustainability strategies enhances their effectiveness and fosters deeper community engagement, promoting sustainable development pathways that are resilient, inclusive, and equitable. By respecting and leveraging cultural diversity, stakeholders can navigate complex sustainability challenges and forge synergies between global goals and local realities, paving the way towards a more sustainable future.

Key Words - *Culture, Sustainable Practices, Cross Country comparison*

INTRODUCTION:

Global warming is the harsh reality of our planet today. Companies and communities across the globe have come together to mitigate this impact. The UN sustainable development goals are a global framework that aims to help the planet recover. In 2015, the United Nations established the Sustainable Development Goals (SDGs), it was a global call to action to end poverty, safeguard the environment, and guarantee that by 2030. The 17 Sustainable Development Goals are interconnected; they acknowledge that decisions made in one area will impact results in other areas and that development must strike a balance between environmental, social, and economic.[1]

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[1]United Nations Development Programme, *UNDP Annual Report 2023* (2023), (Last Accessed: July 15, 2024). https://www.undp.org/publications/undp-annual-report-2023.

In 170 nations and territories, UNDP seeks to end poverty and lessen inequality. In order to accomplish the Sustainable Development Goals, assist nations in building institutional capacity, alliances, leadership qualities, and policy frameworks. Six primary development areas—poverty and inequality, governance, resilience, environment, energy, and gender equality—serve as the focal points for sustainable business decisions.

Sustainable development cannot occur without good governance. It is well defined by its commitment to the rule of law, accountability, transparency, responsiveness, effectiveness, efficiency, equity, and consensus building. These principles guarantee the reduction of corruption, the consideration of minority perspectives, and the amplification of the voices of the most vulnerable individuals in decision-making procedures. Additionally, sound administration takes into account the requirements of society now and in the future.[2] Its importance goes beyond the welfare of society because it is essential to environmental stewardship and the health of the earth. Business support develops sustainable practices that address global issues like resource depletion, biodiversity loss, and climate change by integrating these ideas into community life. This cooperative strategy builds a resilient environment that can support future generations in addition to promoting sustainable development.

Culture shapes attitudes, values, and environmental behaviours; these behavioural components have a significant influence on sustainability practices. The way for the widespread adoption of a sustainable habit can be paved by the acts of communities and customs. Cultural norms and values have a crucial role in shaping communities' resource management and environmental engagement practices, highlighting the importance of culture in sustainable development. Since cultures are cohesive systems with interrelated components, the attitudes that are prevalent in a certain culture regarding nature might have an impact on the adoption of sustainable behaviours.

Growing globalization has caused cultural dispersion, which has raised public awareness of the problems posed by climate change. The expansion of internet usage has also aided in the cross-cultural adoption of sustainable practices. Societies that embrace public infrastructure to accomplish sustainable goals have a group mentality towards progress. Comprehending these

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[2] World Commission on Environment and Development, *Our Common Future,* OXFORD UNIVERSITY PRESS (1987). https://sustainabledevelopment.un.org/content/documents/5987our-common-future.pdf

cultural components is essential to coordinating sustainability efforts with the global change's cultural backdrop. Identifying such behaviours contributes to our understanding of the successful achievement of the goal SDGs. These findings will provide opportunities to learn from many cultural frameworks that are assisting in the design of a worldwide behavioural shift towards sustainability.

Thus, the study aims to ascertain how cultural elements and the sustainable development techniques employed in developed and developing countries achieve the SDGs. The adoption of sustainable practices in the Asian (Japan and India) and Scandinavian (Sweden and Norway) areas to achieve the SDGs has been studied using the case study technique.

The study makes use of secondary sources to comprehend behaviours and regulations, including scholarly papers, official records, websites and reports from international agencies.

LITERATURE REVIEW OF THE STUDY:

According to Spencer-Oatey, culture has a significant role in influencing the environmental attitudes and behaviours of both individuals and groups. These practices, norms, and values are fundamental to sustainable development. Knowing the cultural context is important for understanding how actions and behaviours affect society.[3]

CULTURAL FRAMEWORK:

The Hofstede Cultural Dimension Model identifies six dimensions of culture that impact social behaviour. The Power Distance Index measures how much a community's less powerful members tolerate and expect power to be divided unevenly (PDI). The degree to which people integrate into groups is known as IDV (Individualism versus Collectivism). Masculinity against Femininity (MAS): MAS is a measure of motivation for success and rewards. Uncertainty avoidance is the degree to which a society tolerates ambiguity and uncertainty (UAI). Long-Term Orientation (LTO) vs. Short-Term Normative Orientation (LTO) is the distinction between honouring customs and keeping social obligations vs future benefits. The degree to

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[3] Spencer-Oatey, H., *What is Culture? A Compilation of Quotations* (2012),(Last Accessed: July 25, 2024), http://go.warwick.ac.uk/globalpadintercultura.

which civilizations allow or prohibit the gratification of emotional demands are known as Indulgence versus Restraint (IND).

Fig.: 1 Country Comparison Based on Hofstede Cultural Dimensions
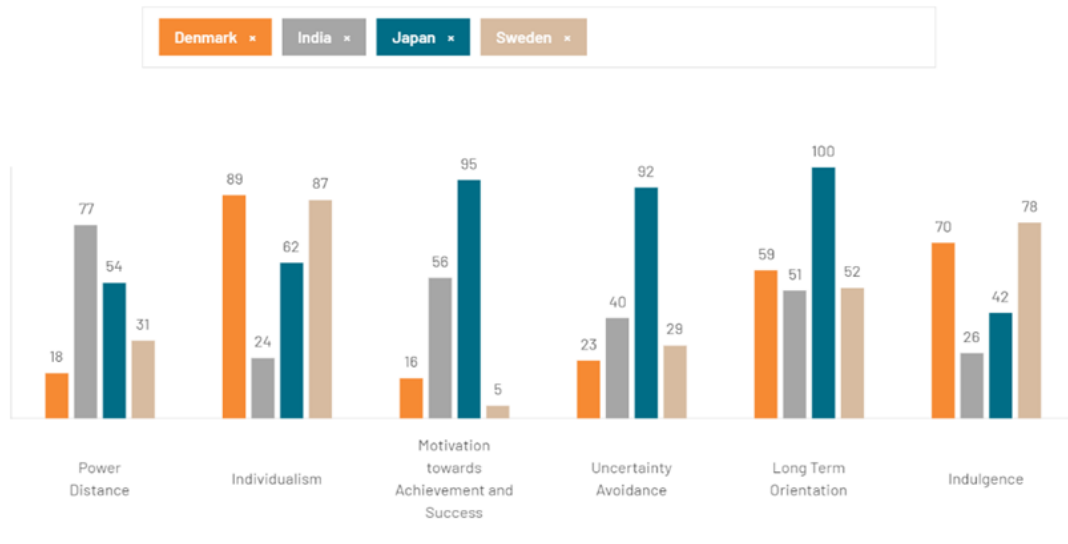
 Source: (The Culture Factor, 2024)

The fig: 1 indicates India and Japan exhibit higher power distance and long-term orientation, with Japan also showing very high masculinity and uncertainty avoidance. Whereas, Denmark and Sweden demonstrate low power distance and high individualism, emphasizing equality and individual rights. Both Denmark and Sweden place a greater emphasis on quality of life over competition, with Sweden showing a higher tendency towards indulgence.

Studies have indicated the cultural dimensions have an influence on the sustainable practices of the region.

Piwowar - Sulej, K. investigates how national culture (NC) influences sustainable development (SD) in the context of the triple bottom line (TBL). The review's analysis of 80 papers using a combination of approaches shows that cultural factors—especially those noted by Hofstede—have a significant impact on how sustainability initiatives are implemented around the globe. The majority of research, which are mainly empirical and grounded in secondary data, emphasizes the ways in which cultural traits influence sustainability reporting and practices in various nations. The findings underscore the necessity of integrating cultural contexts into

sustainability policies and practices to develop effective and culturally sensitive solutions to global sustainability challenges.[4]

Lu, Y. et al. study examined how Chinese managers in Beijing and Guangzhou act in organizations with relation to environmental challenges. The study found that knowledge and cultural values are strong indicators of specific managerial behaviours, like upholding awareness and minimizing environmental repercussions. Together, these factors have an impact on these behaviours. High PDI nations frequently have central decision-making processes, which cause sustainability projects are delayed given the leaders' stance on environmental issues.[5]

According to Imura's study, Japan's extensive recycling activities and environmentally conscious social projects are a reflection of its collectivist society.[6] However, as Kempton, Boster, and Hartley pointed out, societies that value individualism, such as the US, frequently support market-based solutions to sustainability problems as well as self-regulating accountability.[7]

Hofstede, Hofstede, & Minkov, study on the other hand, indicate that high masculine cultures might rank economic goals and achievement over environmental goals when economic benefits are evident. The long-term oriented societies—like China and Japan—are more inclined to adopt sustainable practices that guarantee future gains. These cultures place a strong emphasis on tenacity and frugal living, traits that are consistent with the ideas of sustainable development. On the other hand, communities that are short-term oriented could prioritize short-term gains over long-term sustainability.[8] It also emphasizes how indulgent societies that value personal autonomy and happiness may be open to adopting sustainable practices if they are perceived to improve quality of life. However, an overemphasis on instant pleasure can result in overconsumption, which goes against the objectives of sustainability. Conversely,

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[4] Piwowar-Sulej, K., *Sustainable Development and National Cultures: A Quantitative and Qualitative Analysis of the Research Field*, 24 Environment, Development & Sustainability 13447 (2021).

[5] Y. Lu et al., *Measuring Sustainability at the Community Level: An Overview of China's Indicator System on National Demonstration Sustainable Communities,* 143 JOURNAL OF CLEANER PRODUCTION, 326-335 (2017). https://doi.org/10.1016/j.jclepro.2016.12.105

[6] Imura, H., *Environmental Policy in Japan: A Historical Overview,* 5(1), INTERNATIONAL REVIEW FOR ENVIRONMENTAL STRATEGIES, 49-66 (2005).

[7] W. Kempton, J. S. Boster & J. A. Hartley, *Environmental Values in American Culture* (1995).

[8] G. Hofstede, *Culture's Consequences: Comparing Values, Behaviours, Institutions, and Organizations Across Nations* (2001).

cultures that place a strong focus on self-control and self-discipline may be more in line with sustainability.

Gallego-Álvarez and Ortas, study investigates how stakeholder culture affects businesses' environmental reporting procedures; scientists examined a sample of up to 3,900 companies in 59 different nations. They used a quantile regression model to solve shortcomings seen in earlier techniques. Using this method, they were able to extract subtle insights, such as the fact that environmental reporting methods are substantially influenced by culture, especially in organizations that are very devoted to making these disclosures. The research revealed a non-monotonic connection, meaning that the impact of culture on environmental reporting differs depending on how committed and involved a company is. These findings highlight the intricate interactions between corporate environmental behaviours and cultural factors, highlighting the necessity of customized approaches to promote transparent and responsible reporting practices.[9]

Miska, Szőcs and Schiffinger, studied how culture affects businesses' economic, social, and environmental sustainability practices, this research takes a triple-bottom-line method. The paper analyses particular aspects of cultural practices that reliably predict sustainability behaviours across these three domains, drawing on institutional theory and project GLOBE data. The study, which examined 1,924 businesses from 36 countries and 9 cultural clusters, found that while performance orientation practices have a negative correlation with corporate sustainability practices, cultural practices like future orientation, gender egalitarianism, uncertainty avoidance, and power distance tend to positively predict these practices. Furthermore, the study highlights the complex interactions between cultural elements and business sustainability measures by indicating that these effects might differ based on the nation and cultural cluster under consideration.[10]

Hofstede's cultural dimensions theory offers valuable insights into understanding how cultural values influence sustainability practices. Cultural background is essential for developing and putting into action successful sustainability projects, as is made clear by connecting these

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[9] Gallego-Álvarez, I. & Ortas, E., *Corporate Environmental Sustainability Reporting in the Context of National Cultures: A Quantile Regression Approach*, 26 Int'l Bus. Rev. 337 (2017).
[10] Miska, C., Szöcs, I. & Schiffinger, M., *Culture's Effects on Corporate Sustainability Practices: A Multi-Domain and Multi-Level View*, 53 J. World Bus. 263 (2018).

cultural factors with empirical data and case studies. By taking into account these cultural factors, organizations and policymakers can better adapt their sustainability policies to the cultural context of the communities they are targeting.

CULTURE AND SUSTAINABLE PRACTICES:

The interlinkage between culture and sustainable practices has gathered academic attention with emphasis on significant role values, attitude and beliefs play in shaping attitude towards sustainable practices. The literature review explores the key aspects that indicate the relationship between cultural dimension and sustainable development.

Kemp, Parto, & Gibson, studied related the sustainable development and governance, highlighted the role of social institutes and its collectivist values encourage community-based sustainability adoption. Countries where there is a strong influence of social institutions and collectivism towards civic and social foster sustainable practices.[11]

Hofstede, Hofstede, & Minkov, highlight that societies that shared strong common values are likely to have positive influence on environment conservation. Cultures that display individualistic approach are more likely to hold themselves responsible for their behaviour hence are more likely to practice sustainable behaviour when rewarded or incentivized.[12]

Imura, emphasized that cultures that respect harmony and community participation manifest for a healthy living. Community engagement drives an environmental attitude, which is strongly rooted in the cultural setting.[13] Whereas Singh, study highlighted regions with diverse cultural framework encounters a unique set of challenges and opportunities for sustainability. The traditional beliefs and practices coexist with modern sustainability efforts.[14] These studies stress on the role of culture in shaping sustainability practices. Cultural values, beliefs, and norms significantly influence how communities manage resources and interact with their environment. By applying theoretical frameworks such as Hofstede's cultural dimensions

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[11] Rene Kemp, Saeed Parto & Robert B. Gibson, *Governance for Sustainable Development: Moving from Theory to Practice,* 8(1/2) INTERNATIONAL JOURNAL OF SUSTAINABLE DEVELOPMENT, 12-30 (2005).

[12] G. Hofstede, *Culture's Consequences: Comparing Values, Behaviours, Institutions, and Organizations Across Nations* (2001).

[13] Imura, H., *Environmental Policy in Japan: A Historical Overview,* 5(1), INTERNATIONAL REVIEW FOR ENVIRONMENTAL STRATEGIES, 49-66 (2005).

[14] Anil Singh, *"Cultural Dimensions and Sustainability: A Case Study of India*," Journal of Sustainable Development 10, no. 3 (2017): 45-56.

theory, it would help gain a deeper understanding of the cultural factors that drive sustainability practices making it easy to administer. This would help creative an inclusive and efficient sustainability initiatives that align SDGs.

SDG AND ITS RELEVANCE:

The Sustainable Development Goals (SDGs) comprehensive agenda aims at building fairer and equal societies for a healthy planet. The core aim of this global goal is "Leaving No one behind". Under the 17 broad goals, there are 169-targeted agenda aimed to achieve in 2030 with global participation from 193 member states.

The literature review aims to highlight the relevance of SDGs and its challenges and opportunities of implementation.

Cheru, study throws light on the challenges faced in sub–Saharan African countries where limited access to resources and institutional capacity has delayed the SDGs achievement. However, there is significant change in education and good health. This highlights the relevance of contextualizing the local culture to bring local change prioritizing local needs.[15]

Christina C. Hicks et al. highlights human impact on achieving sustainable practices. The challenges and strategies to balance the planet and people's needs must be routed through harnessing the power of the social system. The study suggests evaluating human behaviour, cultures and financial patterns is crucial to develop sustainable practices. Using an integrated approach will help achieve environmental challenges.[16]

Caldas et al. highlights that culture has been ignored in sustainability science and policymaking. It is one of the crucial aspects as it includes values, norms and beliefs, which influences human behaviour and interpretations of environmental attitude towards the planets. Using the VBN (Values–Beliefs–Norms) framework to model culture, categorizing it into factors that shape behaviour and influence choices. The case study of Central Great Plains (CGP) indicated cultural impact on individual's response to environmental challenges resulting in conservation practices. The study recommended using participatory process to link cultural

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[15] Fantu Cheru, *Development in Sub-Saharan Africa: The Crisis of Developmentalism,* 17 THIRD WORLD QUARTERLY, no. 1, 189-206 (2016).

[16] Christina C. Hicks et al., "Engage Key Social Concepts for Sustainability," *Science* 352, 6281, 38-40 (2016).

frameworks like VBN for engaging stakeholders. It suggests reconciliation of policies with cultural structures focusing on integration of action and behaviours.[17]

As noted by Hofstede, collective cultures prioritize community –based engagement whereas individual responsibility and innovation.[18] This key distinct factor must be kept in mind while making the policies for a sustainable future.

Griggs et al. achieving SDGs requires financial resources, which is a hindrance to developing countries. National and local level political acceptance is crucial for integration of SDGs policies.[19] Additionally Kanie & Biermann, states accountability and strong institutions monitoring has to be strong for effective outcome.[20]

IDENTIFYING THE STUDY GAP:

The literature research provided an insight into how cultural values and sustainability must be brought together for an effective outcome. It indicates that attainment of SDGs is possible if countries integrate their sustainable approach to the cultural factors. The study gaps identified are:

- The literature review through empirical research highlights cultural values has an effect on adoption of sustainability approach but underrepresented of region found.
- It highlights that the Hofstede Cultural model dimension mapped to understanding sustainability practices in diverse regions was not found.
- Comparative studies to identify relationships between sustainable developments across regions.

RELEVANCE OF STUDYING SCANDINAVIA AND ASIAN COUNTRIES FOR SDGS:

The regions studied represent contrast cultural and economic differences. Providing a range methods used for effective policy implementation to achieve SDGs global through shared

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[17] Caldas, M. M., Sanderson, M. R., Mather, M., Haukos, D., Martinko, E. A. & Twidwell, D., *Endogenizing Culture in Sustainability Science Research and Policy*, 112(27) Proc. Nat'l Acad. Sci. 8157, 8157–8159 (2015).
[18] Geert Hofstede, Gert Jan Hofstede & Michael Minkov, *Cultures and Organizations: Software of the Mind* (McGraw-Hill 2010).
[19] David Griggs et al., "Policy: Sustainable Development Goals for People and Planet," *Nature* 495, no. 7441, 305-307 (2013).
[20] Norichika Kanie & Frank Biermann, *Governing through Goals: Sustainable Development Goals as Governance Innovation,* MIT PRESS (2017).

values and community engagement. It would help understand reasons for success or failure of sustainability in the given reason. This comparative analysis can help identify successful adoption of SDGs by highlighting best practices and critical challenges considering the cultural scrapes.

OBJECTIVE OF THE STUDY:

The study aims to understand the role of cultural values, beliefs and norms in shaping sustainability practices. Using the Hofstede Cultural Dimensions theory, the study will highlight the influence of cultural practices on the adoption of sustainable practices in Scandinavia and Asian Countries. The key objectives are:

1. To understand cultural differences in Scandinavia Countries (Sweden & Denmark) and Asian Countries (India & Japan)
2. To evaluate cultural practices influencing sustainable practices adopted in Scandinavia Countries (Sweden & Denmark) and Asian Countries (India & Japan)
3. To compare the adoption of sustainable practices in Scandinavia Countries (Sweden & Denmark) and Asian Countries (India & Japan) to achieving SDGs pinpointing the Hofstede Cultural dimension that facilitate or hinder sustainable development.

By addressing these objectives, the study aims to throw light on the relevance of cultural factors influencing adoption of sustainable practices and achievement of SDGs in Scandinavia Countries (Sweden & Denmark) and Asian Countries (India & Japan)

METHODOLOGY OF THE STUDY:

Using qualitative case study methodology, the study aims to understand the influence of culture on sustainability practices. The exploratory study aims to highlight the relevance of culture on achieving SDGs. The qualitative data source includes academic literature, policy documents, and reports from international organizations. Case studies on sustainable practices in Scandinavia countries (Sweden and Denmark) and Asian countries (India & Japan) were examined to evaluate the adoption of SDGs considering Hofstede cultural dimension.

ANALYSIS & INTERPRETATION:

Scandinavian culture has a distinct identity emphasizing on community welfare, equal opportunity and nurturing approach towards environment. These regions are known for their

comprehensive welfare systems, good healthcare, and access to education and effective social security system reflecting inclusive growth.[21] [22]These societies prioritize work life balance with emphasis on family time, parental leaves and shorter workweek.[23] They also show a deep connection with the environment. A strong sense of community approach is central for Scandinavian culture. Social group's participation in building a sustainable environment through city greener initiatives, acceptance of renewable energy projects and waste management programs.[24] Collectivist approach has made them global leaders in environmental initiatives.[25]

SCANDINAVIAN COUNTRIES - COLLECTIVE ACTION AND ENVIRONMENTAL RESPONSIBILITY:

Scandinavian countries have focused on making SDGs central to the country's growth story. Scandinavian countries are leaders in sustainable development, with comprehensive policies promoting renewable energy, waste reduction, and sustainable urban planning. Environmental conservation through social commitment has made it possible to achieve the SDGs.

Sweden -

According to Swedish Government, Sweden aims to go net-zero in emission of greenhouse gases by 2024.They have pioneered in employing environmental legislation for effective resource management. They have established a leadership position in recycling and waste management systems highlighting the community's deep sense of commitment toward environment conservation.[26] Countries' Home waste to energy generation program, has

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[21] Nordic Council of Ministers, *Sustainable Development Action – The Nordic Way* (2021), (Last Accessed: July 25, 2024), https://www.norden.org/en/publication/sustainable-development-action-nordic-way.

[22] Organization for Economic Co-operation and Development (OECD), *Environmental Performance Reviews: Sweden 2018* (2018), (Last Accessed: July 15, 2024) https://books.google.co.in/books/about/OECD_Environmental_Performance_Reviews_S.html?id=BkyfBQAAQBAJ&source=kp_cover&redir_esc=y

[23] Sachs, J.D., Kroll, C., Lafortune, G., Fuller, G., & Woelm, F., *Sustainable Development Report 2022*, CAMBRIDGE UNIVERSITY PRESS, https://s3.amazonaws.com/sustainabledevelopment.report/2022/2022-sustainable-development-report.pdf.

[24] Holmén, J., & Johansson, K., *Community-driven Sustainability Initiatives in Sweden: A Bottom-up Perspective on Environmental and Social Change*, 207, J. CLEANER PROD, 1020, 1030 (2019).

[25] Supra note 23

[26] Swedish Government, *Sweden's Climate Policy Framework* (2017), (last visited July 25, 2024) available at https://www.government.se/articles/2021/03/swedens-climate-policy-framework/

transformed the community leaving an effective commercial model driven by high individualism and low uncertainty avoidance.[27]

Fig.: 1.2 Sweden's Cultural factors Based on Hofstede Cultural Dimensions
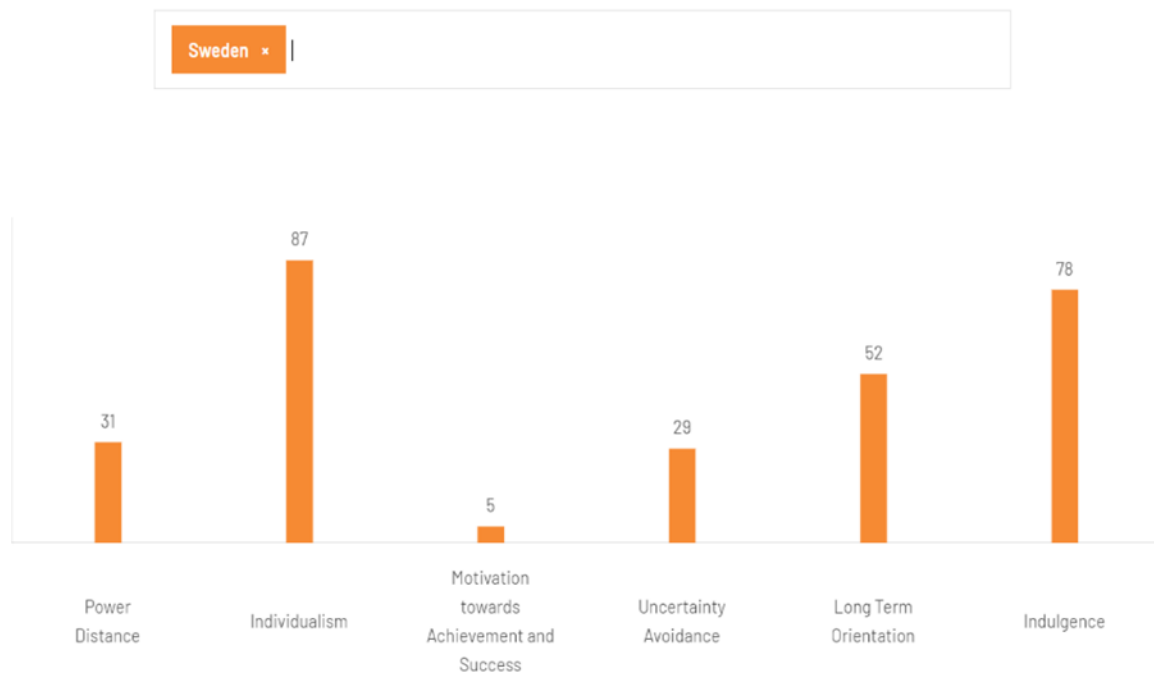
Source: (The Culture Factor, 2024)

As seen in Fig 1.2, Sweden scores power distance (31) is relatively low, indicating need of autonomy and equal opportunity. This highlight inclusive growth driven with learning and coaching approach, which is seen as individuals (87) responsibility. They are a consensus society with Motivation towards Achievement and Success (5) through decision-making with participation and conflict resolution through negotiation, while the shunning braggart. They also display low uncertainty avoidance (29) highlighting belief in practices and enjoy deviance from the norm making easy to implement change. With median score on long-term, orientation (52) indicates consequential approach to decision making. High score on indulgence (78) highlights open to change and optimism to quality of life.[28]

Moreover, Sweden has made investment in renewable energy. They have harnessed the water and wind resources into hydroelectric and wind energy which aim at achieving SDG 7

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[27] Hofstede Insights, *Country Comparison Tool*, (Last Accessed: July 25, 2024) https://www.hofstede-insights.com/product/compare-countries/
[28] *Ibid*.

Affordable and Clean energy. Approximately, 60% of Sweden's energy requirements are met through these sources making them the front-runner in clean energy adopters [64]. They have moved from oil to district heating to reduce Greenhouse gas (GHG) emission for both housing and service sectors. 80% of their household heating and hot water requirements are met through district heating. It also recycles heat from industries in the district heating network, which would have otherwise added to air pollution. "Europe Greenest City" Vaxio is set to become free fossil fuel by 2030 with a central heating and cooling system, energy efficient buildings with use of timber and public transportation on biogas. Individuals use cycling as an alternative transport medium. They also encourage urban gardening. Malmo and its surrounding location are proactively involved in action for climate through initiatives like waste management system using Vacuum suction technique to transport household waste to convert into biogas for public transportation. Stockholm Royal Seaport has eco-friendly housing designed for sustainable living with use of Karlshamn electric cargo bikes aligned to achieve SDG 11 Sustainable Cities and communities and 13 Climate action.[29] [30]They have successfully approached sustainability proactively making eco-friendly living a rewarding experience. There is strong approval to implement a circular economy. The Bio-economy strategy aimed at leveraging available resources to produce and produce sustainably. This has not only supported the SDG 9 Industry, innovation and infrastructure and 12 Responsible Consumption and Production. This reflects how the society has long-term orientation through equal participation highlighting cultural inclination. Research on innovative sustainable practices has been encouraged to make sustainability central to the country's journey ahead.[31] [32] Augustenborg has converted existing residential areas into ecological zones with 10000 green roofs, which absorb rainwater. This city also has implemented a solar energy project which uses photovoltaic panels installed in residential and office spaces. Oresund is a climate smart district along with smart consumption monitoring solutions where residents are aware of their actions impact on the environment.

[29]Stockholm Royal Seaport, *Sustainable Urban Development in Stockholm Royal Seaport*, (Last Accessed: July 25, 2024) https://www.stockholmroyalseaport.com/
[30]Karlshamn Municipality, *Sustainable Transportation Initiatives in Karlshamn*, (Last Accessed: July 24, 2024) https://www.karlshamn.se/
[31]United Nations, *Sustainable Development Goals Knowledge Platform*, (Last Accessed: July 24, 2024) https://sustainabledevelopment.un.org/
[32]Swedish Forest Indus. Fed'n, *Bio-economy Strategy: Sustainable Production in Sweden* (2021), (Last Accessed: July 24, 2024) https://www.forestindustries.se/

These climate positive actions highlight the relevance of sustainability is central to the culture of Sweden. Hofstede cultural dimensions of low power distance indicate cultural preference for inclusive growth accountability. Equal opportunity and quality of life makes it feasible to implement sustainable practices across the region. With high scores on individualism, individuals take responsibility for their actions by participating in sustainable action as segregation of waste for efficient energy. This cultural value supports achievement of SDG 7 and 13 fostering resource conservation. With a forward-thinking attitude, the country has mapped their growth story through innovation and growth mindset. Additionally, low scores on motivation for achievement highlights a nurturing attitude with focus on wellbeing over material accumulation. This aligns with the SDG 11 prioritizing environmental consciousness for a sustainable living.

Thus, aligning cultural dimension with sustainable behaviour, Sweden has been able to set the way to achieve the SDGs. Developing strategies that are in line with cultural values has resulted in smooth adoption and implementation with ecological practices helped them build sustainable communities.

Demark -

Denmark has embarked on a journey to mark sustainability fundamental to their country's growth and success. As this society earns through fishery and agriculture, they share a strong association with land and water. The respect for nature has resulted in acceptance and implementation of sustainable practices across sectors in the region aiming at achieving SDGs. Thus, highlighting the role of cultural values that conserve and nurture the environment. Analysing these practices through the lens of Hofstede's cultural dimensions provides valuable insights into how Denmark's cultural traits foster and enhance its sustainability efforts.

Fig.: 1.3 Denmark's Cultural factors Based on Hofstede Cultural Dimensions
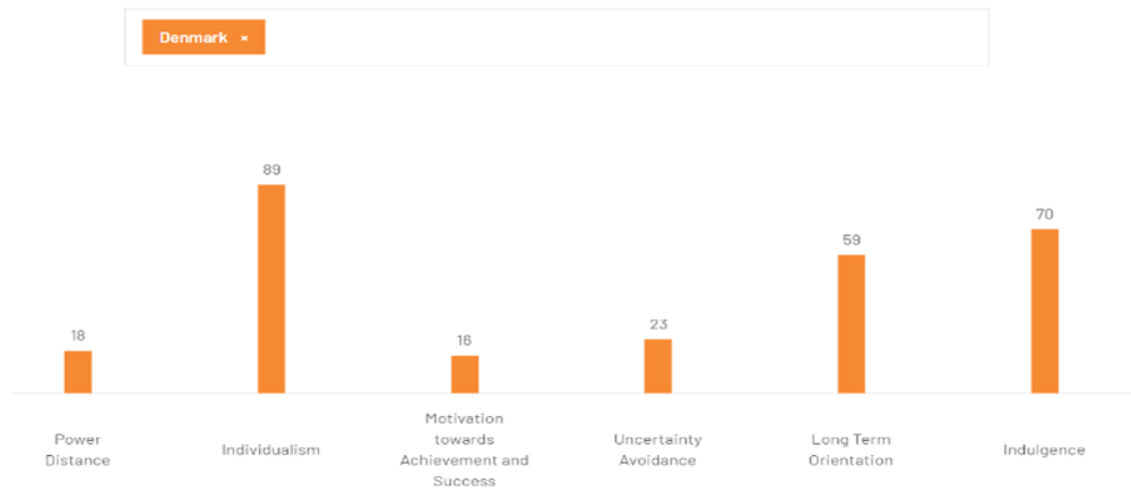
Source: (The Culture Factor, 2024)

As seen in Fig 1.3, Denmark scores on power distance (18) is low, indicating decentralization with complete autonomy. They believe in coaching not leading with highlights high individualism (89) and accountability of roles. They are a consensus society with Motivation towards Achievement and Success (16) through decision-making with participation and conflict resolution through negotiation. They also display low uncertainty avoidance (23) indicate they are open to change and do not need a structured approach; they display high resilience. With median score on long term, orientation (59) indicates pragmatic approach and looks at situation and time while making decisions. They display perseverance to achieve results. High score on indulgence (70) highlights willingness to change and evolve with changing needs.[33]

Denmark views sustainability through the lens of holistic attitude, which includes conservation of resources and creating quality living conditions. They aim to reach 100% in renewable electricity by 2030. They have heavily invested in harnessing the abundant wind resource they have into wind energy making them global leaders in this sector. This highlights long-term orientation considering today's action on tomorrow's planet. These efforts are directed towards achieving SDG 7 Affordable and clean energy. They have adopted the system's way to implement the SDGs by establishing ministerial committees to ensure smooth coordination

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[33] Hofstede Insights, *Country Comparison Tool*, (Last Accessed: July 25, 2024) https://www.hofstede-insights.com/product/compare-countries/

between stakeholder and institutes. This unified approach helps in achieving set goals and effective coordination.[34] In 2017, their action plan to achieve these SDGs is based on 5Ps: prosperity, people, planet, peace, and partnerships. This was the government's action to make SDGs concrete and central to their decision-making.[35] They call themselves leaders in transition to a green economy, with concentrated attention on natural resources and energy efficiency. They have created jobs and competition SDG 8 focusing on reducing greenhouse gases emission SDG 13 with measures to reduce spread of hazardous substances that harm human living SDG 3. Investment in sustainable cities and fostering a circular economy.[36] Their Voluntary National review indicates commitment towards water SDG 6, energy SDG 7, green economy, green growth, and resource efficiency SDG 12.[37] The country's capital Copenhagen has a well-connected network of bicycle lanes that encourage people to make it their primary mode of transportation that aids in reducing carbon emission and improving air quality. Aligning with their high score on indulgence highlights that they value change, this has benefits for them and all. This also help achieve SDG 11 sustainable cities and communities.

Their waste to energy facilities helps them recycle waste for energy consumption and reduce landfills. This reflects their balanced approach to solve problems and enjoy a quality life, which contributes to achieving SDG 12 Responsible consumption and production.[38] Agriculture production also has moved to organic methods of production. They adhere to strict norms focusing on environment stewardship and animal life. This high score on individualism indicated accountability of one's role towards the country and community with low score on Motivation for success focusing on quality of life over material growth. These practices align with SDG 15 Life on land and SDG 2 Zero Hunger. Corporates also have shown conscious decision making towards achieving SDGs. They often integrate CSR into their core business operation creating an environment friendly value chain. This resonates with the SDG 8 Decent work and economic growth. Creating eco-friendly innovative methods to produce and process aligns with SDG 9 Industry, innovation and infrastructure. Reflecting on the balanced approach

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[34] Danish Government, *Denmark's National Action Plan for the Sustainable Development Goals* (2017) (Last Accessed: July 15, 2024) https://sustainabledevelopment.un.org/memberstates/denmark
[35] *Ibid.*
[36] *Ibid.*
[37] Ministry of Foreign Affairs of Denmark, *Voluntary National Review (2017)*, (Last Accessed: July 25, 2024), https://um.dk/en/foreign-policy/sustainable-development/
[38] United Nations Development Programme, *UNDP Annual Report 2023* (2023), (Last Accessed: July 15, 2024). https://www.undp.org/publications/undp-annual-report-2023.

to life with success for people and survival of the planet validating the link between cultural dimensions and achieving the SDGs.

Hence, studying Danish culture clearly highlights the role of environmental values that withhold people choices and action toward the planet-indicating role of culture aiding in achieving sustainable growth for the region.

ASIAN COUNTRIES: TRADITION AND MODERN ENCOUNTERS:

Asian countries' history resonates with tradition and is practiced and passed on to generations. These practices and norms are integral to the communities and individual behaviours to their surroundings. This diverse approach has a direct relation to how SDGs are adopted and achieved in these regions. They also influence the adoption and implementation of strategies to achieve these goals. Collectivist approach is central to many Asian societies which when enhanced can help foster sustainable practices through community involvement and social cohesion. These shared values in the community can lead to achieving SDGs.[39]

India -

India the land of gurus and Vedas led the foundation to sustainable practices through the scripts and traditional practice. The natural resources considered core to human surroundings hence form an integral part of the religious practices in India. The diverse cultural landscape in India can help in shaping the future of sustainable practice. Integration of traditional values with modern approaches can share the sustainability context in India.

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[39] Chen, Y., & Shih, H. *The Role of Collectivist Culture in Sustainable Development Goals Achievement* (2020).

Fig.: 1.4 India's Cultural factors Based on Hofstede Cultural Dimensions
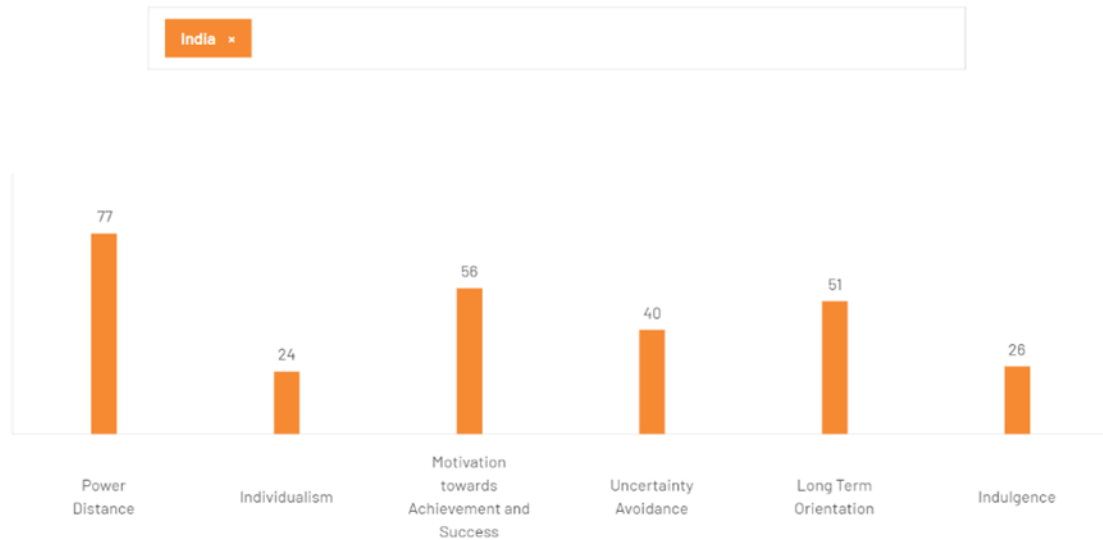
Source: (The Culture Factor, 2024)

As seen in Fig 1.4, India scores high on power distance (77), indicates centralized and follows a hierarchical approach. Norms and rules play a vital role in getting this done. The low individualism (24) highlights collective approach to get things done. With accountability on team players and the leader. They are a decisive society in terms of visual display of success and power validated by material gains highlighting high Motivation towards Achievement and Success (56). They also display low uncertainty avoidance (40) indicate acceptance of imperfection with ability to adjust and high resilience. With median score on long term orientation (51) indicates belief in karma" dominates religious and philosophical action influences actions. It is a practical society that looks at situations to make decisions. They display determination to make everything possible. Low score on indulgence (26) indicates a culture of Restraint having the tendency to be cynicism. Actions controlled through social norms and indulgence considered immoral.[40]

The Indian government has created an action plan that paves way to achieve SDGs. The National Solar Mission has helped increase solar energy capacity to 100 GW.[41] This aims to achieve SDG 7-Affordable and clean energy, as of 2021, India's solar capacity had reached

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[40] Hofstede Insights, *Country Comparison Tool*, (Last Accessed: July 25, 2024) https://www.hofstede-insights.com/product/compare-countries/

[41] Ministry of New and Renewable Energy, *Renewable Energy Initiatives in India (2020)*, (Last Accessed: July 20, 2024), http://mnre.gov.in

approximately 40 GW, significantly reduced greenhouse gas emissions and creating numerous jobs in the renewable energy sector.[42] Water has religious sentiment according to Indian traditions. The Jal Shakti Abhiyan aims at water management and replenishing groundwater. With encouragement to rainwater, harvesting has reached households in urban development and efficient irrigation techniques networked well in rural lands. This measure supports achieving SDG 6-Clean Water and Sanitation.[43]

The Swachh Bharat Mission fostered a community-based cleanliness drive and waste management practices nationwide. This program brought communities together and educated them on waste segregation and consequences of open defecation contributing to improved public health and ecological quality.[44] Agriculture contributes significantly to the Indian economy. The National Mission for Sustainable Agriculture (NMSA) agricultural productivity has been increasingly done considering environmental sustainability and improving farmer's earnings.[45] They also encourage applying techniques of organic farming, pest protection methods, and water conservation.[46] These efforts add to the SDG 2 -Zero Hunger and 15-Life on Land. There is a growing awareness on urban sustainability with action to create Smart Cities Mission, which is ecological structured for better living.[47] This aims to achieve SDGs 11-Sustainable Cities and Communities. Collectivism is strongly rooted in an Indian system; the same reflects in the growing number of Self-help groups empowering women to access funds for growth and progress.[48]

These efforts reflect India's commitment to balancing traditional values with modern sustainability demands, addressing both cultural preferences and global development goals.

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[42] International Renewable Energy Agency, *Renewable Capacity Statistics (2021)*, (Last Accessed: July 24, 2024), https://www.irena.org.

[43] Central Water Commission, *Jal Shakti Abhiyan: Water Management and Groundwater Replenishment* (2020), (last visited July. 15, 2024). http://cwc.gov.in.

[44] Swachh Bharat Mission, *Annual Progress Report (2020)*, (Last Accessed: Sept. 5, 2024) http://swachhbharatmission.gov.in

[45] Kumar, R., Singh, J. and Sharma, V., *'National Mission for Sustainable Agriculture: Strategies for Sustainable Growth',* 18(2) JOURNAL OF AGRICULTURAL SUSTAINABILITY, 215-230 (2019).

[46] Department of Agriculture, Cooperation & Farmers Welfare, *National Agricultural Plan: Organic Farming and Water Conservation Methods (2022)*, (Last Accessed: Sept. 5, 2024), http://agricoop.nic.in.

[47] Ministry of Housing & Urban Affairs, *Smart Cities Mission Annual Report (2021)*, (Last Accessed: Sept. 5, 2024), http://smartcities.gov.in.

[48] Agarwal, S., *'Empowerment Through Self-Help Groups: An Indian Perspective'* JOURNAL OF WOMEN'S EMPOWERMENT AND DEVELOPMENT, 12(3), 45-58 (2018).

Japan -

Japan holds its own history and strong cultural practices. Japan highlights the emphasis on group harmony and social cohesion which is the foundation of Japanese society. Their culture emphasizes harmony, respect for nature, and community cooperation.[49] These values and principles make ways for adoption of sustainable practices.

Fig.: 1.5 Japan's Cultural factors Based on Hofstede Cultural Dimensions

Source: (The Culture Factor, 2024)

As seen in Fig 1.5, Japan's scores medium on power distance (54), indicates lack of a single authoritative figure typical in more hierarchical societies. Norms and rules play a vital role in getting this done. The high individualism (62) indicates in-group is situational while taking responsibility. Loyalty is choices conditioned in their culture.

They are one of the most decisive societies in the world highly competitive with Motivation towards Achievement and Success (95) with excellence and perfection. They also display high uncertainty avoidance (92) as the geography prone to earthquakes show preparedness for unknown circumstances. They work with maximum predictability of the situation before making a decision. This also reflects in the long-term orientation (100) emphasizing on benefit for all in the end rather than short increments. Actions and consequences hence scrutinizing

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[49] Imura, H., *Environmental Policy in Japan: A Historical Overview,* 5(1), INTERNATIONAL REVIEW FOR ENVIRONMENTAL STRATEGIES, 49-66 (2005).

before execution on all parameters is the philosophy-guiding attitude of the society. Low score on indulgence (42) shows a culture of restriction having the tendency to be pessimistic. Behaviours are controlled by social acceptance and indulgences are wrong.[50]

Japan's cultural factors act as the foundation to the adoption of sustainable practices. Following systems approach they have an effective waste management mechanism, which addresses the challenge of recycling with participation from households and corporate. This has resulted in reduction in landfill and conservation of resources.[51] Aiding in achieving SDG 12 Responsible consumption and production. Their commitment to technology and innovation has made them world leaders in developing energy –efficient technologies harnessing the available renewable resources like solar, air and wind. Providing energy supply for both household and commercial purposes. Aligning with SDG 13 climate action. They have made significant investment in geothermal power and promote use of energy efficient equipment to reduce greenhouse gas emission. They have been able to position themselves as leaders in Clean Technology.[52] As a natural disaster-prone zone, Japan has curated a community driven initiative for mutual benefit for all. Involving the communities to build awareness and educate them of modern sustainable practice Japan had capitalized on their need for collectiveness to foster inclusive well-being aligning with SDG Sustainable cities and community they encourage local environment groups and city wide sustainable programs leading to improving green initiatives, sustainable urbanization and enhanced disaster resilience in cities.[53] The Japanese traditions are woven around the emphasis on respect for nature and its resources. They had adopted forest management measures to protect the natural habitat of the reserved biodiversity aligning with the SDG 15 Life on Land.[54]

Japan has made sustainable practices core to their country's growth and success. With every effort to make the planet healthy and long lasting. These efforts would not be possible with the participation of all the stakeholders. Hence, collaborating them towards a healthy future is

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[50] Hofstede Insights, *Country Comparison Tool*, (la Last Accessed: July 25, 2024) https://www.hofstede-insights.com/product/compare-countries/
[51] Ministry of the Environment, Japan, *Annual Report on the Environment, the Sound Material-Cycle Society, and Biodiversity in Japan (2021),* (Last Accessed: July 5, 2024), https://www.env.go.jp/en/wpaper/2021/index.html.
[52] International Renewable Energy Agency, *Renewable Capacity Statistics (2021)*, (Last Accessed: July 24, 2024), https://www.irena.org.
[53] Imura, H., *Environmental Policy in Japan: A Historical Overview,* 5(1), INTERNATIONAL REVIEW FOR ENVIRONMENTAL STRATEGIES, 49-66 (2005).
[54] Ministry of Agriculture, Forestry and Fisheries, Japan, *Annual Report on Forest and Forestry in Japan (2021),* (Last Accessed: July 25, 2024), http://maff.go.jp.

made possible by using the cultural values as cement to brick the sustainable future ahead addressing both local and global sustainable development goals.

FINDING AND RECOMMENDATION OF THE STUDY:

Both the regions highlight the crucial role of culture in shaping the future of sustainable practices. Aligning the SDGs, in line with the core cultural dimensions, had resulted in successful implementation of policies to achieve the desired goals.[55] [56] The government policies aimed at achieving the SDGs have been designed keeping in mind the core cultural elements. This has resulted in the effectiveness of sustainable initiatives.[57] [58]The challenges in balancing modern and traditional approach have been seen in India where implementation and education of the masses is a herculean task.[59] Innovation and technology advancement have been the cornerstones in pushing sustainability efforts towards achievement of SDGs (Kempton, Boster, & Hartley, 1995).[60] Thus, the study highlights integration of the sustainable efforts and cultural values of a country.

Table: 1 Interlinkage of Hofstede Cultural Dimensions, SDGs and its impact				
Cultural Dimension	Society Type	Impact on SDGs	Recommendation	Relevant SDGs
Power Distance	High	Bring in line sustainable practices with social structures and norms.	Use of Opinion leaders and environment champions to propagate SDGs.[61] [62]	SDG 10- Reduced Inequalities; SDG 16-Peace, Justice, and

[55] Geert Hofstede, Gert Jan Hofstede & Michael Minkov, *Cultures and Organizations: Software of the Mind* (McGraw-Hill 2010).

[56] Imura, H., *Environmental Policy in Japan: A Historical Overview,* 5(1), INTERNATIONAL REVIEW FOR ENVIRONMENTAL STRATEGIES, 49-66 (2005).

[57] Swedish Government, *Sweden's Climate Policy Framework* (2017), (Last Accessed: July 25, 2024), https://www.government.se/articles/2021/03/swedens-climate-policy-framework/

[58] Ministry of New and Renewable Energy, *Renewable Energy Initiatives in India (2020)*, (Last Accessed: July 20, 2024), http://mnre.gov.in

[59] Anil Singh, *"Cultural Dimensions and Sustainability: A Case Study of India*," Journal of Sustainable Development 10, no. 3 (2017): 45-56.

[60] Imura, H., *Environmental Policy in Japan: A Historical Overview,* 5(1), INTERNATIONAL REVIEW FOR ENVIRONMENTAL STRATEGIES, 49-66 (2005).

[61] G. Hofstede, *Culture's Consequences: Comparing Values, Behaviours, Institutions, and Organizations Across Nations* (2001).

[62] H. Yeganeh & Z. Su, *The Relationship Between Power Distance and Social Responsibility in Different Cultures*, 9 Int'l J. Cross Cult. Mgmt. 245 (2009).

				Strong Institutions
	Low	Building transparency and platforms for open communication.	Talking about the cause-and-effect relationships with measures and outcomes. Awarding voluntary participation.[63] [64]	SDG 16-Peace, Justice, and Strong Institutions; SDG 17- Partnerships for the Goals
Individualism vs. Collectivism	Collectivist	Capitalize on shared community values for civic engagement.	Nudging sustainable practices into everyday actions. Building public-private partnerships avenues.[65] [66]	SDG 11- Sustainable Cities and Communities; SDG 13: Climate Action
	Individualist	Highlight the role of individuals in sustainability practices.	Awards, incentives and recognition to increase participation.[67] [68]	SDG 12- Responsible Consumption and Production; SDG 9- Industry, Innovation,

[63] Geert Hofstede, Gert Jan Hofstede & Michael Minkov, *Cultures and Organizations: Software of the Mind* (McGraw-Hill 2010).

[64] House, R. J., Hanges, P. J., Javidan, M., Dorfman, P. W. & Gupta, V., *Culture, Leadership, and Organizations: The GLOBE Study of 62 Societies,* SAGE PUBL'NS (2004).

[65] H.C. Triandis, *Individualism & Collectivism* (Westview Press 1995).

[66] M.A. Khan & R. Karim, *Community Involvement in Sustainable Development Initiatives in Collectivist Societies*, 11 J. SUSTAINABLE DEV, 115 (2018).

[67] S.H. Schwartz, *A Theory of Cultural Values and Some Implications for Work*, 48 APPLIED PSYCH, 23 (1999).

[68] G. Hofstede, *Culture's Consequences: International Differences in Work-Related Values,* SAGE PUBLICATIONS (1980).

				and Infrastructure
Motivation Towards Success	Low	Desire consensus and a healthy life over material wealth.	Vocalize and disseminate the SDGs benefits on a better life.[69] [70]	SDG 3: Good Health and Well-being; SDG 11: Sustainable Cities and Communities
	High	Incentivize SDGs leading to growth and achievement.	Map actions to winning and growing through SDGs.[71] [72]	SDG 8- Decent Work and Economic Growth; SDG 9- Industry, Innovation, and Infrastructure
Uncertainty Avoidance	High	Clear flow of action and outcomes with methods of implementation.	Strategic approach with objective, action and outcomes clearly layout. [73] [74]	SDG 4-Quality Education; SDG 16-Peace, Justice, and Strong Institutions

[69] Ryan, R. M. & Deci, E. L., *Self-Determination Theory and the Facilitation of Intrinsic Motivation, Social Development, and Well-Being*, 55(1) Am. Psychol. 68, 68–78 (2000).

[70] Jansson, J. & Biel, A., *A New Approach to Sustainable Development: The Role of Incentives and Disincentives in Motivational Processes*, 19(4) SUSTAINABLE DEV. 246, 246–59 (2011).

[71] S.H. Schwartz, *A Theory of Cultural Values and Some Implications for Work*, 48 APPLIED PSYCH, 23 (1999).

[72] Ryan, R. M. & Deci, E. L., *Self-Determination Theory and the Facilitation of Intrinsic Motivation, Social Development, and Well-Being*, 55(1) Am. Psychol. 68, 68–78 (2000).

[73] G. Hofstede, *Culture's Consequences: Comparing Values, Behaviours, Institutions, and Organizations Across Nations* (2001).

[74] Dorfman, P. W. & Howell, J. P., *Dimensions of National Culture and Effective Leadership Patterns: Hofstede Revisited*, 3 ADVANCES IN INT'L COMPAR. MGMT. 127, 127–50 (1988).

	Low	Readiness to change and open to innovation	Use Technology and make sustainable practices convenient and easy to adapt. [75] [76]	SDG 9- Industry, Innovation, and Infrastructure; SDG 11- Sustainable Cities and Communities
Long-term vs. Short-term Orientation	Long-term	Perseverance in action to achieve outcomes when importance highlighted	Leverage prudence and a strong inclination to save and invest in SDGs.[77] [78]	SDG 7- Affordable and Clean Energy; SDG 13- Climate Action
	Short-term	Shorter Value and quick results rooted with traditions.	Integrate traditional methods to solve modern environmental problems, linking actions to quick results.[79] [80]	SDG 15-Life on Land; SDG 11- Sustainable Cities and Communities
Indulgence vs. Restraint	High Indulgence	Impulsive actions and a positive	Use modern and inventive methods	SDG 9- Industry,

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[75] G. Hofstede, *Culture's Consequences: Comparing Values, Behaviours, Institutions, and Organizations Across Nations* (2001).

[76] House, R. J., Hanges, P. J., Javidan, M., Dorfman, P. W. & Gupta, V., *Culture, Leadership, and Organizations: The GLOBE Study of 62 Societies,* SAGE PUBL'NS (2004).

[77] G. Hofstede, *Culture's Consequences: Comparing Values, Behaviours, Institutions, and Organizations Across Nations* (2001).

[78] Bond, M. H., Leung, K., Au, K., Tong, K. & de Carrasquel, S. R., *Reconceptualizing Perceptions of the Consequences of Long-Term Orientation*, 4(2) Int'l J. Cross Cultural Mgmt. 133, 133–48 (2004).

[79] G. Hofstede, *Culture's Consequences: Comparing Values, Behaviours, Institutions, and Organizations Across Nations* (2001).

[80] Leung, K., Bond, M. H. & Schwartz, S. H., *The Role of Tradition and Social Values in Managing Environmental Challenges*, 22(2) J. ENVTL. PSYCHOL, 91, 91–102 (2002).

		outlook towards innovation and technology.	to seek input in achieving SDGs.[81] [82]	Innovation, and Infrastructure; SDG 12-Responsible Consumption and Production
	Low Indulgence	Social norms and rules dominate choices and decisions.	Using social nudges with traditional values to attain sustainable actions,[83] [84]	SDG 11-Sustainable Cities and Communities; SDG 13-Climate Action

CONCLUSION:

Addressing the global Sustainable Development Goals (SDGs) is crucial to every country and business. As every action by everyone has a lasting impact on the planet's future. Thus, understanding the integration of cultural aspects to achieve Sustainable Development Goals (SDGs) is significant. The study does help explore nuances of how cultural distinctions influence adoption and implementation of sustainable practices worldwide. By recognizing cultural dimensions in the light of sustainable practices will help take appropriate mitigation measures to protect the planet from further damage. Tailoring policies and strategies to align with cultural values and behaviours to achieve SDGs.

The study found that Scandinavian countries characterized by egalitarian principles believe in open communication and thrive for transparency and autonomy. Building a participative and

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[81] G. Hofstede, *Culture's Consequences: Comparing Values, Behaviours, Institutions, and Organizations Across Nations* (2001).

[82] De Jonge, J., de Lange, A. H. & van Veldhoven, M. J. P. M., *Long-Term Orientation, Short-Term Orientation, and the Relation with Work-Related Stress and Well-Being*, 29(4) J. MANAGERIAL PSYCHOL, 370, 370–89 (2014).

[83] G. Hofstede, *Culture's Consequences: Comparing Values, Behaviours, Institutions, and Organizations Across Nations* (2001).

[84] Hsu, L. & Lee, Y. C., *The Impact of Social Norms and Rules on Sustainable Behaviours*, 15(5) Int'l J. Sustainable Dev. & World Ecology 438, 438–46 (2008).

rewarding system to achieve SDGs, which are driven by shared goals and participatory governance, will aid achievement of set goals such as SDG 16: Peace, Justice, and Strong Institutions and SDG 17: Partnerships for the Goals. Individualistic societies like these take accountability and responsibility for their behaviour. Encouraging them to take ownership of their sustainable habits will result in outcomes that are more innovative and environment goals such SDG 12: Responsible Consumption, Production, and SDG 13: Climate Action

On the other hand, Asian countries are characterized with diverse cultural backgrounds where both high and low power distance coexist. Indian Societies with high power distance were actions influenced by role and status in the society. Social structure and norms drive behaviours. Use of champions and distinct leaders integrated with traditional practices to modern living will prove beneficial in fostering sustainable practices. In contrast, Japan, a low power distance society, adopts self-reliance and collaborative approach fostering participation in decision-making processes to achieve sustainable goals.

In these collectivist societies, encouraging community engagement to achieve SDGs will result in target achievement. Building more public –private partnerships to embed sustainable practices in daily life will help achieve set goals such as SDG 11-Sustainable Cities and Communities and SDG 13: Climate Action. The study also identified the motivation that drives success-influencing achievement of SDGs. Japan with high motivation displayed links to success through innovation and leadership roles by pioneering in technology advancement to mitigate environmental impact, which tied to tangible benefits such as SDG 9-Industry, Innovation, and Infrastructure.

In contrast, Indian society's motivation is more consensus driven; aligning collective approach and social status and rewards will drive sustainable behaviour aligned with SDG 3-Good Health and Well-being, and SDG 11: Sustainable Cities and Communities. High uncertainty avoidance in Japan calls for a need for more clear structure in achieving SDG 4-Quality Education and SDG 16-Peace, Justice, and Strong Institutions. Meanwhile, India's diverse approach allows trying innovative and technologically integrated methods aligning with SDG 9-Industry, Innovation, and Infrastructure. To achieve the targeted goals, it is important to show persistence and sustaining efforts are seen in Japan's long-term orientation societies aligning with SDG 7-Affordable and Clean Energy and SDG 13: Climate Action. Where Indian societies which have a mix of long- and short-term orientation can use traditional practices to solve modern problems

linking to SDG 15-Life on Land, SDG 14: life on water and SDG 11-Sustainable Cities and Communities.

Scandinavia societies score high on indulgence embracing innovation and technology with ease making it convenient to align with SDG 9: Industry, Innovation, and Infrastructure and SDG 12-Responsible Consumption and Production. Whereas societies like India and Japan are restraining societies guided by rules and social obligations thus resulting in sustainable behaviour.

These studies could be explored further understanding the nature of cultural dimension and their evolving implementation of the SDGs. As the world comes closer with technological advancements culturally, diffusion is bound to happen. It is important to identify this change and its influence on achievement of SDGs across regions and boundaries. Additionally, studying best practices for integrating cultural dimensions to public policies and programs also would help understand the effectiveness of integrating culture to sustainable initiatives. Further, comparative studies on similar cultural dimensions to identify factors, barriers and enablers to achieve SDGs considering other factors such as economic development, political stability and education system etc.

Cultural dimensions are often subjective. The limitation of the study due to the complexity and fluidity of cultural dimension hence may not cover all aspects of the society. Thus, the focus on countries studied here are purely exploratory in nature. Therefore, may not have been fully represented as the study is based on secondary data. May have resulted in oversimplification of cultural differences. Moreover, even though cultural framework is crucial to understand implementation of sustainable practices they are not the sole determinants of sustainable practices. As such, this analysis should be considered as one component of a broader strategy for achieving SDGs.

Finally, the global landscape is changing dynamically, influenced by ever-changing technological advancement, migration and cultural diffusion are ever evolving. This poses a challenge in creating long-term strategies as its effectiveness and significance will shift with the ongoing cultural change. Thus, it is important to continuously monitor and adapt to effective strategies to ensure achievement and implementation of SDGs in diverse cultures.

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AI and Good governance

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ABSTRACT:

AI can always help the government in achieving its objective of being a technologically developed nation. By 2025, the AI Indian market is predicted to touch US $ 7.8 Billion. The same has been discussed in the latest report of International Data Corporation (IDC)and India Artificial Intelligence Market, 2021 that predicts India's AI market to reach USD 7.8 billion by 2025 at a compound annual growth rate (CAGR) of 20.2%, from a market value of USD 3.1 billion in 2020. A country can prosper with good support of governance in a transparent and fair manner, though its government has to fight with many challenges like corruption, reluctant work efficiency, change etc. The UN Agency for Digital Technologies known as the International Telecommunication Union (ITU) hosted the first AI Governance Day on 29th May, 2024. AI should benefit humanity maximum to humanity by applying certain principles in various areas like public safety, retail, healthcare, transportation, education and financial services. AI is the creation of human brains by using machine learning and engineering coding language. It also carries the risk of human errors and biases. These risks can be reduced by good governance by evaluating & updating the algorithms used by machine learning programs and coding language. This can be achieved by forming a sound AI policy, rules, regulations and good governance of data with its sets. During elections, one of the landmark achievements made by AI in today's time is conducting a complete voting process with the use of computers and moving ahead for a paperless economy. Also, corporations have formed Ethics Committees who look into AI processes to check whether it meets the societal ethics and standards. Like IBM has set up a separate council for AI which overviews whether all new AI based products, services launched, matches with IBM's policies of AI. Banking is the first sector which has shown optimum use of AI, by making banking more simpler and customer friendly. AI governance is not the individual responsibility, rather it comes from senior level officers like

CEO, CFO of the company. Human rights protection should always be in preference over AI use.

Keywords: *Artificial intelligence, Governance, Policy-making.*

INTRODUCTION:

In earlier times, research in artificial intelligence was restricted because of the limitations of computing power. In comparison to today's time, processing of data was also slow in earlier days and comparatively less number of scientists were interested in creating AI applications and very basic AI apps were created. While in the new era, different AI tools are created and used for the betterment of our daily human life. Now, we have the best technology to access and complete the given task in seconds. Major banking, shopping, Investments apps are on mobile and most of the transactions are done through these apps by just a click.

Good governance[1] is a key for the economic growth of a country in its true letter and spirit. Governance in totality can be achieved if it is conducted in a fair, transparent, and accountable manner. Governance simply does not mean compliances , rather a holistic approach is taken by making decisions considering public interest and also all stakeholders interest involved herein. Allocation of available resources should be made efficiently and effectively, which leads to a feeling of trust and confidence for the government by all citizens.

It's challenging work for the government to ensure good governance. It comes across several issues like inefficient bureaucracies, lack of transparency and corruption, which results negatively for a country's economic growth and also institutions start losing trust in government.

So, with "AI Governance Day" we will be able to reinforce some international principles along with some more countries to have common growth globally.

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[1] Marwala Tshilidzi, "*We Need Effective Governance to Shape AI for Good*," UNITED NATIONS UNIVERSITY, UNU Centre, https://unu.edu/article/we-need-effective-governance-shape-ai-good

MOVING TOWARDS PROGRESS WITH AI SYSTEM:

AI related laws and rules at Regional, State and National level have emphasised on justice and equality principles along with human safety laws to ensure maximum benefit from technological developments taking place in modern times.

Economic productivity can definitely be increased with better health care inventions using AI and also taking informed decisions with the help of AI data bank, but they may have negative impact in the long run in near future. We can always use AI for its best use, keeping in mind its negative aspect. As we all know that technical boundaries have shrunk substantially which results in closing governance gaps with increased use of technology for gaining sustainable developments. AI should be used in its letter and spirit by bringing equality for all and technical developments leading to more job employment in the economy as a whole. The overall benefits deriving from the use of AI to the society should never be taken in priority in comparison to the legal rights of individual protection. [2]

For these reasons, there is a need to lay the best foundation stone of AI governance which could successfully resolve the then existing differences in socio economic activities in society and equal access to technology was also a challenge faced by many in society. Here, we understand basically 3 requirements for drafting a good framework for Good Governance in AI, which are as follows:

Firstly, a good and sound AI governance should provide privacy, transparency and truth which in turn fosters the spirit of accountability and faith in legal system among all the stakeholders. This is one of the prerequisites for ensuring good and ethical legal compliance. As far as Transport and Health sector is concerned, AI can be helpful but with limited access only considering public health. To gain utmost faith in AI in the field of media, science and education, one must be careful to avoid any type of misinformation being circulated in the society and maintain complete truth in it. As we have noticed that privacy of an individual should be maintained paramount, so AI should be able to support that privacy. Large data has been collected by the government for the purpose of issuing Aadhar, PAN, which should be highly protected. Legal rights of individuals should not be suppressed under AI benefits.

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[2] *ITU's AI for Good Global Summit 2024 puts tech to the test for people and planet,* INTERNATIONAL TELECOMMUNICATION UNION, https://www.itu.int/en/mediacentre/Pages/PR-2024-02-01-AI-for-good-global-summit-media-accreditation-registration.aspx

Accordingly, Universal Declaration of Human Rights and the UN Charter should be aligned with AI system. In such a situation, our technology growth works collectively with our AI governance values which will ultimately supports equality and human dignity, in consonance with justice, security, peace etc.

Secondly, a proper hierarchy for an action should be set up. A hierarchy here does not mean a top-down vertical approach; rather, it has set up some layered actions which results in the positive and an upward development of AI for its good governance and also its related governing laws. Like, if we pursue a complete and accurate public health education, then there has to be a mechanism too for its implementation. If we could set up a better mechanism, then it could serve as some incentives for the advancement of AI technologies which in turn can control the wrongful spread of misinformation. One thing here we need to understand that while collecting any global data for AI Algorithms, then such data needs to be protected with the help of international institutional structures.

Thirdly, when we identify the most crucial areas for governing artificial intelligence, priority should be given to understanding the roots of technological development and its use, applications computing, data and algorithms.

CONCLUSIONS:

Our approach for achieving good governance of AI should be creative, innovative and dynamic as the pursuit of AI itself.

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Gender Neutral Language and Representation in Educational Institutions; a Need to uphold Human Rights

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ABSTRACT:

In this social welfare era, a need for discoursing our surrounding for gender-neutral language and representation has yet to gain significance across various domains, whether it is academia, politics or day to day communication in our society. If we talk about the school curriculum most of the states does not include gender neutral language or representation, such small steps can bring major changes in our society. We have reached a stage where we urge to have gender neutrality. Seed sown today would give fruits to our future generation later. So far, the most literate state of our country i.e. Kerela, has led by example by taking many significant steps to bring societal enlightenment altogether by changing the language of the text books in gender neutral language. Question lies here is, why can't we have a central legislation relating to the same? In all this hustle our honourable supreme court has given a hope by introducing the hand book on "combating gender stereotypes" which actually gave a spark to this revolution. Furthermore, the guidelines issued by Supreme court of India in the latest case Supriyo v. Union of India, also indicated that we are heading towards a gender-neutral society, for achieving the merits of it we need to strengthen the roots. Hence, we cannot ignore that the importance of the learning and adaptation processes of a child as a student is 10 times faster than that of an adult, hence any new values or discipline should be introduced in the initial phase of the student itself. We the people of India holds a moral responsibility towards our inclusive society, we have to focus on the implication part of it. Implication part of it has various issues and challenges to deal with, many allies and non-governmental organizations have come forward to be the voice of voiceless, they educate and spread awareness through there initiatives

programs, but it still seems insufficient most of the times because it lacks legal back up. We all should act responsibly for upholding "Human Rights for all and all for Human Rights" and bring the humanity through social legal transformation. This paper explores the evolution and implications of adopting gender-neutral language and representation in educational institutions, aiming to provide a comprehensive overview of its impact on social norms, inclusivity, and socio- legal system. By examining both theoretical frameworks and practical applications, the study highlights the challenges and benefits associated with promoting gender neutrality through language and representation. Furthermore, it investigates how gender-neutral language and representation contributes to foster a more transformed society, it also addresses concerns related to identity expression, linguistic accuracy and representation. Through the critical analysis and empirical evidences, this paper underscores the transformative potential of gender-neutral language and representation in reshaping cultural narratives and advancing social justice goals in our Indian society. The researcher is aiming to analyse this research topic with respect to the golden principle enshrined U/A 14 of our constitution which explicitly mentions equality before law and equal protection before law. Awareness through education is the main purpose of this research paper.

Key words - *Gender neutral, Language, Representation*

INTRODUCTION:

"Every gender, every voice and equal rights", embarks Equality! The "Grund norm" of our human rights is our Indian constitution. **A14** equality before law and equal protection before law[254] is the sole of the constitution. It has been acting as a protecting shield for the huge population of 141.72 crore of our country. Post independent India, there has always been a tussle between conservative and socialist norm for running a government. But we the people of India now want radical changes for the growth of every individual irrespective of their religion, caste, creed, place of birth, colour, race, gender and language in the true sense. In spite of being the largest democracy in the world we lack basic moral value for being called a democratic state! The heteronormativity is providentially drowning out the concept of equality in a sovereign, socialist, secular and a democratic republican country like India. Progress and development are the rights of every individual, but the phase of discrimination starts at a very

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[254] PM BAKSHI, THE CONSTITUTION OF INDIA, 21-39, (18 ed. 2022).

early age of a child in our country, it starts from our home, school, social clubs and gatherings. Everywhere we are knowingly or unknowingly discriminating as well as getting discriminated against in our society. The strong narrative of "Purush Pradhan Desh" or "Nareewaad" has destroyed several dreams and killed several hopes, because people often forget that there is existence of third gender as well, the term "Gender neutrality" is something that is not connected to a specific gender or a person of different sexual identity.[255] In the landmark judgement of NALSA v. Union of India[256], the court clarified that gender identity did not refer to biological characteristics but rather referred to it as "an innate perception of one's gender, so as to analyse the true essence of this judgement the gender neutrality has to be the "new normal", usage of gender-neutral language and representation is the wise solution for the breaking the bias.

Growth of a country is inversely proportional to the growth of the mass population of that particular country, recently we have witnessed that the happiness index of India stood 126th out of 143 nations[257] in the World Happiness Report (WHR) which was released on March 20th, 2024, these factors corroborate that the people of India are not happy because the growth is not free from all kinds of biases. First and major issue is gender disparity i.e. not only favouring a particular gender but also very conveniently institutionalised it through law, justice and social norms. Gender-neutral language and representation policies will help us to create an inclusive environment where all students, regardless of gender identity would feel respected and valued. However, the implementation and effectiveness of these policies in educational institutions has various complications, but the results could be astounding as the environment of learning platforms changes drastically and it could also help the students to understand the importance of oneness and kindness. We could also combat the issue of bullying as the impact of positivity amongst the students increases. The purpose of school education can be more satisfying when the student is indulging and engaging in school activities more efficaciously. Hence the academic performance, and overall growth is determined. Understanding these dynamics is crucial for development as these strategies promote inclusivity and support the diverse needs of students, thereby fostering a supportive educational environment for

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[255] LOUISE HARNBY, EDITING FICTION CONTAINING GENDER-NEUTRAL PRONOUNS, 4-5.
[256] NALSA v. Union of India AIR 2014 SC 1863 (India).
[257] Cherry Gupta, *World Happiness Report 2024: The top 10 happiest countries in the world: Check where India ranks on the list,* THE INDIAN EXPRESS JOURNALISM OF COURAGE, (July.8,2024,10:05AM), https://indianexpress.com/article/trending/trending-globally/world-happiness-report-2024-the-top-10-happiest-countries-india-rank-9325046/

everyone. Through these small steps in the goals to navigate gender diversity and linguistic inclusivity seems to be achievable.

HISTORY OF GENDER-NEUTRAL LANGUAGE:

Initially the use of "they" as a gender-neutral personal pronoun was found somewhere around the 14th century in a French poem called "William the Werewolf". Later on, "they" and "them" were used by literary authors to describe people in the 17th Century by Jane Austin in her 1813 novel "Pride and Prejudice"[258]. There was also an attempt made by the author to use one gender neutral pronoun in the 1880s called "thon", but it didn't become popular. During those days these pronouns weren't used historically to define people as gender neutral, but the word 'they' was used to specify a role being undertaken by a person.

In the late 1970s there was steady pressure for gender neutral pronouns, and "le" was briefly used before dying out. We could see a significant increase in gender neutral pronouns from something talked about primarily within LGBTQ+ communities, to a broader global conversation.[259]

RESEARCH OBJECTIVE:

1. To promote gender neutral language and representation for respecting everyone's freedom of speech and expression.
2. To investigate the impact of gender-neutral language and representation on the LGBTQIA+ community in terms of social community reactions, self-awareness, and rights advocacy.
3. To leave potential avenues for future legal research.

HYPOTHESIS:

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[258] Michael Andrew Francis Holmes, Dictionary of The Neutral Language (Idom Neutral) Neutral-English and English-Neutral, 277 (M.A.F. Holmes Ed., John P. Smith Printing Company1903).

[259] *The Rise of Gender Neutrality and its Impact on Language,* TOPPAN DIGITAL LANGIAGE, (July 11,2024,11:00 AM), https://toppandigital.com/translation-blog/rise-gender-neutrality-impact-language/.

The promotion and usage of gender-neutral language and representation in our societies, institutions, and amongst individuals, certainly will restrict Gender-Based Discrimination. It will also help us to inculcate the moral value of being equitable and respectful towards everyone's gender identity and sexual orientation in our present and future generation of kids.

MEANING AND USAGE OF THE TERMS:

Gender-Neutral Language -

Gender-neutral language avoids specific references to gender, using words and expressions that do not suggest a particular gender identity.[260] This approach aims to be inclusive of all genders and to avoid assumptions based on traditional binary gender norms (male and female). Examples include using "they/them" pronouns as singular, instead of "he" or "she", or using terms like "chairperson" instead of "chairman" or "chairwoman".

Gender-Neutral Representation -

Gender-neutral representation involves portraying individuals in a way that does not reinforce stereotypes or limit roles based on gender.[261] This can include diverse and balanced representation in media, education, and public spaces, where individuals are depicted in a manner that reflects their capabilities and talents rather than their gender identity. It strives to promote equality and respect for individuals regardless of their gender expression or identity.

CONTEXT AND BACKGROUND:

The awareness about our surroundings, leading to the happening of a series of events which is being ignored is the background for stereotyping. This needs a change in the education system by replacing gender neutral language and representation. The current language of the books and negligible representation around us is not conducive for a person belonging to a particular gender or with diverse sexual identity to grow. children belonging to queer community suffers discrimination at a very early-stage of life, where they are not sound enough to take decisions of their own life. They suffer because they are not cis gender. They are exposed to either

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[260] Megan Dennis, *The Universal Reference on Gender Neutral Pronouns, or, That's What They Said*, 15.
[261] A fantastic woman (Sony Pictures Classics 2017).

conversion therapy, bullied, human trafficking, adultery, abuse, torcher, psychological distress, suicide or even murder (some cases) all these event leads to a dark future of an innocent child; to stop this human malfunction we need education which include sex (diverse gender) and sexuality education (diverse orientation), so as to amend our approach towards the person who is cis or non-cis gender. That is why education and change in the Indian legal system with the change in need of time matters.

WHY VALUE EDUCATION DURING CHILDHOOD MATTERS IN EDUCATIONAL INSTITUTIONS?

Neuroplasticity –

Young children's brains are highly plastic, meaning they can easily form and reorganize synaptic connections in response to learning and experience.[262] This makes early childhood a very crucial period for reception of new skills and knowledge.

Critical Periods –

There are critical periods in early childhood when the brain is particularly receptive to specific types of learning, such as language acquisition, sensory processing, and motor skills development.[263]

Foundation for Lifelong Learning –

Early education built the base for future learning process. From enhancing basic life skills to creative skills in literacy, numeracy, and critical thinking are established, which are not only essential for academic success but also for the socially etiquettes later on.[264]

Enhanced Problem-Solving Skills –

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[262] *Understanding neuroplasticity: how your child's brain learns and develops,* PATHWAYS.ORG (July 9, 2024, 1:05 PM), https://pathways.org/understandingneuroplasticity/#:~:text=These%20can%20form%20as%20early,rather%20than%20create%20new%20ones.

[263] Michael Hilkemeijer, *Why is Critical Thinking important in Early Childhood Education?* LinkedIn, (July 9, 2024, 2:00 PM), https://www.linkedin.com/pulse/why-critical-thinking-important-early-childhood-michael-hilkemeijer.

[264] Divyanshi Pandey, *Early Childhood Education: Laying the Foundation for Lifelong Learning*, MEDIUM (July 10, 2024), https://medium.com/@divyanshi2504/early-childhood-education-laying-the-foundation-for-lifelong-learning-dcf39b49010e.

Early exposure to educational activities enhances problem-solving and analytical thinking abilities, preparing children for more complex learning tasks and it is the right of every student regardless of their gender identity.

WHY DOES THE INCLUSION OF GENDER-NEUTRAL LANGUAGE AND REPRESENTATION MATTERS IN VALUE EDUCATION DURING SCHOOL PERIOD?

Inclusivity –

Inclusivity needs to be understood in a broader way when it is about a minor child. The mode of communication plays a crucial role in understanding and acknowledging things for everyone. Language used for communication at schools may be direct (oral or written), virtual or sign language it needs to ensure that all individuals, regardless of their gender identity, are being addressed in a neutral way. Speeches delivered during a lecture should be natural to make sure everyone feels acknowledged and respected. When it is authenticated by government regulations everyone starts adhering consciously with time, legal backup avoids assumption whether to update gender neutral language or not.

Respect –

Respect is always two ways. By using gender-neutral language and representation would eventually create a respectable environment for the growth of our future kids. It not only recognizes the rights of kid but also teach them to respect others' rights.[265] It will help us to avoid potentially offensive or exclusionary language to everyone around us and create a sense of belonging towards all diverse genders.

Accessibility –

Guardian/Parents of the students are often concerned about the accessibility of fair and justice environment where their kids could learn and grow during their academic years. Usage of Gender-neutral language will make environment more accessible to everyone[266], including binary, non-binary, genderqueer, gender-nonconforming or person belonging to LGBTQIA+ community. It also gives a ray of hope for the Guardian/parents who are fighting for the rights of their kids against the homophobic/queerphobic society.

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[265] Boys Don't Cry (Fox Searchlight Pictures 1999).
[266] The Danish Girl (Focus Features 2015).

Progressive Representation –

By adopting gender-neutral representation, we create an organized and systematic awareness environment to eradicate homophobia or queerphobia.[267] Also, it is also very helpful in developing bonds and repo between the cis-gender person and an individual's belonging to LGBTQIA+ community it directly proportional to societal progress toward gender equality and acceptance. It reflects a commitment to inclusivity and diversity in all aspects of life. It also encourages the confidence of a person belonging to LGBTQIA+ community.

Legal and Policy Considerations –

The lack of legal and policy frameworks, the process of coming out of the closet and living a normal life is a struggle for any person whose rights are not being recognized with the territory of India. In the latest example of marriage equality case[268], we have witnessed in spite of decriminalization of section 377[269] a non-cis-gender person is struggling for a respectable and dignified life. Legal backup is an antidote which is required to encourage the use of gender-neutral language to prevent discrimination based on gender identity.

Future-oriented –

As traditional gender norms are still in use it has become more convenient for people to overlook the current scenario. It is easier to avoid reading between the line the understanding of gender diversity currently seems a term in a book rather than a practical imposition. "If we want to see the change, we have to be the change". If we start using gender-neutral language it will prepare us for a future where traditional gender norms may become less relevant or restrictive.[270]

GENDER-NEUTRAL PRONOUNS:

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[267] Ek Ladki Ko Dekha Toh Aisa Laga (Fox Star Studios 2019).
[268] Supriyo v. Union of India, (2023) INSC 920 (India).
[269] Navtej Singh Johar v. Union of India, (2018) 10 SCC 1 (India).
[270] NALSA v. Union of India (2014) 5 SCC 438 (India).

Gender-neutral pronouns should be used to avoid gender specification and to respect and include individuals of all gender identities.

They/Them/Theirs –

They: "They are going to the mall."

Them: "I saw them at the store."

Theirs: "The laptop is theirs."

Themself: "They cook it themself."

Ze/Hir/Hirs –

Ze: "Ze is going for the shopping."

Hir: "I saw hir at the terrace."

Hirs: "The cap is hirs."

Hirself: "Ze baked it hirself."

Xe/Xem/Xyrs –

Xe: "Xe is going to the kitchen."

Xem: "I saw xem at the school."

Xyrs: "The card belongs to xyrs."

Xemself: "Xe painted it xemself."

Ey/Em/Eirs –

Ey: "Ey is going to the store."

Em: "I saw em at the park."

Eirs: "The book is eirs."

Emself: "Ey made it emself."

Per/Per/Pers -

Per: "Per is going for the prayer."

Per: "I saw per at the bus stand."

Pers: "The pencil box belongs to pers."

Perself: "Per memorized it by perself."

Fae/Faer/Faers –

Fae: "Fae is going on the trip."

Faer: "I saw faer at the hospital."

Faers: "The grocery belongs to faers."

Faerself: "Fae sewed it faerself."

Ve/Ver/Vis:

Ve: "Ve is going to the store."

Ver: "I saw ver at the park."

Vis: "The book is vis."

Verself: "Ve made it verself."

Ne/Nem/Nirs -

Ne: "Ne is going on the mission."

Nem: "I saw nem at the railway station."

Nirs: "The suitcase is nirs."

Nemself: "Ne wrote it nemself."

LEGAL FRAMEWORK:

The Constitution of India:

Article 14 - Guarantees equality before the law and equal protection of the laws to all individuals.[271]

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[271] INDIA CONST. art. 14.

Article 15 - Prohibits discrimination on grounds of religion, race, caste, sex, or place of birth.[272]

Article 21 - Guarantees the right to life and personal liberty, which has been interpreted to include the right to dignity and privacy.[273]

NALSA v. Union of India (2014) -

The Supreme Court recognized the rights of transgender persons to self-identify their gender and directed the government to ensure their legal and social recognition. The Court mandated the use of gender-neutral terms and the protection of transgender individuals' rights in all public and private spheres.

Navtej Singh Johar v. Union of India (2018) -

The Supreme Court decriminalised consensual same-sex relations by striking down parts of Section 377 of the Indian Penal Code. Emphasised the importance of dignity, privacy, and equality for LGBTQ+ individuals, setting a precedent for inclusive language and representation.

Transgender Persons (Protection of Rights) Act, 2019:

Prohibits discrimination against transgender persons in education, employment, healthcare, and other services. Mandates the use of appropriate language and respect for the identity and pronouns of transgender individuals. Requires the government to take steps to ensure the full inclusion and participation of transgender persons in society.[274]

University Grants Commission (UGC):

Issues guidelines to promote gender equity in higher education institutions, including the use of gender-neutral language in policies, curriculum, and communications.[275] Encourages universities to create inclusive environments for all students, regardless of gender identity.

Corporate Sector Policies:

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[272] INDIA CONST. art. 15, cl.1.
[273] INDIA CONST. art. 21.
[274] The Transgender Persons (Protection of rights) Act, 2019, No. 40, Acts of Parliament, 2019 (India).
[275] The University Grants Commission Act,1953, Act of Parliament,1956 (India).

Many Indian companies are adopting internal policies promoting gender-neutral language and inclusivity in the workplace.[276] Organisations like Infosys, Tata Consultancy Services (TCS), and Wipro have implemented diversity and inclusion programs that support the use of gender-neutral language and respect for all gender identities.

National Education Policy (NEP) 2020:

Emphasises inclusive education and the need to eliminate gender bias in teaching and learning materials. Encourages the development of gender-sensitive curricula and the training of educators to use inclusive language.[277]

Press Council of India:

Issues guidelines for the media to avoid gender stereotypes and promote balanced and inclusive reporting on gender-related issues. Encourages the use of gender-neutral language in news reporting and editorial practices.[278]

Advertising Standards Council of India (ASCI):

Regulates advertising content to prevent gender stereotyping and promote gender sensitivity. Encourages advertisers to use gender-neutral language and representation in their campaigns.

Key Aspects of the POCSO Act:

Definition of Child - The word "child" under the POCSO Act is defined as any person below the age of 18 years, without specifying gender.[279]

Offences Covered - The Act criminalizes various forms of sexual abuse, including penetrative and non-penetrative assault, sexual harassment, and pornography involving children.[280]

Gender-Neutral Language - Recent interpretations and amendments have aimed to ensure that the language of the Act is inclusive, protecting both male and female children, as well as those who do not conform to traditional gender binaries.[281]

METHODOLOGY

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[276] The Companies (Amendment) Act, 2013, No. 18, Acts of Parliament, 2013 (India).
[277] National Education Policy 2020, Ministry of Human resource development, Government of India.
[278] The Press Council (Amendment) Act, No.45, Acts of Parliament, 1978 (India).
[279] The Protection of Children from Sexual Offences (Amendment) Act, No.32, Acts of Parliament, 2012 (India).
[280] *Supra* note 18.
[281] *Supra* note 19.

Researcher used the survey method for data collection. Data has been analysed by scrutinising the responses to identify tendencies, and insights relevant to the research objectives. The graphical representation has been used for the characterization of quantitative and qualitative data collected.

How important is it to introduce gender-neutral language in school education?

Significant	Barely significant	Neutral	Somewhat insignificant	Insignificant

A set of parents whose kids are from class 3rd to 8th responded to above question which primarily demonstrated a sense of "Being Neutral" in other words "should be decided by school". The neutral stand did also showcase the social stigma bound approach where even parents are not ready to take personal decisions for their kids on a radical topic like this. An equal distribution of participants was found who thought its right needed but not also needed and they framed their responses with adequate backup of pros and cons, with references from outside of India where this is a topic at pronounced stages. There were few who backed their non-support to the idea which were established based on religious and political biases. The unavailability of folks taking bold side on the bar, asking it to be "Significant" were nil; this could be to save due to their internal values or fully due to not having the whole picture of the topic.

Researcher want to emphasise that the process of reducing gender biasness, gender-neutral language is an initial step to eliminate inherent biases that can arise from gender-specific terms, promoting inequality and hatred towards a particular community. By introducing gender neutral language in early schooling, we plant the seeds of humanity into our young generation. The identities of all individuals, including those who are non-binary, genderqueer, or transgender gets introduced affirmatively to our kids, and that is the prevention method used against discrimination based on gender.

In the western world, the idea of "no bully and for anyone based on caste, creed, colour or sex" along with elaborated empathy for everyone is inculcated right from the age 2 of the kids. The byproduct of the process is their elevated unbiased acceptance. But in India where "unity in diversity" is challenged using religious or political agendas; it is important for parents to decide on their approach to create future generations which are going to contribute to the development of society across the globe.

Can we consider gender neutral language as a part of value education?

Yes	Partially Yes	Neutral	Partially No	No

Same set of parents responded to the above question and the majority of them had a clear "No" stand for it. The premise which was set to complement their stand was with obvious religious beliefs along with socio-political stigma driven. One of the new learnings was with few admitting that they have no understanding or scientific beliefs about the topic but they are open to learn and implement; but for present they don't want to go blind with the implementation in their personal value system.

Integrating gender-neutral language into value education in schools/home can be recognized as important for fostering inclusivity, respect, and equality among students. While the explicit inclusion of gender-neutral language in curriculum varies by region and educational system, the Inclusion of lessons that explain the concept of gender-neutral language and its importance via textbooks, storybooks, and classroom materials, would equips the students with the skills to interact respectfully in increasingly diverse social, academic, and professional settings, it is evident that usage of gender-neutral language is an integral part of value education.

Is gender-neutral representation also important with gender-neutral language in school education?

Very important	Somewhat important	Not important	Somewhat not important	Neutral

This was a morale victory for this group to identify the importance of both of these topics; the catch here was mostly of the parents' expressed importance of having "full cooked meal" or rather say learnings on the topics at the school. They wholesomely expressed that if these are handled as educational and hence behavioural learning at school level, then their kids will learn them rightly and as parents they can foster the process by getting along these topics using their own efforts and catalysing the process for their kids.

The parents/guardians who are exploring the concept of gender identity or sexual orientation for their own understanding to approach the topics or even questions arising out of curiosity while coming across various terms and concepts, such as, in the process of coming out of the closet, do opt for internet-based information to form an opinion. So, what about kids who themselves trying to find out about their and others gender identity, may get into traps of false information shared with them. This can be a hard time for them if the portrayal is in the negative way, but if seeing persons or people similar to themselves are being represented in a positive and neutral manner can significantly boost their self-esteem and develop a sense of belonging. It will also help us to combat and reduce bullying and discrimination by the cis-gender people in our society. When diversity is normalized, students are less likely to target those who are different. Also, the student will be able to connect with the language of the book and the logic behind using gender neutral terms in their textbooks very conveniently.

What are the examples of gender-neutral representation in schools?

Teacher training	Introducing gender neutral toilets	School staff (third gender)	Posters and visual aids	Support services	Events and celebrations

The predominant concern from parents shown was "right way of education" and hence all the votes were drawn to have "right teachers and their methods" to introduce such sensitive topic to their wards. Hence "Teacher Training" led the all-other options. Out of remaining options only "events and celebrations" received little bit of less importance as "how it will be done and what will the involvement of the kid" was not forceable.

Despite the advancements in the topic related to usage of gender-neutral language and representation, challenges and gaps are expected to be discovered. The discrimination towards the person belonging LGBTQIA+ won't be controllable unless representation starts in schools and social platforms in an affirmative manner, and portrayals is not limited to any states. The training programs for teachers and staff on gender diversity, for usage of inclusive language, and how to support non-binary and gender-nonconforming students would be a masterstroke in this revolution, as teachers are considered to be safe places for their students in schools.

Gender neutral toilets is a revolutionary move towards an inclusive society and normalising gender neutrality. Children learn to respect their friends and develop a sense of moral duty towards others.

Introduction of teachers or staff of third gender of any specific subject will boost up the confidence of the teacher or staff as we consider our teachers as our gurus, also the entire LGBTQIA+ community gets inspiration and get motivated to progress in a right direction, also students and other staff members learn and unlearn new things from the person belonging to LGBTQIA+ community.

Displaying posters and visual aids in classrooms that depict people of diverse gender identities and roles would motivate the students to have a different perspective and approach towards gender unbiased society. Using inclusive images in school brochures, websites, and promotional materials, impacts positively to eradicate "homophobia".

Provide access to counselling and support services for students who may be exploring or experiencing their gender identity or related challenges, would provide access to counselling and support to combat such situations related therewith. It can lead us to achieve a maximum psychological and emotional support system without any prejudice. School events and celebrations, if it starts recognizing and celebrating gender diversity events such as gender diversity awareness year, would likely enhance value education and contribute towards an inclusive gender-neutral society.

Is Parental Involvement necessary in developing gender -neutral environments in education institutions?

Education and activities in schools needs to involve parents to maintain transparency in discussions about gender diversity and the importance of inclusive practices. Parental involvement is crucial in fostering a supportive and inclusive environment for gender-neutral education in schools. Engaging parents can help to ensure that the principles of inclusivity and respect for all gender identities are reinforced both at school and at home as well. Children feel more supported and understood when their parents are engaged and informed, contributing to their overall well-being and mental health.

Address any limitations and potential biases

- Cultural Resistance and religious beliefs in some communities are so strong that they oppose gender-neutral concepts.
- Lack of awareness due to which the prejudiced mindsets of some teachers, staff restrain themselves from understanding the concept of gender-neutral language and the need for gender-inclusive practices.
- Resistance to change in any situation some individuals have such kind of resistance for changing long-established habits and language patterns.
- Resource Limitation in schools may lack inclusive materials, books, and training programs, to effectively implement gender-neutral practices.
- Policy and administrative barriers in existing school policies and administrative procedures are not supportive mostly even contradicting gender-neutral practices.
- Fear of backlash of schools from parents, community members, media, bad reputation while implementing gender-neutral initiatives.
- Ensuring the consistent application of gender-neutral language and representation across all classrooms and school activities is challenging.

DISCUSSION:

Initially all the new set-ups need supervision and legal back up to consolidate the reforms.

- Conduct regular training sessions for teachers, staff, and administrators on gender diversity, inclusive language, and best practices for supporting all students.
- Develop and implement school policies that explicitly support gender-neutral language and representation. Ensure these policies are communicated clearly to all stakeholders.
- Organise informational sessions and workshops for parents and community members to educate them about the importance of gender-neutral practices and address any concerns.
- Provide access to books, materials, and resources that represent diverse gender identities. Utilise digital platforms and online resources to supplement in-house materials.
- Create support systems for students, such as counselling services and safe spaces, where they can express their gender identity freely and receive support. Establish a process for regular monitoring and evaluation of the implementation of gender-neutral practices. Gather feedback from students, teachers, and parents to make continuous improvements.

- Hold events and activities that celebrate gender diversity and inclusivity. Recognize and celebrate milestones and successes in the journey towards a more inclusive school environment.
- Partner with organisations and experts in gender inclusivity to provide training, resources, and support for the school community.

SUGGESTIONS FOR POTENTIAL AVENUES FOR FUTURE RESEARCH:

Insufficient Advocacy and Representation -

While there are advocacy groups and activists working towards gender inclusivity, their efforts are often underfunded and face significant opposition. the advocates need to bring more powerful backups, The movement for gender-neutral language and representation is still gaining momentum the research and the fight must go on.

Underrepresentation in Decision-Making -

Individuals who advocate for gender-neutral language and representation are often underrepresented in political and legal decision-making bodies. This limits their ability to influence policy changes effectively. Even if we lack representation in politics, we must take the support of 4th pillar of our democracy i.e. Media/ social media and fearlessly expose the corrupt political parties.

Inconsistent Policies -

Existing policies on gender inclusivity and non-discrimination are often inconsistent or inadequately enforced. There may be guidelines in certain sectors, but a lack of comprehensive, enforceable laws across all sectors. There is a need for comprehensive legislation in India more legal researches would lead to legislation that explicitly addresses gender-neutral language and representation, providing clear guidelines and protections.

CONCLUSION:

Introducing value education in an early stage of school education is an important factor for foundation and shaping character of the students. While analysing the data collected it was clear that the task is simple but implementation is a huge tussle. The path to widespread acceptance and use of gender-neutral language and representation in educational institution in our society is complex and requires concerted efforts across various sectors of society such as, general resistance in the name of cultural and social norm, to adopting new linguistic norms,

especially those which are perceived as western or modern, hinders the acceptance of gender-neutral terms. The school educational curricula rarely include discussions on gender inclusivity, and there is a lack of emphasis on the importance of gender-neutral language and representation, which makes the tasks even more difficult. There is a general lack of awareness about gender-neutrality amongst the parents (general public), and its importance in promoting inclusivity. While there are active LGBTQ+ advocacy groups, trying to reach out and spread awareness but the effort has limitations as it has boundaries of societal norms and stereotyping. Social awareness and responses on the subject are inclined as neutral, this must be due to lack of courage required to support it. Historically, most of the movements in India which brought paradigm changes socially required bending socio-political stigmas and driving them along. As we notice, most of the parents go for the best schools for their ward to receive education along with social awareness, and mostly the steps taken by schools are welcomed with positive assumptions for the development of the kids. But schools can take such bold steps only if they are backed sufficiently by superior strata in the society or politicians or in the best way have legal clauses to drive their plans. Hence it becomes utterly important to manage this subject in the required eco-system from top to bottom, where the Supreme Court of India sits as the top control measure. Thus, it implies that there should be co-ordination between parents, schools' authority and government schemes and without which the core values like honesty, respect, responsibility, and empathy towards everyone around us will be difficult to introduce to kids.

If all the three branches work together efficiently then, it will be very helpful for children to develop a moral compass to distinguish between what is right and what is wrong. Also, it will be easier to promote social skills that teach children how to interact positively with others without being gender biassed. We must encourage teamwork, cooperation, and understanding of diverse perspectives which enhances social and emotional intelligence of the kids so that they refrain from bullying any person who seems different based on colour/sex/gender from their early age so that when they become teen and then adults, it even helps them to easily accept the facts based on sexuality of the person. All the parents/guardians & teachers want to promote empathy that allows them to understand and relate to others' feelings, which can be easily achieved by making a small correction in their academic curriculum, by doing this we could achieve the holistic approach of school education.

Most importantly we need to accept the fact that the use of gender-neutral language and representation is important as it contributes to creating inclusive environments where everyone feels valued and respected, regardless of their gender identity or expression. The values we will

pass on to the next generation will decide the future of India. No task is difficult to achieve challenges are there but together we can make a difference and dismantle gender stereotypes, and build a more equitable and supportive India (Bharat).

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Sustainable development exists at the nexus of economic growth, social equity, and environmental protection, this emphasizes the need for governance systems that are inclusive, transparent, and accountable. In this regard, a system that is founded on the rule of law and good governance is essential to achieving long-term sustainability as it guarantees equity in policies, participation in decision making, and fair access to justice.

The National Conference conducted on 20th July, 2024, themed as "Sustainable Development: Good Governance & Rule of Law", aimed to address the relationship between these very important phenomena and the agenda for global sustainability while striking a balance between theory and practice. The conference consisted of academic discussions led by leading legal luminaries who presented to the participants a valuable discourse on the connection between Sustainable Development, Good Governance & Rule of Law.

The proceedings of the conference bring to the reader these valuable inputs on the significance of a sustainable world with the help of good governance and rule of law.

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