

VOL. I



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CONSTI+

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PREFACE

CONSTI+, IS A SPECIAL THEMED CONSTITUTIONAL LAW MAGAZINE THAT BRINGS TO YOU, OUR READERS AN INNOVATIVE, PRO-CONSTITUTIONAL INTERPRETATION OF LAWS & ITS DYNAMIC WITH OTHER LAWS. THE CONSTITUTION PROJECTS THE SPIRIT OF THE NATION AND ENVISAGES ITS BRIGHT FUTURE. THIS MAGAZINE WITH ITS 1ST ISSUE THEME BEING "**REFLECTION OF RAINBOW COLOURS IN THE CONSTITUTIONAL SPECTRUM**" FOCUSING ON THE CONTEMPORARY DEVELOPMENT OF JURISPRUDENCE ON LGBTQ COMMUNITY RECOGNITION & EMPOWERMENT. THE JUDICIARY HAS PLAYED AN INDISPENSABLE ROLE IN ENDORSING THE RIGHTS OF THE LGBTQ COMMUNITY WITH FUNDAMENTAL RIGHTS AS ITS WHISTLE-BLOWER. HON'BLE JUSTICE ANANDA VENKATESH IN A RECENT MADRAS HIGH COURT JUDGMENT HAD EXPRESSED HIS EXPERIENCE OF BEING UNCLEAR ON SAME-SEX RELATIONSHIP CONSULTING A PSYCHOLOGIST, PURSUANT TO PASSING A JUDGMENT ISSUING GUIDELINES TO POLICE OFFICIALS DEALING WITH THE CASE OF SAME-SEX COUPLE, ELOPING FROM THEIR HOUSES TO GET MARRIED. THE KERALA HIGH COURT HAS DIRECTED THE NATIONAL MEDICAL COMMISSION TO REVIEW QUEERPHOBIC MBBS TEXTS. THESE ARE ADVANCED DEVELOPMENT JUDICIARY HAS STEPPED TOWARDS REALIZATION OF THE SAID OBJECTIVE.

THIS MAGAZINE HAS IN ITS ONE OF THE SECTIONS A PROPOSAL TO AMEND THE DIRECTIVE PRINCIPLES OF STATE POLICY, TO PROMOTE EQUALITY WITH RESPECT TO THE EXISTENCE OF SEXUAL PLURALISM. THEY ARE FOLLOWED BY A SECTION TO TAKE YOU ALL A TRIP TO THE NETHERLANDS, EDITORIAL, AND FEATURED RESEARCH ARTICLES. THE TEAM HAS EXTENSIVELY WORKED ON TO INTRODUCE AMUSING SECTIONS LIKE STORIES, COMICS, INTERESTING FACTS & MANY MORE TO PRESENT YOU AN EXCELLENT KNOWLEDGE BANQUET WITH A DELICIOUS FEAST WITH THE FLAVOR OF CONSTITUTIONAL LAW IN THIS DELIGHTFUL ISSUE.

WE HAVE HAD, ABOVE ALL THEM, AN EXCELLENT OPPORTUNITY TO INTERVIEW MR. VIGNESH RAM, AN IMMINENT ACADEMIC SCHOLAR IN GEO-POLITICS AND INTERNATIONAL RELATIONS, A POLITICAL RISK ANALYST CURRENTLY BEING THE DIVISION HEAD OF COVINTS, INDIA'S ONE OF THE LEADING DEFENSE & STRATEGIC COMPANY.

I WELCOME ALL THE READERS WITH THEIR VALUABLE SUGGESTIONS AND FEEDBACKS WHICH MAY OUR TEAM BE PLEASED TO TAKE FROM YOU.

WITH REGARDS
- MUKESH M
CHIEF MANAGING EDITOR,
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FROM THE PEN OF THE EDITOR IN CHIEF

WELCOME TO CONSTI+.

"उद्यमेन हि सिध्यन्ति कार्याणि न मनोरथैः।
न हि सुप्तस्य सिंहस्य प्रविशन्ति मुखे मृगाः॥"

EXPANDING DIMENSIONS OF EXCELLENCE, A STEP TOWARDS THE UNSEEN
FUTURE WITH THE INFLUENCE OF ELBOW GREASE. YES! IT'S US,
DETERMINED, DEDICATED, AND DIRECTED.

IT WAS A HECTIC EVENING, I WAS WORKING ON A DRAFT WHEN MY PHONE RANG
AND I ANSWERED THE CALL. IT WAS FROM MUKESH. HE TOLD ME, "AKKA, LET US DO
SOMETHING."

IT WAS A START. FEB1, 2021 IS THE DATE TO REMEMBER AND SO IS AUGUST 6, 2021,
WHY?

BECAUSE THAT WAS THE DAY MY DREAMS CAME TO LIFE AS IT WAS THE DAY WE
REGISTERED OUR TRUST AND NOW HERE WE ARE AT THE HORIZON OF A NEW
JOURNEY WITH THE LAUNCH OF OUR FIRST ISSUE OF THE MAGAZINE "CONSTI PLUS",
AND OUR BLOG "BHARAT IN DISCOURSE". A LONG JOURNEY AHEAD AND THE STEPS
WE TAKE WILL BE ONE BY ONE. WE ARE NOT BIG, BUT WE'RE GRADUALLY GROWING.
BABY STEPS TAKE TIME BUT STANDS TALL IN A SPACE THAT LEADS TO SUCCESS.

"COMMITMENT, CREATIVITY AND COMPROMISE", WE ARE DETERMINED AND
COMMITTED. NO WORDS FOR THIS 50+ MEMBERED FAMILY, WHO WORKED DAY AND
NIGHT, WITH BEST EFFORTS. WE DREAM TOGETHER, WE WORK TOGETHER. THE
MOMENT I GAVE UP, THEY DID NOT. THE MOMENT THEY GIVE UP, I DID NOT. THIS
IS THE WAY WE GREW AND WE DID. THIS BOND IS STRONG, TRUSTWORTHY, AND
UNBREAKABLE. I AM NOT WORRIED, I NEVER FEAR BECAUSE I KNOW "IT'S US, NOT
ME". THIS BOND IS STRONG, TRUSTWORTHY AND UNBREAKABLE.

PLAN, PREPARE AND PROCEED TO PERFECTION. IT IS POSSIBLE WITH GREAT ACTION.
THE JOURNEY AHEAD IS LONG BUT WE WILL TREAD IT STEP BY STEP. NOTHING
MUCH...

SHOW SOME LOVE AND SUPPORT. WE ARE WITH YOU AND YOU ARE WITH US. TILL
NEXT TIME, SEE YOU AND TAKE CARE.

REGARDS,
ARYAKUMARI SAILENDRAJA
EDITOR-IN-CHIEF
BHARAT IN DISCOURSE

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WORDS FROM OUR EDITORS

▣ WORDS ARE JUST A LIMIT TO SHARING THE PLEASURE OF BEING A PART OF THE ASSOCIATION. DESPITE THE SUBTLE BEGINNING, THERE IS A LONG WAY TO GO. SUCCESS WAS DECIDED THE VERY DAY WE JOINED TOGETHER WITH A STRONG AFFIRMATION THAT WE CAN AND WE WILL. AS QUOTED BY SAN TSU "VICTORIOUS WARRIORS WIN FIRST AND THEN GO TO THE WAR, WHILE DEFEATED WARRIORS GO TO WAR FIRST AND THEN SEEK TO WIN", THOUGH THE JOURNEY HAS JUST BEGUN WE ARE THE WARRIORS AND WE WORK TO WIN. CHEERS...!!!!!!- **JASPREET KAUR (CHIEF DEVELOPMENT OFFICER)**

▣ SETBACK ALONE MAKES ONE BOUNCE BACK STRONGER. OUR FAMILY IS ONE WHICH IS NOT VOID OF SUCH SETBACK; ITS MEMBERS HAVING VERSATILITY IN THEIR APPROACH, DIFFERENCES IN THEIR IDEOLOGIES, AND TRACING FROM VARIOUS GEOGRAPHICAL AND CULTURAL BACKGROUNDS, HAVE UNITED ONCE AGAIN, AFTER PROLONGED AND DEDICATED RESEARCH TO GIVE A COMEBACK IN A NEW AVATAR LEGAL WIND. IN THE PAST, THE TEAM HAD GAINED A SUFFICIENT AMOUNT OF EXPERIENCE IN MANAGING A MAGAZINE, WITH SUCH POSITIVITY AND INDEED, WITH A BURDEN OR RESPONSIBILITY TO CARRY FORWARD THE PUBLICATION QUALITY, WE PRESENT BEFORE THE LEGAL AS WELL AS OTHER FRATERNITY, THIS CONSTI+ MAGAZINE, A QUARTERLY RELEASE, EXPECTING A WHOLE-HEARTED ENCOURAGEMENT AND SUPPORT, BY PARTICIPATION, FROM THE LEARNED READERS.- **ARUN KUMAR R (MANAGING EDITOR)**

▣ THE HUMAN JOURNEY IS DRIVEN BY SO MANY FACTORS AND AS AN ASPIRING LAW PROFESSIONAL, IT IS VERY IMPORTANT FOR ME TO THINK BEYOND WHAT I CAN AND TO SERVE SOCIETY AS MUCH AS POSSIBLE. MY FIRST STEP TOWARDS CONTRIBUTING TO LAW HAS STARTED SINCE I BECAME A PART OF LEGAL WIND. WE STARTED AS A TEAM AND NOW WE ARE GROWING AS A TEAM! ACCORDING TO ME, "LAW IS NOTHING BUT IT IS A LEGALLY AMPLIFIED WISDOM WHICH SHOULD BE CARRIED FORWARD BY US!" LEGAL WIND WORKS AS A CATALYST BETWEEN LEGAL RESEARCH AND AN ENTHUSIASTIC AVID LEARNER OF LAW!- **ASHIMA MISHRA (HUMAN RESOURCE EXECUTIVE AND SENIOR PROOF-EDITOR)**

▣ OUR VISION AND OUR MISSION ARE THE VALUES THAT WE STAND FOR. THE JOURNEY OF LEGAL WIND WAS NOT EASY. IT HAS BEEN A ROLLERCOASTER RIDE. THERE WERE MANY UPS AND DOWNS, BUT WE STOOD BY EACH OTHER. WE, THE MEMBERS OF LEGAL WIND ARE A FAMILY WHO STRONGLY BELIEVES IN "ONE FOR ALL AND ALL FOR ONE". I HOPE OUR LITTLE EFFORT AND CONTRIBUTION TOWARDS SOCIETY AND THE LEGAL FRATERNITY COULD IMPACT AND BRING A POSITIVE CHANGE IN SOMEBODY'S LIFE.- **ANWESHA PANDA (REVIEW EXECUTIVE AND SENIOR EDITOR)**

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WORDS FROM OUR EDITORS

□ I JOINED LEGAL WIND AS AN ASSOCIATE EDITOR A FEW MONTHS BACK. THIS JOURNEY MADE ME LEARN A LOT OF THINGS THAT WILL HELP ME IN MY PROFESSIONAL CAREER. EVERY PERSON AT LEGAL WIND HAS AN EYE FOR DETAIL AND THIS QUALITY MAKES THE OUTCOME AS PERFECT AS IT CAN BE. I HOPE TO HAVE A LONG AND FULFILLING ASSOCIATION WITH THE ORGANIZATION.- **VIBHUTI SHARMA (ASSOCIATE EDITOR)**

□ IT IS INDEED A GREAT HONOUR TO BE A PART OF THE LEGAL WIND AND THE EDITOR FOR THE CONSTI+ AND IT IS AN IMMENSE PLEASURE TO LAUNCH THIS FIRST EDITION FOR 2021. IN THIS ISSUE, WE WILL RECOUNT THE VARIOUS PROJECTS AND ACTIVITIES IN WHICH WE WERE ACTIVELY INVOLVED IN THE PROJECTS AND WRITING PIECES OF CONSTITUTIONAL LAW THAT WOULD MAKE A REVOLUTION. WE WILL ALSO HAVE A VARIETY OF CONTENTS IN OUR JOURNAL / MAGAZINE SUCH AS REVIEWS, RECOLLECTING THE HISTORY, AMENDMENTS AND ITS IMPORTANCE, ETC. A HUGE THANK YOU TO ALL THE PERSONS WHO CONTRIBUTED TO WRITING THESE WONDERFUL AND INSPIRING ARTICLES, WITHOUT WHICH THERE WOULDN'T HAVE BEEN THIS MAGAZINE. LAST BUT NOT LEAST, I WOULD LIKE TO THANK EVERY EDITOR, MEMBER WHO WORKED. MY SPECIAL THANKS TO MS.ARYAKUMARI, MS.POONGUZHALI, MR.MUKESH, AND THE ENTIRE BOARD MEMBERS FOR THEIR EVERLASTING SUPPORT THROUGHOUT THE CREATION OF THIS EDITION.- **VIJAYALAKSHMI RAJU (POLICY ADVISOR)**

□ IT IS A GREAT HONOUR TO BE PART OF LEGAL WIND AND AS AN EDITOR OF THE FIRST-EVER ISSUE OF THE CONSTI+. IT HAS BEEN A TUMULTUOUS AND EXCITING JOURNEY SO FAR AND I AM EXCITED TO KNOW WHAT THE FUTURE HAS IN STORE FOR US. WITH THIS MAGAZINE, WE HOPE TO MAKE THE LAW MORE ACCESSIBLE TO THE COMMON MAN AND IN TURN CONTRIBUTE MORE TO THE DISTINGUISHED FIELD OF LAW. A SPECIAL THANKS TO ALL THE MEMBERS AND EDITORS WHO WORKED TIRELESSLY TO MAKE THE FIRST EDITION POSSIBLE, I HOPE WE CONTINUE TO ACHIEVE NEW HEIGHTS AND BECOME MORE SUCCESSFUL.- **SATYAROOP KAR (OUTREACH EXECUTIVE AND PROOF-EDITOR)**

□ ACCORDING TO SOCRATES NO MAN KNOWINGLY DOES WRONG, AS VIRTUE IS KNOWLEDGE AND FURTHER SAID THAT KNOWLEDGE IS UNIVERSAL, DISCUSSING THE INHERENT GOOD IN MANKIND. SOCRATES ALSO SAYS HIS FAMOUS LINE I KNOW THAT I KNOW NOTHING, WHICH INDICATES HOW STATING THAT YOU KNOW SOMETHING MAY CAP OFF YOUR PURSUIT OF KNOWLEDGE. SINCE THIS IS OUR FIRST INSTALMENT OF THIS VENTURE I WOULD LIKE TO SAY THAT I TOO KNOW THAT I KNOW NOTHING. - **ANANDITHA REDDY (EVENT MANAGER AND SENIOR EDITOR)**

LEGAL WIND IS A PLATFORM TO STUDENTS AND PROFESSIONALS TO EXPRESS THEIR VIEWS IN THE FIELD OF LAW. BEING A SENIOR EDITOR AND PROOF READING EXECUTIVE AT LEGAL WIND DRIVES ME TO LEARN AND GROW EACH DAY. I ENJOYED THE GOOD CHEER AND PROFESSIONALISM OF THE TEAM. IT IS A JOINT EFFORT, ENRICHES THE RESEARCH WORK AND BROADLY COVERS THE CONCEPT OF LAW. IT HAS BENEFITED ME IN MY LAW CAREER. - **TANUSHRI SHARMA (PROOF READING EXECUTIVE AND SENIOR EDITOR)**

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FOREWORD

I AM DELIGHTED TO WRITE THIS FOREWORD, NOT JUST BECAUSE I HAVE SEEN ARYAKUMARI'S GROWTH, BUT ALSO BECAUSE I BELIEVE DEEPLY IN THE EDUCATIVE VALUE OF INTERPRETIVE DISCUSSION FOR ALL STUDENTS, ESPECIALLY IN A DEMOCRATIC SOCIETY. MY GRANDFATHER (LATE) MR. G.L. PAREEK, A DESIGNATED SENIOR ADVOCATE, USED TO SAY THAT A LAWYER NEVER STOPS LEARNING. THE DAY A LAWYER STOPS TO LEARN IS THE DAY HER/HIS INTELLECTUAL DEATH OCCURS. THEREFORE, IT IS MY FIRM BELIEF THAT YOUNG LAWYERS AND STUDENTS AT EVERY LEVEL AND STAGE OF THEIR CAREER CAN ENRICH AND STRENGTHEN THEIR KNOWLEDGE AND SKILLSET BY LEARNING SOMETHING NEW EVERY DAY. LAW IS AN OCEAN OF WHICH WE ONLY KNOW A DROP.

WHEN I WAS FIRST INTRODUCED TO THE IDEA OF LEGAL WIND, WHAT REALLY IMPRESSED ME WAS THE FORESIGHT SHOWN BY ITS FOUNDERS. I WAS MADE AWARE THAT LEGAL WIND WILL FUNCTION AS AN INFLUENTIAL THINK TANK AND WILL STRIVE TOWARDS SHAPING AND MOTIVATING LAWYERS, STUDENTS, PROFESSIONALS, AND PEOPLE FROM ALL WALKS OF LIFE.

LEGAL WIND (WORLD IN DISCOURSE) UNDERTAKES A WIDE SPECTRUM OF ACTIVITIES INCLUDING:-

- BLOG(BHARAT IN DISCOURSE), WHICH FOCUSES ITSELF ON THE DISCUSSION NOT JUST ON NICHE LEGAL MATTERS, BUT ALSO ON THE CASE COMMENTARIES ON CASE-LAWS OF ALL THE CONSTITUTIONAL FORUMS.
- MAGAZINE (CONSTI+), WHICH IS A QUARTERLY MAGAZINE FOCUSING ON CONSTITUTIONAL LAW.
- AN UP-AND-COMING JOURNAL AND AN INTERESTING INITIATIVE ON INTERNATIONAL LAW.

TO BE ON THE ADVISORY BOARD OF SUCH A GREAT UP-AND-COMING FORCE IN THE LEGAL INDUSTRY IS A MATTER OF GREAT PRIDE FOR ME. I WISH ALL THE PEOPLE INVOLVED IN THE OPERATION OF LEGAL WIND ALL THE VERY BEST FOR THEIR JOURNEY. I WILL ALWAYS BE THERE TO GUIDE THE SMOOTH FUNCTIONING OF THIS GREAT INITIATIVE.

WITH REGARDS
AABHAS PAREEK
ADVOCATE, SUPREME COURT OF INDIA
ACCREDITED ARBITRATOR | LEGAL CONSULTANT

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FOREWORD

CONSTITUTIONAL LAW IS THE BEDROCK FOR ALL LAWS AS THE CONSTITUTIONAL JURISPRUDENCE BINDS ALL SPHERES OF LAW AND THEREFORE KNOWLEDGE ABOUT CONSTITUTIONAL LAW AND ITS ASPECTS IS QUINTESSENTIAL NOT ONLY FOR THE MEMBERS OF THE LAW FRATERNITY BUT ALSO FOR LAYPERSONS AS LAW OPERATES FROM WITHIN THE SOCIETY AND NOT INDEPENDENT FROM IT. EVERY ASPECT OF LAW, RANGING FROM CONTRACT LAW TO CRIMINAL LAW HAS LINKAGES WITH CONSTITUTIONAL LAW ONE WAY OR THE OTHER, BUT THE MOST IMPORTANT NEXUS IS THE CONSTITUTIONAL VALIDITY OF THE LAW WHICH NEEDS TO BE MEASURED FROM THAT PARAMETER.

WHETHER IT IS THE LANDMARK DECISION REGARDING CONSTITUTIONAL VALIDITY OF THE PROVISION ON ADULTERY, OR THE DECISION REGARDING MANDATORY REGISTRATION OF FIRST INFORMATION REPORT, OR THE DECISION REGARDING TRIPLE TALAQ, THE ENFORCEMENT AND INTERPRETATION OF CONSTITUTIONAL LAW HINGES NOT ONLY ON THE JUDICIAL WISDOM OF THE HONORABLE SUPREME COURT JUDGES, BUT ALSO ON THE SOCIETAL PRESSURES AND THE CHANGING SOCIETAL DYNAMICS. HENCE, CONSTITUTIONAL LAW IS ONE AREA WHICH TOUCHES DIFFERENT ASPECTS OF PERSONAL LAW, BUSINESS RELATIONS, AND THROUGH THEIR CONSTANT INTERACTION KEEPS ON EXPANDING TAKING WITHIN ITS REALM THE DIVERSE INTERPRETATIONS BY THE JUDICIARY, THE LEGISLATIVE ENACTMENTS AND THE INTELLECTUALLY STIMULATING DEBATES AMONG SCHOLARS.

KEEPING THIS IN MIND, I MUST CONGRATULATE THE ENTIRE TEAM BEHIND CONSTI+ FOR MAKING AN EFFORT TO DISSEMINATE AWARENESS AND KNOWLEDGE ON ISSUES OF CONSTITUTIONAL LAW HAVING IMPORTANCE FOR ALL SECTIONS OF THE SOCIETY. THE QUARTERLY MAGAZINE IS AIMED AT DISSEMINATING AWARENESS AMONG THE MASSES ABOUT CONSTITUTIONAL LAW AND CAN ALSO PLAY A SIGNIFICANT ROLE WITH RESPECT TO THE MEMBERS OF THE LEGAL FRATERNITY. THE MAGAZINE WILL SURELY PROVIDE AN OPPORTUNITY TO YOUNG RESEARCHERS TO SHOWCASE THEIR WRITING AND RESEARCH SKILLS. I APPRECIATE AND ENCOURAGE THE TEAM TO KEEP UP THE GOOD WORK THEY ARE DOING. BEST WISHES TO THE TEAM.

WITH REGARDS,
AMRIT SUBHADARSI
ASSISTANT PROFESSOR(I)
SCHOOL OF LAW
KIIT DEEMED TO BE UNIVERSITY

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FOREWORD

DEAR READERS,
IT GIVES ME IMMENSE PLEASURE TO WRITE FORWARD A NOTE FOR CONSTI PLUS, MAGAZINE. THIS IS A GREAT INITIATIVE TO PROVIDE CONTEMPORARY, CRITICAL AND VALUABLE DISCOURSE ON CONSTITUTIONAL LAW AND PUBLIC POLICY. THIS E-MAGAZINE WOULD DEFINITELY GIVE PRACTICAL SOLUTIONS TO QUESTIONS WITH AN INTERDISCIPLINARY PERSPECTIVE, WHICH BOOKS ON CONSTITUTIONALITY FAIL TO ADDRESS. I CONGRATULATE THE WHOLE TEAM OF LEGAL WIND FOR COMING UP WITH THIS PROJECT.

BEST WISHES!

REGARDS,
AMIT K KASHYAP
ASST. PROF. OF LAW | HEAD, CCLS, ILNU, AHMEDABAD

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CHARLES SOBHRAJ

-Harshita Jain

Hotchand Bhawnani Gurumukh Charles Sobhra was born on Thursday, April 6, 1944, in Saigon, Vietnam. After his parent's separation, his mother got married to her boyfriend in French Indochina, which led him to grow up between Indochina and France. France is where he began his petty crimes.

He wasn't just a serial killer, he was a scam artist, a jewel thief, and a fraudster. He used his good looks and undoubtable charm, to befriend those he met on his travels, he lured them in, drugged them, and after having killed them, stole their identities and moved from country to country under false pretense. This is the story of Charles Sobhraj – The Serpent, The Bikini Killer.

Charles spent his childhood shuffling between Asia and France, and first found himself in jail at the age of 19 in 1963, convicted of burglary (u/s 390 of IPC). This is important because when he went to prison, he met a wealthy prison volunteer named Felix d' Esconge. He moved in with Felix upon his release. With Felix's connections, Sobhraj began to play both worlds, moving seamlessly between the criminal underworld of Paris and the city's high society. One report called him, "a social-class chameleon" and here is where Sobhraj's charms really shined. In 1970,

Sobhraj married a young Parisian woman named Chantal Compagnon. He and a pregnant Chantal travelled to Asia. It was here that Sobhraj indulged in some petty crime to pay their way, robbing tourists, and travelling on stolen passports under false identities. He started expanding his criminal portfolio with stealing cars, smuggling and even armed robbery. His dealings with the criminal underworld in Paris and his further crimes in Asia made Sobhraj no stranger to the inside of a jail cell. In 1973, Sobhraj was arrested after an unsuccessful armed robbery attempt on a jewellery store in Hotel Ashoka. He escaped along with Chantal and fled to Kabul, where he was arrested once again. In Kabul, Sobhraj drugged the guard minding his room and simply walked out of the hospital.



Image sourced from: Charles Sobhraj – the Bikini killer undone by overconfidence

"His first victim, Teresa Knowlton, wore a bikini on the day that led Charles to be infamously known as the Bikini Killer, amongst many other names."

As he had this uncanny ability to make anyone around him trust him implicitly, even the guards. Around 1975, Sobhraj committed his first murder. He did this with a man he met along the way. Around 1975, Sobhraj committed his first murder. He did this with a man he met along the way named Ajay Chowdhury. Their first victim was Teresa Knowlton a backpacker from Seattle. This crime was the first one of many that gave Sobhraj one of his most infamous nicknames. Knowlton was wearing a bikini; and so, the legend The Bikini Killer began. The next victim was a traveller named Vitali Hakim, whose burnt body was found near the resort where Sobhraj and Leclerc were living. Soon after, two Dutch students followed, their bodies found strangled and burnt as well. While in Thailand, Sobhraj was just going about his life, you know, posing as a drug dealer and a jewel salesman, when he started seeing a French-Canadian traveller called Marie-Andree Leclerc, who became his most devoted accomplice. After killing another victim in Bombay, Sobhraj finally got caught in Delhi. They were caught because of the sheer ambitiousness and grandiose of their latest scheme. They attempted the trick around 60 French postgraduate students into taking anti-dysentery medication, so that they could rob them blind while they were under sedatives. Sobhraj was then detained in Tihar jail in Delhi.

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He, like most charismatic serial killers turned his trial into a media circus. He was finally sentenced to 12 years for attempted robbery. Leclerc was also found guilty of drugging the French students. With just two years left on his sentence, he threw party in his New Delhi jail for officers and inmates. In true Sobhraj fashion, he somehow managed to drug all the partygoers with sleeping pills and literally just walked out of prison. After “escaping” he made no attempts to flee and he just hid in a plain sight, he was quickly caught in a restaurant in Goa. He was sentenced to 10 more years. Which was actually the plan all along. The 20-year arrest warrant issued by Thai authorities would reach its statute of limitation and expire. He couldn't be charged for any of the crimes he committed in Thailand. And so Sobhraj continued his fine living in the Indian prison system. Upon release, Sobhraj returned to the familiar, and moved back to Paris. He once said “I can justify the murders to myself. I never killed good people.”

Charles Sobhraj is currently in Nepal's Central Prison in Kathmandu, where he has been since his arrest in 2003, spending many years in solitary confinement. Sobhraj, for all intents and purposes, married his lawyer's daughter, Nihita Biswas, in 2008 in a ceremony held inside the prison. However, prison officials denied it and attributed the celebration in prison to a local festival. In 2014, after being convicted of another murder, Sobhraj received a second life sentence in prison. Charles Sobhraj and his criminal background is one of the most important case laws in the Constitution of India as it opens up doors/considerations as a layman. Some of the articles and sections to look into:

Constitution of India

1)Article 21 in The Constitution of India 1949 - Protection of life and personal liberty No person shall be deprived of his life or personal liberty except according to procedure established by law.

2)Article 19 in The Constitution of India 1949 - Protection of certain rights regarding freedom of speech etc.

3)Article 14 in The Constitution of India 1949 - Equality before law

4)Article 5 in The Constitution of India 1949 - Citizenship at the commencement of the Constitution

“I can justify the murders to myself. I never killed good people.” - Charles Sobhraj

5) Article 136 in The Constitution of India 1949 - Special leave to appeal by the Supreme Court

6) Article 32 in The Constitution of India 1949 - Remedies for enforcement of rights.

Extradition Act 1962

1) Article 5 - Order for magisterial inquiry. Where such requisition is made, the Central Government may, if it thinks fit, issue an order to any magistrate who would have had jurisdiction to inquire into the offence if it had been an offence committed within the local limits of his jurisdiction, directing him to inquire into the case.

2) Article 34 - Extra territorial jurisdiction. An extradition offence committed by any person in a foreign State shall be deemed to have been committed in India and such person shall be liable to be prosecuted in India for such offence.

Statute of the International Court of Justice (1945)

Article 38(1):

1. The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply:

a. international conventions, whether general or particular, establishing rules expressly recognized by the contesting states;

b. international custom, as evidence of a general practice accepted as law;

c. the general principles of law recognized by civilized nations;

d. subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

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CHANGING THE CONSTITUTION

- **Ashima Mishra**

(A model amendment to THE CONSTITUTION OF BINDia, which is a virtual nation whose laws are in pari-materia with that of Republic of India, with the proposal to amend Part IV of the Constitution providing for Directive Principles of the State Policy recognizing the exigency to amend it to ensure the civil liberties of the sexual minorities)

THE CONSTITUTION (ONE HUNDRED AND TWENTY-EIGHTH AMENDMENT) BILL, 2021

A BILL further to amend the Constitution of BINDia
BE it enacted by Parliament in the Seventy-second Year of the Republic of BINDia as follows; -
Short title and commencement

1. (1) This Act may be called the Constitution (One Hundred and Twenty eighth Amendment) Act, 2021.
(2) It shall come into force on such date as the Central Government may appoint by notification in the Official Gazette.

2. In article 46 of the Constitution, the following provision shall be inserted, namely: -
"The state shall by relevant laws, ensure the protection of civil liberties of sexual minorities and eliminate all sorts of discrimination and normalize the existence of sexual plurality and take efficient steps to de-stigmatize it in mainstream identities."

3. For this article, Sexual Minorities are defined as "those persons including but not restricted to the transgender person defined under Sec 2(k) of Transgender Person (Protection of Rights) Act, 2019, who tends to feel, behave, project, or express himself to be sexually differentiated from other members of his or her identified sex assigned to him during his birth".
Explanation—For the purpose of Clause (3) of this article, the Central Government, Ministry of Social Justice & Empowerment shall, by notification, list the Sexual Minorities to whom the subsequent laws in effect to this article may apply.

Diva Rai 'Legal aspects related to prostitution in India'(iPLEADER 22 May,2020) <https://blog.iPLEADERS.in/legal-aspects-related-to-prostitution-in-india/> accessed 18 August,2021
Constitution of India

STATEMENT OF OBJECTS AND REASONS

Sexual Minorities are the group of people whose sexual identification, orientation and practices differs from the majority of the surrounding society. These group includes LGBTQ i.e., Lesbians, Gay, Bisexual, Transgender, Queer and along with it non-binary and intersex individual.

Several legislations have been enacted relating sexual minorities and people with plural sexual orientation. Homosexuality and the existence of sexual plurality were stigmatized as a kind of disease and a mental disorder, but after 1970, the LGBTQ community was protected and given equal rights and status.



Image sourced from: PSYCHOLOGY BENEFITS SOCIETY

"...there is a mention about sexual minorities, the LGBTQ have never been fortunate enough to get a chance to have equal access to attention under DPSP of the Constitution."

Under the Directive Principle of State Policy, no provisions have been explicitly mentioned for the welfare of LGBTQ. However, there is a mention about sexual minorities, the LGBTQ have never been fortunate enough to get a chance to have equal access to attention under DPSP of the Constitution.

Before the decriminalization of Section 377 under the Indian Penal Code, the sexuality and sexual orientation of LGBTQ groups were criminalized, which was found to be a violation of Article 21 by the judicial pronouncements. Naz Foundation Vs. Government of N.C.T of Delhi, In this case, the Delhi High Court held that section 377 of IPC is unconstitutional as it

Suresh Bada Math and Shekhar P. Sheshadri, The invisible ones: Sexual Minorities, The Indian Journal of Medical Research(2013)Volume 137, Issue 1
2010 Cr LJ 94 Delhi (DB)
Dr. J.N. Pandey, Constitutional Law of India, (55th edition, 2018)
Navtej Singh Johar &Ors Vs. Union of India [2018] SC 4321 AIR

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Image sourced from: twitter

criminalizes consensual sexual act in private between two adults who have attained 18 years, and it is violative of Article 14, 15, and 21. Through the Hon'ble Supreme Court of India in the case of Navtej Singh Johar; Ors. v. Union of India the. Secretary Ministry of Law and Justice had decriminalized consensual sex, including sex between homosexuals, under Sec 377 of the Indian Penal Code, 1850, the civil liberties of Sexual Minorities were not extensively discussed.

As the Hon'ble High Court of Judicature of Madras observed, ignorance about the LGBTQ community is not an excuse for their discrimination in the case of Ms. S. Sushma & Seema Agarwal v. State of Tamil Nadu, where it was held that the nation should ensure social justice & civil liberties to the LGBTQ community. Therefore, this amendment is made to the Directive Principles of State policy under Part IV of the Constitution to enable the state and union to make laws consistent with the objective of protecting sexual minorities with civil rights and liberties.

The 15th Day of August 2021.

Ashima Mishra

(Minister of Social Justice & Empowerment)

The Union Government of BINDia

Commentary to the Amendment Authored by Madam. Ashima Mishra, Union Minister of Social Justice & Empowerment of BINDia who is also serving as an Associate Editor, Consti+, a magazine of BIND (Bharat in Discourse), an India Based Think Tank.

The parliament of BINDia has amended its Directive Principles of State Policy to insert Art 46A to ensure the protection of civil liberties of sexual minorities and eliminate all sorts of discrimination and normalize the existence of sexual plurality and take efficient steps to de-stigmatize it in mainstream identities.

The Country of BINDia has a considerable population of sexual minorities whose lives witness social & civil discrimination facing bullies, brutality, and every sort of harassment mentally, physically & emotionally, which has been part and parcel of the lives of LGBTQ people. They have remained the invisible community of the society even though they are always in the limelight for negativity and trolls among the sophisticated society with people who thinks them abnormal and not straight. They have also been the neglected group whose rights are crushed in the name of dirty politics. They are even deprived of their basic rights. Even though under fundamental rights, these sexual minorities group have made a place and also most of the times they are kept in view while dealing with Right to Equality, Right to life and Personal Liberty, but unfortunately, it has remained limited to the statutes only because when it comes to implementation, no initiative is taken.

Sexual Minorities shall not be discriminated against in any manner under the Constitution of India. Article 15 of the Constitution of India has explicitly stated

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Image sourced from: thelancler.com

there shall be no discrimination on the grounds of sex or gender, which enshrines that gender discrimination or criminalization of sexual orientation is against constitutional morality.

Article 39A deals with equal access to justice and free legal aid. It says that the primary and most important function of a legal system is to provide justice based on equal opportunity.

Required Amendment- Justice can never be personified or limited to a particular group or community. Every person, irrespective of any caste, creed, religion, or gender, shall have access to justice and free legal aid. In this article, there shall be an additional mentioning of the word 'Sexual Orientation' as being one of the bases as all the members of the LGBTQ community needs to be non-binary

Article 41 states that the state shall take measures for development and make effective laws for having the right to work, education and assistance if unemployed or old age or sickness or disablement.

Required Amendment- Effective measures should be taken to promote sex education at the school level in order to make children aware of the gender issue as well. In workplaces and educational institutions, sexually plural people should be welcomed with open hearts and they must be given the opportunity to grow.

If any of them face any such problem mentioned under Article 41, the state shall provide them with all the assistance

Article 42 - It states that the state is directed to make provisions relating to just and humane conditions of work and for maternity relief.

Required Amendment - Maternity relief should not only be limited to women but it should be given to the sexual minorities if they want to have kids through adoption or surrogacy or any other medical method. They should also be provided with just and humane conditions in their workplace. Similarly, the other amendments that can be made are as follows-

1. Sexual minorities should be provided a living wage so that they can lead a decent life having minimum access to their livelihood.
2. As Article 44 speaks about the Uniform Civil Code in the country, it should also be made applicable to people with sexual pluralities.
3. Compulsory education should be given to the sexual minorities for their development at least six to fourteen years of age.
4. The sexual minorities should not be forced into prostitution or any kind of illegal activities as they are human beings and deserve a better life as men and women live.

We cannot say that there are sufficient laws to protect the rights and provide civic liberties to the sexual minority group. As we have section 377 of IPC, which only speaks about unnatural sex, but nowhere is it mentioned about the civil liberties or rights of the community. Whereas in the constitution, there are no such strong provisions that can revolutionize society and change their perspective towards the LGBTQ community. Therefore, it is the need of society to focus and make provisions to provide civic liberties to sexual minorities.

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DO PRIDE PARADES INCREASE ALIENATION, ESTRANGEMENT, AND STIGMATIZATION SUFFERED BY THE LGBTQ+ IN INDIA? IF NOT, WHAT ELSE DOES THAT?

- Anvesha Panda

☞A pride parade is an outdoor celebration of lesbian, gay, bisexual, transgender, non-binary, and queer (LGBTQ) people for societal and self-acceptance, accomplishments, legal rights, and pride.

Oftentimes, the activities function as protests for legal rights too such as same-sex marriage. Most pride celebrations take place every year, with some taking place in June to commemorate the Stonewall riots in New York City in 1969. The main motive of LGBTQ+ pride celebrations is not to have either a positive or a negative influence; they are there to serve as proof to the community. The goal is to demonstrate that LGBTQ+ people are larger and a more organized community than most people believe. Through these parades, they want to emphasize that homosexuals would not be intimidated into lurking underground or in dark corners of society anymore. They want to convey that they are as much an integral part of society as heterosexuals are. The answers to the questions of the society given by this parade are that Heterosexuality is not natural, but common, countering those who claim that homosexuality is unnatural.

Further answering the most important question. “Do Pride Parades increase alienation, estrangement, and stigmatization suffered by the LGBTQ+ people in India?” From the writer's point of view, there is no straightforward response to this debate. The answer to the question is based on the perspective of the people. Few people are fine with the LGBTQ+ community and the pride parades, some are hesitant and a larger number of populations are yet to accept them as normal and a part of the society. Hence, the answer differs from person to person.

The writer would like to address the question from both perspectives. Although India is the land of diversity; nonetheless, it is yet a far-fetched vision for India to be a land of acceptance. Discrimination based on the sexual orientation of a person in employment, in workplaces, in public places, in adoption choices, and general acceptance in society is still very prominent. Homophobia is firmly ingrained in people's thinking, leading to a wide array of disparaging behaviors and practices such as physical and verbal abuse, honour killings, violence, conversion therapies, family sanctioned corrective rape, etc.

It might seem quite bewildering, but the ancient Indian texts such as Kamasutra and Mahabharata have been open and encouraging towards the acceptance of homosexuality. The text ‘Vikriti Evam Prakriti’ taken from the Rigveda means “what seems unnatural is also natural” recognizing the homosexual or transsexual dimensions of human life. Moreover, erotic statues of men and women may be still found on the walls of Khajuraho Temples in Madhya Pradesh, India.

If Indians were so accepting, then what went wrong then? What made such negative impressions in peoples’ minds about the LGBTQ+ Community?

According to history, the British Colonial Rule in the 18th century criminalized homosexuality asserting it as “against the order of nature” (Section 377 of the IPC), resulting in a rapid fall in the acceptance of homosexuality and the majority of Indians, it turns out, are still living in the 18th century.

Furthermore, associating religious and cultural practices with homosexuality is one of the prime reasons for its non-acceptance in India. Homosexuality is even considered as a figment of one’s imagination, sometimes an illness, or a condition that is to be stamped out and oppressed at all costs.

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Image sourced from:dw.com

Above all, one of the most essential reasons for the non-acceptance of LGBTQ+ is procreation. Our social code is a descendent of an older system that prioritized reproduction above all other social duties. For instance, a boy may grow into an adult, but he could never become a man if he did not have children.

Similarly, in many civilizations, producing children is a sine qua non to be considered as a faithful and dutiful wife and it persists and is prevalent in so many places in India. We know, the primary goal of all life forms is to continue eternally. Hence, it comes as no surprise that reproduction and child-raising are at the heart of conventional morality. Almost every early institution, motivation, and advice focused upon biological coupling and reproduction. Therefore, despite the idea being fallacious, our Indian society still revolves around childbearing. As a result, people in India are reluctant in accepting and getting along with homosexuality.

Thus, for the aforementioned reasons, pride parades could bring more alienation and estrangement for the LGBTQ+ individuals in India.

On the contrary, the picture is a little brighter in urban India, where the rights of the LGBTQ+ communities are more well-known and positively accepted. People are getting educated and are more aware. In present times, social media is a blessing in disguise to have a broader spectrum. The long-held belief that "only heterosexual couples can reproduce" is shifting, albeit slowly.

"If Indians were so accepting, then what went wrong then? What made such negative impressions in peoples' minds about the LGBTQ+ Community?"

With advanced science and Similarly, in many civilizations, producing children is a sine qua non to be considered as a faithful and dutiful wife and it persists and is prevalent in so many places in India. We know, the primary goal of all life forms is to continue eternally. Hence, it comes as no surprise that reproduction and child-raising are at the heart of conventional morality. Almost every early institution, motivation, and advice focused upon biological coupling and reproduction.

Therefore, despite the idea being fallacious, our Indian society still revolves around childbearing. As a result, people in India are reluctant in accepting and getting along with homosexuality. Thus, for the aforementioned reasons, pride parades could bring more alienation and estrangement for the LGBTQ+ individuals in India. On the contrary, the picture is a little brighter in urban India, where the rights of the LGBTQ+ communities are more well-known and positively accepted.

People are getting educated and are more aware. In present times, social media is a blessing in disguise to have a broader spectrum. The long-held belief that "only heterosexual couples can reproduce" is shifting, albeit slowly. With advanced science and technology, homosexual couples could be blessed with parenthood either with the help of assisted reproductive technologies or through the adoption or foster care network.

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Co-parenting, Adoption, Fostering, Insemination with the help of a sperm donor, In-vitro Fertilization with an embryo donor (with or without a gestational carrier), Reciprocal IVF (one partner bears the baby, the other is the egg donor), using a gestational surrogate with an egg donor are just a few of the basic avenues open to homosexual couples seeking to become parents.

Accordingly, social media, pride parades, awareness gatherings play a pivotal role in helping people comprehend, accept and embrace homosexuality and hear the views of homosexual individuals. However, even though people in Urban India are far more accepting now than ever before, yet the years of oppression and aggressions have left LGBTQ+ people grief-stricken with grave mental scars. Discrimination against LGBT individuals is all too frequent. Mistreatment can take various forms, ranging from seemingly harmless jokes to verbal assaults, slurs, unequal treatment, and, in dire situations, actual assault. Furthermore, for many LGBT individuals, bias is present and persists throughout their lives; at home, school, workplace, and in the community. Rejection frequently begins at home. When LGBTQ+ teenagers and adults come out as homophiles, their parents and family members frequently respond negatively. In the worst situations, people are physically abused and evicted from their own homes. When they feel rejected, they turn to illegal drugs, and they are more likely to have attempted or committed suicide.

Bullying of youngsters who are different from the rest is also widespread in schools. Moreover, bullying based on sexual orientation increases depression and the likelihood of suicide attempts. Discrimination and harassment are pervasive in the workplace. In India, homosexuals are frequently discriminated against and denied work chances, resulting in severe mental health issues. Besides, because of India's various legal complexities, variances, and lack of legislation, LGBTQ+ singles and couples are denied marital and adoption rights when it comes to establishing parentage.

You're Wonderful Project, "These Shocking Truths About LGBTQ+ (Phobia) Show India Doesn't Get That LOVE Is LOVE!" (Youth Ki Awaaz, 17 February 2021) <<https://www.youthkiawaaz.com/2021/02/shocking-truth-of-lgbtphobia-in-india/>> accessed 02 July 2021.



Image sourced from: jeevesfloridarentals.com

This has a similar impact as rejection, which serves no purpose other than to add to their emotional load. Bullying of youngsters who are different from the rest is also widespread in schools. Moreover, bullying based on sexual orientation increases depression and the likelihood of suicide attempts. Discrimination and harassment are pervasive in the workplace. In India, homosexuals are frequently discriminated against and denied work chances, resulting in severe mental health issues. Besides, because of India's various legal complexities, variances, and lack of legislation, LGBTQ+ singles and couples are denied marital and adoption rights when it comes to establishing parentage. This has a similar impact as rejection, which serves no purpose other than to add to their emotional load¹. This can be curbed when a greater number of people come forward and participate in pride parades, thus helping in bridging the gap between heterosexuals and homosexuals.

Of late, we have come a long way, from decriminalizing homosexuality to coming out of the closet; but there's still more to go. It is high time for us to stand hand in hand, educate ourselves, use gender-neutral terms, stop discriminating, and use our privilege to embrace all the diverse forms of love; because ultimately LOVE is LOVE!

Michael Friedman, "The Psychological Impact of LGBT Discrimination" (Psychology Today, 11 February 2014) < <https://www.psychologytoday.com/us/blog/brick-brick/201402/the-psychological-impact-lgbt-discrimination> > accessed 14 July 2021.

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JOURNEY TO FLOWER POWER

- Ananditha Reddy



Image sourced from: internationaltaxreview.com

Hello, woke wayfarer! Are you planning to be anywhere but home right now, has your mind booked yourself on a long vacation in a distant land away from the mundane rigmaroles, the pandemic seemed to have brought in with its severity? We at Consti+ are here to bring you your vacation catalog for the Netherlands. You might ponder upon the rather peculiar choice yourself but here are the reasons why you Dear woke wayfarer must consider your next holiday in the Netherlands.

The parliamentary constitutional monarchy with a unitary structure since 1848, has a tradition of pillarization and high social tolerance, having legalized abortion, prostitution, and human euthanasia, along with maintaining a liberal drug policy. The Land of Tulips allowed women's suffrage in 1919, before becoming the world's first country to legalize same-sex marriage in 2001.

The Netherlands ranks the highest in international indexes of press freedom, economic freedom, human development, and quality of life, and happiness.

In 2020, it ranked eighth on the human development index and fifth on the 2021 World Happiness Index. India and Netherlands are a party to a Bilateral Investment Treaty (BIT) as well as a Double Taxation Avoidance Agreement (DTAA). The DTAA between the two countries has been a current hot topic in the international community leading to India into a conundrum concerning Concentrix Services Netherlands BV and Optum Global Solutions International BV, which led to the Delhi High Court holding that in pursuant to the "most favored nation" clause as contained in the India-Netherlands Income Tax Treaty Protocol, a lesser withholding tax rate of 5% on dividends under India's tax treaties with Slovenia, Colombia, and Lithuania applied in the present matters involving entities in the Netherlands.

Netherlands is privy to having The Hague in its territorial jurisdiction and is also an influential player in the comity of nations as it is the EU, Eurozone, G10, NATO, OECD, and WTO and is also part of the Schengen Area. Having such a primary seat to the Global Commons, the developed country must look to focus on the growth of the International Community, as a large instead of being self-motivated and nationalistic towards development, for the Globe to prosper on the whole. The people of Netherlands are currently protesting with the Government to provide sufficient and affordable housing, regain a grip on the housing prices, stop racist and classist housing and demolition policies along with tackling parasite investors, which hopefully will cultivate a mixing bowl of cultures in the Netherlands. This could happen through learning about various cultures, which invariably happens through commerce and global movement, which we at Consti+ hope motivates you to add this country to your bucket list.

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Review Article

www.pimr.org.in

Perspectives on Violence against Doctors

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MINI REVIEW article

Front. Public Health, 28 May 2020 | <https://doi.org/10.3389/fpubh.2020.00216>



COVID-19: Emergence, Spread, Possible Treatments, and Global Burden

Raghuvir Keni¹, Anila Alexander², Pawan Ganesh Nayak¹, Jayesh Mudgal¹ and Krishnadas Nandakumar^{2*}

This is Your
Invite to Stop
Hurting the
Ones who
Provide care!

Spat at, abused, attacked: healthcare staff
face rising violence during Covid

Data shows increased danger for those on the frontline in the pandemic, with misinformation, scarce vaccines and fragile health systems blamed

NEWS As vaccine mandates spread, protests follow – some spurred by nurses

As vaccine mandates spread, protests follow – some spurred by nurses

A new round of protests like last year's has sprung up in recent days, fueled in part by nurses who have also been finding audiences on social media.



Addressing vaccine hesitancy

Clinical guidance for primary care physicians working with parents

Shixin (Cindy) Shen, MD MPH CCFP

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THE FAILURE OF THE GOVERNMENT TO MANAGE THE 2ND WAVE OF COVID-19, FALL OF HEALTHCARE INFRASTRUCTURE, AND ITS LEGAL REPERCUSSIONS

- **Satyaroop Kar**

Introduction

From the onset of 2020, the world has come to a grinding halt when the World Health Organization (WHO) declared the novel Corona Virus (COVID-19), a pandemic. Originating from China, the cases spread quickly throughout the world, prompting the implementation of total lockdowns in many countries and the establishment of stringent measures by world governments to control and isolate the ever-growing number of cases and reduce the transmission rate of the virus.

India was no different, as the third most affected country, with cases as high as 350,000, the lockdown completely crippled the economy of India. India somehow coped with the first wave and was praised worldwide for its effective management of the pandemic. However, this was all undone when the second wave of pandemics struck.

Against this backdrop, this paper aims to present a critical review of the failure of the Government to manage the 2nd wave of COVID-19, the fall of healthcare infrastructure, and its legal repercussions. The resurgence of Covid-19 and the Government's lack of foresight.

The first wave of Covid-19 had left its impact on the economy, and India was limping towards what seemed like a sense of normality. As of March 2021, India barely recorded 13,000 new cases a day, which was quite a feat with such a vast population. Based on this, the Government allowed the country to return to business, ignoring the signs of trouble and warnings from public health officials and experts.

This created a false sense of security, due to which mask-wearing and social distancing plummeted. This, in turn, resulted in massive election rallies drawing huge, unmasked crowds, and a religious festival in early April that attracted between that attracted between 1 million and 3 million people to the banks of the river Ganges. This lack of foresight by the government resulted in the worse resurgence of COVID-19 the world had yet seen.



Image sourced from: <https://www.hindustantimes.com/india-news/why-is-covid-19-again-spreading-in-india-here-are-the-big-reasons->

"India reportedly spends only \$73 on health care per capita, versus a world average of \$1,110 in 2018."

Fall of healthcare Infrastructure

India's healthcare systems and infrastructure have always been woefully unprepared to handle the pandemic, but with the onset of the second wave and the exponential rise in the number of cases and deaths, the existing healthcare systems were utterly crippled.

The lack of beds in hospitals, oxygen, ICUs, and vaccines resulted in the deaths of many people. This, in part, is the result of underfunding of the healthcare sector and systems and a severe lack of resources and experienced doctors. India reportedly spends only \$73 on health care per capita, versus a world average of \$1,110 in 2018.

The economist, 'India is struggling with a catastrophic second wave' (2021) < <https://www.economist.com/asia/2021/04/24/india-is-struggling-with-a-catastrophic-second-wave> > accessed on 10 July 2021

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This, along with the premature lifting of lockdowns and restrictions, resulted in the 2nd wave of the pandemic. The legal repercussions of the second wave and its recourse.

The second wave of COVID-19 has some far-reaching legal consequences and repercussions. The failure of the government to predict the second wave of COVID-19 and take appropriate measures has led to the country suffering record-high rates of infection and death.

This has severely violated Article 21 of the Constitution, Right to Life and Health. Since 15 April India has reported more than 200,000 cases per day, and on 27 April, it reported 360,960 – the highest globally – in a devastating second wave, with the official number of deaths hovering at over 1,500 – 3,000 per day and feared to be higher actually.

At least 11 High Courts across the country have taken cognizance of the crisis and have passed orders regarding matters including access to oxygen supply and oxygen tankers, access to medicines and

At least 11 High Courts across the country have taken cognizance of the crisis and have passed orders regarding matters including access to oxygen supply and oxygen tankers, access to medicines and hospital beds; restriction on black marketing and private hoarding of medicines and oxygen; and prevention of violations of COVID19 regulations relating to mask-wearing and social distancing.

Courts have also ordered that accurate data on COVID19 cases and deaths be relayed by the state government. The Indian Supreme Court also took suo-moto cognizance of the issue and has called for a report from the central government on issues related to the supply of oxygen, essential drugs, vaccine pricing. India is also obligated under Article 12, International Covenant on Economic, Social and Cultural Rights (ICESCR), to guarantee the right to health.

The legal fraternity is also facing problems of its own, with the complete lockdown of the country, there has been a backlog of pending cases, and litigation of such cases has come to a standstill, with only the most important cases being heard through online courts.

Conclusion.

The second wave of the pandemic has brought to light several issues and problems plaguing our country for a long time. India needs to improve drastically and in the long run, completely overhaul the health systems and infrastructure. This has also shown that there needs to be a comprehensive healthcare bill guaranteeing proper and complete access to healthcare for all the citizens nationwide, and it should also strive to protect the doctors and the healthcare workers from being mistreated and prosecuted while doing their duty. The pandemic serves as a wake-up call for the country and the government to be more prepared for situations like these in the future and to invest more in healthcare infrastructure, communication, and resource management.

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DIGITAL CONSTITUTIONALISM AND THE RIGHT TO PROTEST ONLINE- A POLITICAL PERSPECTIVE OF DIGITAL DISSENT FROM INDIA'S EXPERIENCE.

- Mayank Parashar

In today's world constitutionalism has become one of the most important issues like that of good governance. We may define that a belief in constitutional government. The doctrine that governs the legitimacy of government action, and implies something far more important than the idea of legality that requires official conduct to be in accordance with pre-fixed legal rules is known as Constitutionalism.

In India this January, Twitter was involved in a political confusing and difficult problem because our government instructed to act them and ban all those who are protesting against the government with help of Twitter, they asked them to remove all those accounts, hashtags, and all other this which are involved in this. In support of this government requested under section 69 of the IT act of 2020 that all this were defamatory and a threat to national security.

Basically, this all started from the farmers protest in India. Our government introduced a new bill and farmers across the country started protesting against the same. Some of the farmers from Punjab and Haryana come on the road against this. All the tweets are in favour of them which are thrashing the government and their policies. So, they are trying a way to stop this protest online.

DIGITAL CONSTITUTIONALISM AT THE INTERSECTION OF LAW AND POLITICS

In the broad field of Constitutional theory, two main paradigms can be acknowledged. One correlates law and politics with a moral conception of the state, framing discussions in a normative perspective that includes a metaphysical conception of what constitutional law and theory is or should be.

The other frames the relationship between law and politics without resorting to metaphysical considerations. These different paradigms can also inform the scholarship surrounding digital constitutionalism. A normative perspective perceives constitutionalism in the digital space through the lens of the normative reactions to the new modes of governance established beyond the nation-state paradigm. This view includes considering the constitutional character of legislation at the international and supranational levels concerning data protection and content moderation. In addition to this normative perspective, we argue that a political perspective of digital constitutionalism would address the socio-political implications of privatizing political deliberation through social media platforms.

Therefore, beyond conveying the principle of the rule of law towards private actors in the digital space, a constitutional critique of social media platforms must address their exercise of power and governance, which in many times fails to capture the extent of accountability and self-government embedded in the traditional scope of constitutionalism. This consideration includes critical analyses of how the internet and social media platforms moderate discourse and their role in enlarging the political divide and strengthening autocratic populist discourse.

The clash between Twitter and India's government highlights the deficiency of the political perspective of digital constitutionalism in the understanding of the role of social media platforms in reframing the relationship between citizenry and government. Nowadays, these platforms have become the foremost deliberative sphere where political discussion and disagreement are held, but one must not forget that, as private entities, their societal purposes are bound to a specific business model (surveillance capitalism), with profit being its foremost expected cause.

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REFRAMING THE ISSUE - DIGITAL CONSTITUTIONALISM AND NATIONAL CONSTITUTIONS

The Constitution of India guarantees the fundamental right to peaceful protest to all Indian citizens. Article 19 (1)(a) guarantees freedom of speech and expression, whereas Article 19 (1)(b) guarantees the right to peacefully gather without arms. Further, there is a regulatory mechanism of reasonable restrictions for the two rights under Articles 19 (2) and 19 (3), respectively.

The Supreme Court of India stated in *Ramlila Maidan Incident v. Home Secretary, Union of India & Ors.* that freedom of speech is the bulwark of democratic government and is crucial for the precise functioning of the democratic means. It went on to say that in the hierarchy of liberties guaranteed by the Indian constitution, freedom of speech and expression must be viewed as the fundamental condition of liberty.

The right to protest is bound to the political perspective that grounds the legitimacy for the exercise and limitation of power. Freedom of assembly, speech, and protest are intimately related to the notion of self-government, accountability, and the effective exercise of government for and by the people. These considerations are rooted in the framework of constitutionalism, allowing what Teubner describes as the spontaneous co-evolution of social ideas and legal form. However, these principles contrast with the framework and assumptions of internet governance, not becoming a part of the movement for digital constitutionalism.

CONCLUSION

After a second request from the Indian government to block other 1,100 accounts, Twitter refused to comply with the order, arguing that such an outright ban would go against the Indian Constitutional Law and their guidelines on freedom of expression and protected speech. Ultimately, in this particular case, Twitter positioned itself as the adjudicator for the freedom of speech of Indian citizens attempting to exercise their political rights. By initially complying with the government's demand and then changing its policy to confront the Indian government's request, Twitter highlighted the constitutional implications of social media governance and its complex relationship with national governments. In both scenarios, the platform endeavoured to maintain its semblance of neutrality while attempting to uphold a higher standard according to its regulation.

However, Twitter's intervention in the digital expression of political dissent by the protesters is reflective of a threat to its neutrality. In the aftermath, between the government's attempt to silence legitimate protests and the moderation exercised at the discretion of private actors lie the citizen and the political rights recognized in national and international law. It is necessary to focus on the user, expanding and reaffirming its political rights without necessarily aligning with the interests that guide Twitter and other social media platforms.

Ramlila Maidan Incident v. Home Secretary, Union of India & Ors., (2012) 5 SCC 1(2012).

Rajeev Bhargava, *The right to protest in a free society*, (The Hindu, 22 January 2020), <https://www.thehindu.com/opinion/op-ed/the-right-to-protest-in-a-free-society/article30618223.ece>.

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INSPIRATIONAL COLUMN

A top-notch interview with Dr. Vignesh Ram.

Interview Moderator - Vasu Sharma



**DR.
VIGNESH
RAM**

We welcome Dr. Vignesh Ram for the interview with Consti+, Issue 1. Dr. Vignesh is Project Head, Political Risk and Intelligence Services Management (PRISM) at COVINTS Network, Bangalore. Thank you so much sir for giving us your valuable time. Your words will inspire our readers.

Good Evening sir. This is Vasu Sharma, Senior Editorial Member from Legal WIND(World In Discourse). I am a student of the Department of Geopolitics and International Relations, Manipal Academy of Higher Education. We are glad and obliged after having you with us in this discussion. Thank You for your time and consideration.

1. Sir, in which area of study you did have your specialisation in and how was your experience while doing your master's and PhD?

I studied Geopolitics and International Relations and specialised on looking at the ASEAN region. My experience was great the learnings there have shaped my thought process and the value addition I am making to my discourse in the field especially in geopolitical risk is mostly due to the rigorous nature of study there.

2. How do you see the field of Risk Analysis as a career opportunity in India and what should be the perspective of aspirants who are willing to make their career in this field?

The field though is still maturing, the growth has been exponential in the last 4 years with several organisations providing such services. As global trade and commerce grows, and India finds a prominent place in the discourse there will be a growing need for such skill sets albeit with some technical and other skills. For aspirants it will add to more diversity if they can develop these analytical toolkits along with subject matter expertise.

3. What is your assessment of the re-emergence of the Taliban and how do you see the current regime different from the earlier one?

There is probably not much change in the positive sense between the previous version and the so-called Taliban 2.0, except that the geopolitical conditions they are present in have changed considerably. More so, they have new allies and powerful backers such as China which only adds to the complexity. The current regime, nevertheless, seems to be a hybrid of more cross-border Pashtun groupings such as the Haqqani network and the older and transnational Taliban networks. The dangers are still present especially for India given the politico security dimensions in South Asia.

4. With the re-emergence of the Taliban, how do you see the future trajectory of the Indo-Afghan relationship?

India - Afghanistan relations are difficult to gauge at this point of time. India seems to be playing a cautious approach as power shifts in Kabul. The Taliban's act of requesting a meeting with India's ambassador in Qatar could be seen as a method of probably bargaining for more support from its allies and recognition and non over shadowing of relations by the Pak sponsored groupings within the setting of the Taliban government. This could be an interesting dimension to explore. However, looking at the larger picture, it seems to be difficult for India to reconcile with the Taliban considering the domestic as well as historical contexts. India has the good will of the Afghan people many of whom have benefited from Indian aid and assistance through projects and other exchanges such as education. This could be used in the long run as a benefit

5. According to you, would there be any impact of the re-emergence of Taliban on the Islamic Terrorism in Southeast Asia?

The impact of ISIS inspired groups have been somewhat visible in Southeast Asia, such as Indonesia. However, if the Taliban may support and harbour terror groups, a growing support for such organisations may inspire sleeper cells throughout the region to activate, but it's a wait and watch. The threat to South Asia is much more prominent.

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6. While the Taliban has agreed to not let any non-state actor use the soil of Afghanistan against any country, how do you assess the trajectory of the Taliban - Al Qaeda relationship?

The genealogy and the thought processes of all such violent non-state actors is same only political motive and ideas are different. Hence, how can we take it at face value that they would not allow any violent non-state actor to use Afghan soil for attacks? The political vacuum left over, and the lack of a stable government has been a big challenge for any state to maintain peace and stability. Take the Khyber Pakhtunkhwa region of Pakistan itself. The lack of political authority and control by the state coupled with a deliberate destabilising strategy and exploitation of ethnic differences by the Pak deep state has resulted in a dangerous cocktail of real estate which is a threat to all its neighbours and a breeding ground of terror for the region. Hence, in the perspective of Al Qaeda, probably they will try to make the best use of this and regain the lost ground to ISIS over the past few years. Al Qaeda may not be highly structured like its previous avatar. It may transform into this hybrid decentralised model like ISIS.

7. During the Afghan peace process, regional stakeholders and neighbouring countries were expected to play a major role. Amidst the re-emergence of the Taliban regime, how do you think would be the Relationship of the Islamic Emirate of Afghanistan with its neighbours?

The Pakistan Army and ISI have been extracting their pound of flesh from the Taliban government presently. It is evident in the placement of the Haqqani network in a prominent position within the Taliban government. Hence, unless, there is some internal distress Pak at least in the medium term has gained an upper hand. Iran has expressed caution but in the larger geopolitical scheme of things will not push much as it would want to maintain a distinctive position and not seem to go too closer to the “west’s” position. The only possibility of resistance may come from possibly regrouped fighters in the central Asian republics including Tajikistan. However, given the regimes in the region fear any security disruption to their stability and two decades of closeness to China will constrain themselves. Maybe a small hint of help for domestic purposes for their representative ethnic minorities in Afghanistan may work long term looks unlikely.

8. Amidst the political turmoil unfolding in Myanmar since the February coup, what role do you think ASEAN can play in mediating between the Tatmadaw and shadow government of NUG?

At present for an organization with the experience of ASEA should have been able to clear the challenges and at least bring about a reconciliatory dialogue in Myanmar. Unfortunately, it has failed to develop anything but a figurative summit with the usual soft condemnations. However, ASEAN watcher would know that ASEAN has its limitations in intervention in domestic affairs of its members (often a cardinal principal which its members do not cross). Regional organizations are bound and build trust through socialization. However, when the foundations are weak and the objectives are not grounded in a long-term common vision, nation-state-based sentiments take over the regional community building. The failure to do anything about Myanmar has disappointed people in the region. Regional watchers probably knew the results of the reconciliation exercise were limited. It is probably time to rethink ASEAN’s normative structure

9. Do you see a change in leadership in Japan would affect its foreign policy Orientations, specifically its relationship with ASEAN countries and China?

At the time of writing PM Suga will effectively be stepping down continuing an endless political muddle in Japanese politics. Nevertheless, The LDP has under PM Abe and PM Suga have followed the Indo-Pacific policy spirit to the letter. Japan is now looking at a possible geopolitical contest and is not generally comfortable moving out of its usual comfort zone. Hence, it is likely that it will follow a continuity in the policy. ASEAN remains a key market, but China has been tricky. Taiwan will continue to a be a major sticking point in the discourse.

10. How do you think the ongoing SLBM project of South Korea would affect the geopolitics of South East Asia?

South Korea like most other nation states has its own challenges and the SLBM project is a manifestation of that. Southeast Asian navies have been spending a lot especially in the submarine acquisition area.

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HISTORY OF LGBTQ+ LENS

-Ritansha Lakshmi

First, let's take a quick look at the Sex And Gender: What's The Difference?

As many people confuse sex and gender or use the two interchangeably. Many mistakenly assume that sex defines gender when gender identity is a living, growing experience that can change over time. Sex is the categorization of a person as female, male, or intersex. When a person is born, doctors assign the sex of the individual typically based solely on one's genitalia, however, sexual characteristics also include chromosomes, gonads, and sex hormones.

Thus, sex is assigned at birth and may or may not correspond with our gender. Gender on the other hand, defines our inner understanding and experience of our individuality. Each individual's understanding of their gender identity is unique and own and cannot be identified merely by looking at a person. There are a lot of gender types in the world today and a few well-known gender types are:

- Cisgender: people whose gender identity aligns with the sex they were assigned at birth.
- Transgender: people whose gender identity differs from the sex they were assigned at birth.
- Nonbinary: people who experience their gender identity and/or gender expression as outside of the male-female gender binary.

Before the late-nineteenth century, the notion of having a different sexual identity and orientation did not exist. Gay identity, as both a political and personal category, did not fully develop until the mid-twentieth century. The "homosexual," a term first invented in 1869 by Karoly Maria Benkert, a Hungarian doctor who wrote under the pen name K.M. Kertbeny. Just like any other oppressed group and the community that has had to fight for equal rights and acceptance, the LGBT community has a history of events that have impacted the community and helped in getting recognition. And through this article, I tried to put forward some of the major happenings in the LGBT community during the 20th century through today. For convenience, this has been divided into three phases: Pre-Stonewall, Stonewall, and Post- Stonewall. This is done because the movement toward equality shifted dramatically after the Stonewall Riots. Please note this is not a complete list but a brief of the important events during each phase.



Image sourced from <https://www.westfield.ma.edu/the-owls-nest/index.php/2020/10/15/lgbtq-history/>

Pre-Stonewall

In 1913 Alfred Redl, head of Austrian Intelligence, committed suicide after being recognized as a Russian double agent and a homosexual. His widely published

arrest gave birth to the notion that homosexuals are at security risks. After this in 1919 Magnus Hirschfeld founded the Institute for Sexology in Berlin. One of the main focuses of this institute was civil rights for women and gay people. World War II (1939-1945) became a "great awakening" for queer people in the US. Homo-social surroundings were formed in the army and the

Horzum, Şafak. (2016). The Problematic Masculinity of a Double Spy: Alfred Redl and A Patriot for Me. <https://www.umsl.edu/~safezone/files/pdfs/Manual/5-LGBT%20History.pdf>
Genny Beemyn part of Trans Bodies, Trans Selves edited by Laura Erickson-Schroth, Transgender History in the United States



Image sourced from <https://blogs.microsoft.com/blog/2021/06/01/microsoft-celebrates-pride-by-centering-on-intersectionality-donating-to-lgbtqi-non-profits-and-releasing-the-largest-and-most-inclusive-product-lineup/>

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military, and also the number of women working outside the home provided a better chance for individuals to discover their sexual identity. This led to people relocating to large towns resulting in the rise of gay bars, clubs, and community groups. In the year 1961, the State of Illinois in the US was recognized as the first state to decriminalize homosexual activities and activities in the country. All these lead to the reawakening of the LGBTQ, who feels empowered to identify the sexuality of their own.

Stonewall Phase:

On June 27th 1969 the Stonewall Riots in New York City's Greenwich Village marked the beginning of significant confrontation by gay men and lesbians against discrimination. Following instructions of search, the police raided the Stonewall Inn, a popular bar in New York's Greenwich Village for queer people, sparking three days of riots and unrest. Police harassment was common for patrons of queer bars, and persons could be detained for not wearing three clothing items of their assigned sex.

"Gay is as Good as Straight," "I am Gay," and "I Exist!"

The Stonewall Inn patrons fought back, compelling the police to barricade themselves inside the bar for protection and security. Post-Stonewall In the summer of 1970, more than 100 people of Chicago took to the streets of their city with signs and posters carrying messages such as "Gay is as Good as Straight," "I am Gay," and "I Exist!"

On May 31th 1979, the Supreme Court of California made a revolutionary judgment that public utility companies could neither subjectively refuse to hire homosexuals, nor could they restrict or interfere with employee involvement in gay organizations. And after this, in the year 1981, Wisconsin, a state in the upper Midwestern United States, became the first to pass state-wide gay rights law.

In 2003, the U.S. Supreme Court overturned the Texas sodomy law in a highly publicized case. The Court opined that the law was unconstitutional based on the violation of citizens' right to privacy in their homes. 26 In the year 2003, Canada allowed same-sex couples the right to marry. On 6 th September 2018, the Supreme Court of India annulled Section 377 of the Indian Penal Code, making homosexuality legal in India. In striking down the colonial-era law that made gay sex punishable, the imprisonment of up to 10 years prescribed, one adjudicator stated in this landmark decision would lead to paving the way for a better future of our country.

The terms we use these days to define various gender identities are lesbian, gay, bisexual, transgender, and queer. In the past, we simply didn't know how people would have described their sexual identity and orientation. Therefore, we use the abbreviation "LGBTQ" because it is believed to comes closest to capturing the breadth of experiences and identities for those whose sexualities didn't fit within societal norms.



Image sourced from <https://medium.com/taimi/lgbt-history-month-6ace3aae72b4>

The term "Gay" developed as a rebellious term in the early twentieth century and came into widespread usage in the 1960s. The term gay was chosen by the generation of Stonewall. Those who were different from their precursors were less likely to see being gay as dishonorable or as a mental defect or disorder. However, today the term "gay" characteristically refers to men who are attracted to other men only, it was historically then used extensively, and it included the whole array of the contemporary LGBTQ acronym.

<https://www.history.com/topics/gay-rights/the-stonewall-riots>
https://digital.films.com/HTTP/43800/43866_guide.pdf

Gay Law Students Assn. v. Pacific Tel. & Tel. Co.

A Timeline of Lesbian, Gay, Bisexual, and Transgender History in the United States, <https://www.gsafewi.org/wp-content/uploads/US-LGBT-Timeline-UPDATED.pdf>
 Lawrence, et al vs. Texas.

<https://www.thecanadianencyclopedia.ca/en/article/same-sex-marriage-in-canada>
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<https://www.pewresearch.org/socialtrends/2013/06/13/chapter-2-socialacceptance/>
<https://theconversation.com/th-history-of-coming-out-from-secret-gay-code-to-popular-political-protest-129609>

<https://www.nps.gov/subjects/lgbtqheritage/upload/lgbtqtheme-vol1.pdf>

<https://www.reuters.com/article/us-greece-lesbians-court-idUSL1120797420080611>

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For instance, in the 1970s, activists like Marsha P. Johnson and Sylvia Rivera repeatedly stood and fought for “gay power” or “gay rights,” which advocated the liberty of transgenders (previously referred to as street queens of color). The term “lesbian,” comes from the Greek island of Lesbos, which is believed to be closely related to the poet Sappho, who was living, writing lyrically, defines sensual love and desirability between women. Despite the use of the term “gay” as an umbrella for all genders and sexual identities, the start of the mid-to-late twentieth-century Women’s Movement gave lesbians the realization of the fact that how their experiences differed from heterosexual women, who were dominating the majority of the Women’s Movement in that period. The term “transgender” was further promoted by activists such as Kate Bornstein, Holly Boswell, Leslie Feinberg, and Riki Wilchins for the purpose of creating a union of persons who did not fit precisely into gender binaries or who confronted gender norms and expectations. Last but not least, the “Q” letter refers to the term “queer” and is used to include those who were “questioning” their sexual orientation or gender identity or are not clear with their actual sexual orientation.

The term “queer” can alternately refer to a reclaimed identity, i.e., an identity that expresses a more radical, militant, or confrontational approach to identity politics, or an umbrella term that includes anyone or anything outside of gender and sexuality standards defined by society.

THE TERM “GAY”
DEVELOPED AS A
REBELLIOUS TERM IN THE
EARLY TWENTIETH
CENTURY AND CAME INTO
WIDESPREAD USAGE IN
THE 1960S.



Image sourced from <https://blogs.microsoft.com/blog/2020/06/16/microsoft-honors-pride-through-open-dialogue-donations-to-lgbtqi-nonprofits-actions-for-equity-and-visibility/>

Yet, till the 1990s, “gay” was often used to refer to the complete range of sexual and gender minorities. This practice was lifted with the rise of Lesbians, Gay, bisexual, transgender, and queer movements, giving birth to the four-letter LGBT acronym, which was seen as more comprehensive than roughly referring to the community just as “gay.”

These '90s movements, while in many ways separate, were connected by the common theme of questioning and critiquing identity binaries such as masculine/feminine, gay/straight, man/woman, and gender and sexuality norms more broadly. They also voiced a sense of identity that was complex and changing. With time, Transgender and other genders are becoming more prominent in society. The public sphere has used rhetorics to lessen the transgender culture to the status of “other,” but that “other” is becoming a larger demographic that is actively seeking to have its identity recognized in politics, law, and the arts, and this is evident from the above discussion on how the LGBTQs was fighting from the beginning to get proper recognition in the world they are living in and wanted others to acknowledge each one with their sense of gender and identity.

Internet and Mobile Association of India v. Reserve Bank of India

-Prajith J



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AMBIGUITY OF SEX WORK WITHIN THE LEGAL FRAMEWORK ADVOCATING FOR THE RIGHT TO LIVELIHOOD AND RIGHT TO LIFE

-Vibhuti Sharma

In India, violence against sex workers is been deeply rooted in society. As this profession is thriving as a business, it would be erroneous to put a blind eye on it and imagine the absence of the legal framework in the country.

Social scientists have interpreted prostitution in several ways, depending on the extent to which it is prevalent. However, the most frequently accepted definition is found in the encyclopedia of social science, which defines prostitution as "the practice of a female offering her body for promiscuous sexual intercourse for hire or other purposes." However, the Government of India's "Prevention of Immoral Traffic Act-1987" has given the term "prostitution" a new definition, which now includes "sexual exploitation or abuse of humans for economic objectives". Prostitution is one of the oldest professions practiced since the birth of the organized society. Prostitution is practiced in almost all countries and every type of society. In India, the Vedas, the earliest known Indian literature, abound regarding prostitution as an organized and established institution. In Indian mythology, there are many references to high-class prostitution as celestial demigods acting as prostitutes.

Most sex workers are treated inhumanely, exploited, and are routinely beaten to instill dread in their minds. They are forced to entertain the customers. The present laws in India do not make prostitution illegal rather, it is legal, but pimping, owing, managing a brothel is illegal. Prostitution needs to be looked at with the open eye as a person doing a business in which they are providing services to secure a livelihood.

The need of the hour is to make a safe place for this business to flourish in the country with no fear of crimes taking place. There are more benefits of normalizing and legalizing prostitution. The regulation could be made to keep a record of sex workers of any gender with the police authorities in order to help keep a check on the number. It will further safeguard the minors from indulging in the bitter acts of sexual exploitation in the country. Regular wellbeing checkups of the sex workers will guarantee to control over sexually communicated infections, AIDS which is simply so typical among them. Satisfactory anti-conception can also be provided for free as these medications will guarantee undesirable pregnancies and check other wellbeing perils. Our history shows us that prostitution has existed in society for ages and will continue regardless of how stringent the laws become. So, instead of putting more restrictions on the work of sex workers in the country, better guidelines should be made to focus on their safety and wellbeing.



Image sourced from <https://delexdoctorum.com/?p=2256>

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END NOTE

I AM PLEASED TO ANNOUNCE THAT WE ARE FINALLY READY WITH THE 1ST ISSUE OF OUR TRI-MONTHLY CONSTI+ MAGAZINE AFTER MONTHS OF HARD WORK AND STRUGGLE, THE FIRST ISSUE IS NOW UP AND RUNNING. AS THE INDIAN CONSTITUTION IS A WIDE AND VAST AREA, WE, THE TEAM OF LEGAL WIND, HAVE DECIDED TO INTRODUCE A MAGAZINE THAT COMPLETELY EXPLORES THE CONSTITUTION AND ITS INTER-RELATED SUBJECTS. THE FIRST ISSUE EXPLORES THE HISTORY OF THE LGBTQ+ COMMUNITY AND THE PROBLEMS THEY FACE IN INDIAN SOCIETY. THE CONSTI+ GIVES AN UNUSUAL TOUCH OF COMICS, INFOGRAPHICS, AND AN UNRIVALED PART OF THE TRAVEL GUIDE ON WHY PEOPLE NEED TO VISIT THE NETHERLANDS. THIS IS JUST A BRUSH-UP OF SOME OF THE ESSENCE BUT YOU COULD EXPLORE MUCH MORE IN OUR MAGAZINE.

I, HEREBY THANK EACH AND EVERY ONE OF OUR EDITORS AND WRITERS WHO PUT THEIR MINDS TOGETHER AND WORKED HARD TO ACHIEVE THIS MILESTONE. LASTLY, I THANK THE VIEWERS FOR GIVING US A FEW MINUTES OF THEIR VALUABLE TIME TO BROWSE THROUGH OUR WORK. PLEASE LOOK FORWARD TO OUR NEXT ISSUE. WE LOOK FORWARD TO BUILDING FLOURISHING PATRONAGE.

STAY UPDATED, STAY TUNED!
THANKING YOU.

REGARDS,
POONGUZHALI R P
CHIEF ACADEMIC OFFICER

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