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Scope of the Journal

The Journal of Mar Gregorios College of Law is a peer-reviewed National Journal that provides a platform for intellectual discussion and critical analysis in the subject of law and related disciplines. It accepts original and unpublished research pieces, case comments, legislative assessments, and book reviews that contribute to current legal issues and jurisprudential growth. The scope covers a wide range of legal issues, including interdisciplinary subjects that investigate the intersection of law and society, politics, economics, and global governance are especially encouraged. The journal aims to promote academic engagement, policy relevance, and the progress of legal education and change.

Aims and objectives

» To foster critical thinking in law by encouraging advanced reading and study of law and its administration.

» To encourage transformation in the administration of justice and foster the working of legal systems that are responsive to society's changing social, economic, and cultural needs.

» To stimulate comparative analysis in various domains of law and develop innovative thinking for the successful execution of laws.

» To promote legal areas and disciplines that positively impact regulations, jurisprudence, and public discourse.

» To enhance the diffusion of legal knowledge and raise understanding of legal principles and their application among scholars, practitioners, and the public.

Submission Guidelines

We are open to submissions throughout the year. All submissions undergo a peer review process. Publications are offered in Print mode and are published biannually.

Formatting Guidelines

» Abstracts: Submit abstracts in italics, concise (150-300) words.

» Citations: For citations, follow the latest Bluebook edition.

» Footnotes: For footnotes, maintain 10-point Times New Roman. It should be single-spaced and fully justified.

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Editor's Note

Journal of Mar Gregorios College of Law Volume 2, Issue 1 (2026) brings together a diverse range of scholarly contributions from distinguished national and international authors, reflecting the evolving contours of legal thought and practice across multiple jurisdictions. The articles featured in this volume engage with pressing contemporary legal issues, offering critical insights that bridge theory and practice while contributing to ongoing academic and policy discourse.

The volume opens with an insightful article by Dr. OluwagbengaAtere, which examines the role of affirmative action in international sports law, with particular emphasis on athlete representation and gender inclusivity. The discussion provides a timely analysis of fairness, equality, and the legal mechanisms that shape women's participation in international sporting institutions.

Addressing the intersection of law, economics, and sustainable development, Sakshi Kothari explores how sustainable economic practices contribute to poverty alleviation and the achievement of the Sustainable Development Goals (SDGs). The article highlights the indispensable role of legal and policy frameworks in promoting inclusive and sustainable growth.

The rapidly expanding gig economy forms the focus of MahakKhirwal's contribution, which critically analyses India's labour codes in the context of platform workers. By examining worker classification, algorithmic control, and social security, the article raises significant questions regarding labour rights and the future of employment regulation in India.

In the field of corporate and taxation law, Dr. Priyanka Anand offers a compelling examination of the General Anti-Avoidance Rule (GAAR) and its growing influence on corporate restructuring. The article discusses how interpretative approaches may affect legal certainty and reshape the framework of Indian corporate law.

This issue also includes an important contribution by Goutham Suja Satheesh and MerryaGinto, who critically analyse institutional gaps in the investigation and adjudication of sexual harassment and rape cases in India. Their work evaluates the balance between evidentiary standards, privacy rights, and institutional accountability, while advocating for a more effective and victim-sensitive legal framework.

The volume concludes with Sunil L. Kalagi's examination of judicial interpretations concerning live-in relationships in India. By exploring the interplay between law, morality, and constitutional values, the article provides valuable insights into the evolving judicial approach towards non-traditional family structures.

Collectively, the contributions in this issue reflect the breadth and dynamism of contemporary legal scholarship. Covering themes ranging from international sports law, sustainable development, labour law, corporate taxation, gender justice, and family law, the articles underscore the importance of interdisciplinary research in addressing emerging legal challenges.

We extend our sincere gratitude to all the authors for their valuable contributions, to the peer reviewers for their meticulous evaluations, and to the editorial and publication teams for their unwavering dedication in bringing this issue to fruition. Our heartfelt thanks to Ms. Aiswarya M. U., former Chief Editor, for her relentless support and invaluable contributions throughout the preparation of this volume. We also extend our sincere appreciation to Ms. Abhaya, former Editor of the Journal, for her dedicated service and significant contributions to the Journal. We hope that Volume 2, Issue 1 (2026) will serve as a meaningful resource for academics, researchers, legal practitioners, policymakers, and students, while fostering informed discussion and encouraging further research in these significant areas of law.

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BALANCING FAIRNESS AND INCLUSION: THE ROLE OF AFFIRMATIVE ACTION IN INTERNATIONAL SPORTS LAW AND ATHLETEREPRESENTATION (ESPECIALLY WOMEN)

Dr. Oluwagbenga Atere*

Abstract

Affirmative action in international sports law has become a critical mechanism for balancing fairness and inclusion, particularly in athlete representation. As global sports evolve, disparities in access, opportunity, and representation persist due to socioeconomic, racial, gender, and geopolitical factors. Affirmative action policies aim to rectify these imbalances by implementing targeted measures that promote equity in athlete participation, governance, and institutional decision-making. However, these policies often spark debates regarding meritocracy, competitive integrity, and potential reverse discrimination. This paper explores the role of affirmative action in international sports law, analyzing how legal frameworks and sports governing bodies navigate the complex interplay between inclusivity and fair competition. It examines landmark legal cases, policies from organizations such as the International Olympic Committee (IOC) and Fédération Internationale de Football Association (FIFA), and the evolving jurisprudence on discrimination and equality in sports. Additionally, the paper highlights the impact of affirmative action on underrepresented athletes, including women, athletes from developing nations, and individuals with disabilities. By evaluating both the legal and ethical dimensions of affirmative action in sports, this study underscores its significance in fostering a level playing field while acknowledging challenges in implementation. The paper argues that affirmative action, when carefully structured, enhances diversity without undermining the principles of fair competition. It concludes with policy recommendations aimed at refining affirmative action strategies to ensure they contribute to sustainable inclusivity and equitable representation in international sports.

Keywords : Affirmative Action, international sports Law, Athlete Representation, Fairness and Inclusion, Legal Frameworks in Sports

I. Introduction

Affirmative action in international sports law remains a contentious yet essential mechanism for fostering inclusivity while ensuring fair competition. Historically, sports governance bodies such as the International Olympic Committee (IOC) and the Court of Arbitration for Sport (CAS) have struggled to reconcile the principles of meritocracy with policies aimed at addressing systemic

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barriers faced by underrepresented athletes[1]. While affirmative action policies—ranging from quota systems to targeted funding and development programs—seek to level the playing field, they often generate legal and ethical debates regarding fairness, equal opportunity, and competitive integrity[2].

This paper examines the role of affirmative action in sports law by assessing its legal foundations, challenges, and implications for athlete representation. It first explores the theoretical basis for affirmative action in international sports, drawing on key legal instruments such as the Olympic Charter[3] and relevant CAS jurisprudence[4]. The discussion then shifts to case studies where affirmative action policies have influenced athlete participation, particularly in gender and disability sports categories[5]. Additionally, the paper analyzes the intersection of sports law with human rights principles, addressing concerns about potential discrimination or reverse discrimination claims[6]. By critically engaging with legal precedents and regulatory frameworks, this study contributes to the ongoing debate on how best to balance fairness and inclusion in international sports. It argues that while affirmative action is a necessary tool to address historical inequalities, its implementation must be carefully structured to align with legal norms and principles of proportionality[7]. Ultimately, this paper advocates for a nuanced approach that safeguards both inclusivity and competitive integrity within global sports governance.

Affirmative action in sports aims to promote inclusivity and equal opportunities for underrepresented athletes, including women, athletes from developing nations, and individuals with disabilities. Policies and initiatives addressing historical discrimination have transformed competitive sports by fostering diversity and broadening participation. This paper examines how affirmative action has impacted these groups, supported by academic research and real-world examples.

II. Affirmative Action and Women in Sports

Women have historically faced barriers to sports participation due to societal norms, resource allocation, and institutional discrimination[8]. Title IX in the United States exemplifies a successful affirmative action policy that has significantly increased female participation in collegiate sports. Since its enactment in 1972, the number of female college athletes has risen from fewer than 30,000 to over 200,000 (Stevenson, 2007). Similar policies worldwide, such as the IOC's gender equity mandates, have also improved female representation in competitive sports[9].

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[1] Foster, K. *Sports Law and Governance: International Perspectives*. Routledge(2021).
[2] Siekmann, R. *Introduction to International and European Sports Law*. Springer(2019).
[3] International Olympic Committee (2023). *Olympic Charter*. IOC Publications
[4] Rigozzi, A., Hasler, H., & Quinn, M. *The Jurisprudence of the Court of Arbitration for Sport: Principles and Practice*. Oxford University Press(2020).
[5] McArdle, D. *Disability, Sport, and the Law: Inclusion, Equity, and Access*. Hart Publishing.(2020).
[6] Schwab, B., & Siegel, L. *Human Rights and Sports Law: A Legal Analysis of Discrimination and Equality*. Cambridge University Press.(2022).
[7] Parrish, R. *Sports Law and Policy in the European Union*. Edward Elgar(2021).
[8] Hargreaves, J. *Heroines of Sport: The Politics of Difference and Identity*. Routledge(2000).
[9] Adriaanse, J., & Schofield, T. *Gender Equity in Sport Governance*. JOURNAL OF SPORT MANAGEMENT, 28(5), 485-497(2014).

i. Athletes from Developing Nations

Affirmative action programs also support athletes from developing nations by providing funding, training, and exposure to international competitions. The Olympic Solidarity Program, for instance, offers scholarships and specialized training to athletes from low-income countries, allowing them to compete on the global stage[10]. Research by Darby[11] highlights that these initiatives contribute to talent discovery and development, particularly in track and field events where African nations have historically excelled.

ii. Athletes with Disabilities

The inclusion of athletes with disabilities in mainstream sports has improved due to affirmative action policies, such as the establishment of the Paralympic Games and the integration of adaptive sports into educational curricula[12]. Legislation like the Americans with Disabilities Act (ADA) has mandated accessible facilities and equal opportunities in sports, significantly increasing participation rates[13]. Furthermore, media representation of Paralympic athletes has helped challenge stereotypes and garner public support for inclusive sports policies.[14]

Despite progress, challenges remain in achieving full equity. Resource disparities, cultural resistance, and enforcement inconsistencies hinder affirmative action's effectiveness. Future policies should emphasize sustained investment in grassroots programs, increased media representation, and stronger regulatory enforcement to ensure equitable access for all athletes[15].

Affirmative action has played a critical role in expanding opportunities for underrepresented athletes by addressing systemic barriers and promoting diversity in sports. While progress has been made, continued efforts are necessary to create a fully inclusive sporting environment for women, athletes from developing nations, and individuals with disabilities

iii. Evolution of Sports and Its Disparities

The historical evolution of sports reveals patterns of exclusion and marginalization. Initially, organized sports were primarily accessible to wealthy, white men[16]. Women and racial minorities faced significant barriers, limiting their participation. Over time, policy changes, such as Title IX in the United States, sought to rectify gender inequalities[17], yet gaps remain. In particular, funding disparities in women's sports continue to hinder equal opportunities[18].

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[10] Chappelet, J. L. *Olympic Solidarity: Fair Financing of International Sport*. SPORT IN SOCIETY, 11(4), 393-406(2008).
[11] Darby, P. Africa, Football, and FIFA: Politics, Colonialism, and Resistance. *Frank Cass Publishers*.(2013).
[12] Howe, P. D. *The Cultural Politics of the Paralympic Movement*. Routledge.(2008).
[13] DePauw, K. P., &Gavron, S. J. *Disability and Sport*. Human Kinetics(2005).
[14] Thomas, N., & Smith, A. Disability, Sport, and Society: An Introduction. *Routledge*(2009).
[15] Coakley, J. *Sports in Society: Issues and Controversies*. McGraw-Hill Education.(2015).
[16] Coakley, J. *Sports in Society: Issues and Controversies*. McGraw-Hill Education(2017).
[17] Staurowsky, E. J., *et al*. "Women's Sports Foundation Report: Chasing Equity" *Women's Sports Foundation*(2020).
[18] Cooky, C., &LaVoi, N. *Gender Equity in Sports: Policy and Practice*. JOURNAL OF SPORT MANAGEMENT, 35(2), 107-124(2021).

Similarly, racial and socioeconomic disparities in sports remain prevalent. Access to elite training facilities and specialized coaching is often dictated by financial means, disproportionately affecting athletes from low-income backgrounds[19]. Studies indicate that Black and Latino athletes are overrepresented in certain sports (e.g., basketball, soccer) but underrepresented in others (e.g., swimming, gymnastics) due to systemic inequities in resource distribution[20] .

iv. Socioeconomic Barriers to Access and Opportunity

Economic constraints significantly impact sports participation. Youth sports, once community-driven and accessible, have become increasingly privatized, with high costs associated with club memberships, travel teams, and specialized coaching[21]. These financial burdens disproportionately exclude children from low-income families, thereby perpetuating cycles of exclusion[22].

Further, disparities in sports infrastructure across different regions exacerbate inequities. Urban areas with underfunded schools often lack adequate sports facilities, while affluent suburban districts provide advanced training environments[23]. This gap limits the athletic development of talented but underprivileged individuals.

v. Gender Inequities in Representation

Although significant strides have been made toward gender equity in sports, challenges persist. Women athletes receive disproportionately lower salaries, media coverage, and endorsement deals compared to their male counterparts[24]. Structural barriers also limit leadership opportunities, with women underrepresented in coaching and executive positions within sports organizations.

Beyond financial and institutional inequities, cultural biases contribute to disparities. Female athletes frequently face scrutiny regarding their physical appearance and femininity, reinforcing outdated gender norms that discourage participation.[26]

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[19]Eitzen, D. S. *Fair and Foul: Beyond the Myths and Paradoxes of Sport*. Rowman& Littlefield(2016).
[20] Hartmann, D*Race, Culture, and the Revolt of the Black Athlete: The 1968 Olympic Protests and Their Aftermath*ETHNIC AND RACIAL STUDIES, 41(11), 1958-1976(2018).
[21] Singer, J. N., Harrison, L., &Bukstein, S. *Social Justice in Sport: Critical Issues and Future Directions*. Human Kinetics. (2019).
[22] Spaaij, R., Farquharson, K., & Gorman, S. *Diversity and Inclusion in Sports Clubs: Theoretical and Practical Insights*. INTERNATIONAL REVIEW FOR THE SOCIOLOGY OF SPORT, 55(8), 1-21(2020).
[23] Jayakumar, U. M., &Comeaux, E. *The Role of Race and Racial Ideology in Sports Participation and Policy*. SOCIOLOGY OF SPORT JOURNAL, 33(1), 1-16(2016).
[24] Fink, J. S. *Female Athletes, Women's Sport, and the Sport Media Commercial Complex: Have We Really 'Come a Long Way, Baby'*?SPORT MANAGEMENT REVIEW, 19(3), 331-342(2016).
[25] LaVoi, N. *Women in Sports Coaching*. Routledge(2018).
[26] Cooky, C., &Messner, M. A. *No Slam Dunk: Gender, Sport, and the Unevenness of Social Change*. Rutgers University Press(2018).

vi. Geopolitical Factors and Sports Representation

Global disparities in sports development result from geopolitical influences. Wealthier nations invest significantly in sports infrastructure and athlete development programs, leading to an uneven competitive landscape[27]. Conversely, athletes from developing nations struggle with inadequate training resources, sponsorship opportunities, and access to international competitions[28].

Additionally, geopolitical conflicts impact athlete representation. Issues such as nationality restrictions, immigration policies, and political tensions often prevent athletes from competing at the highest levels[29] (Giulianotti, 2016). These barriers underscore the necessity of global policies that promote inclusivity in sports.

III. The Case for Affirmative Action in Sports

To address these disparities, affirmative action policies in sports are essential. Such measures can take various forms, including:

a. **Financial Assistance Programs** – Governments and sports organizations should provide scholarships, grants, and subsidies to ensure that athletes from underprivileged backgrounds have access to training facilities and coaching

b. **Quotas and Representation Mandates** – Ensuring gender and racial diversity in leadership roles within sports organizations can promote systemic change

c. **Policy Reforms for Equity in Funding** – Allocating equal resources for women's and men's sports can help bridge the gender gap

d. **Global Development Initiatives** – International sports federations should implement programs that support athletes from developing nations

While sports have become more inclusive over time, persistent disparities necessitate targeted interventions. Socioeconomic, racial, gender, and geopolitical barriers continue to limit access and representation in sports. Affirmative action serves as a necessary tool to create equitable opportunities and foster diversity. By implementing policies that address financial constraints, institutional biases, and global inequalities, the sports industry can move towards genuine inclusivity and fairness most especially for the female gender.

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[27] Houlihan, B., & Zheng, J. *The Olympics and Elite Sport Policy: Where Will It End?*THE INTERNATIONAL JOURNAL OF THE HISTORY OF SPORT 30(4). (2015).

[28] Thorpe, H., Bekker, S., &Scraton, S. *The Palgrave Handbook of Feminism and Sport, Leisure and Physical Education*. Palgrave Macmillan.(2021).

[29] Giulianotti, R. *Sport: A Critical Sociology*. Polity Press.(2005)

IV. The Role of Affirmative Action in International Sports Law

Affirmative action in international sports law refers to policies and measures aimed at promoting inclusivity, diversity, and equal opportunity in sports. These policies are particularly relevant in addressing historical discrimination, socio-economic barriers, and gender inequality. Affirmative action initiatives often manifest through quotas, funding programs, and special training opportunities for underrepresented groups. This section explores the legal foundations, implementation, and challenges of affirmative action in international sports law. The legal basis for affirmative action in sports derives from international human rights instruments, including the United Nations (UN) Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Article 13 of the ICESCR emphasizes the right to participate in cultural life, which includes sports[30]. Additionally, the Olympic Charter advocates for non-discrimination and equal opportunities for athletes worldwide[31].

i. CEDAW's Legal Framework and Gender Equality in Sports

CEDAW, adopted in 1979 and entered into force in 1981, provides a comprehensive legal framework for eliminating discrimination against women[32]. Article 10 of CEDAW emphasizes the right to equal access to education, which includes physical education and sports participation. Additionally, Article 13 ensures that women have the same rights as men to participate in recreational activities, sports, and all aspects of cultural life . These provisions underscore the importance of eliminating barriers that prevent women from fully engaging in sports.

Article 4 of CEDAW explicitly acknowledges the need for temporary special measures, commonly referred to as affirmative action, to accelerate gender equality . This recognition provides a legal basis for policies that promote female participation in sports through quotas, funding, and resource allocation to women's teams. According to Cook[33] , affirmative action measures are essential in addressing systemic gender disparities that have historically marginalized women in various fields, including athletics.

ii. Affirmative Action and Its Role in Advancing Women's Sports

Affirmative action in sports involves policies and programs designed to increase female representation and support in athletics. Such measures include gender quotas for leadership positions in sports organizations, equal pay initiatives, and prioritization of funding for women's sports[34].

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[30] Harris, D. *Human Rights and Sports: Legal and Ethical Challenges.* Oxford University Press(2020).
[31] Parnell, D., &Spracklen, K. *Sport, Politics and Society in the Global Arena*.Routledge(2019).
[32] United Nations. Convention on the Elimination of All Forms of Discrimination Against Women. (1979). Retrieved from https://www.un.org/womenwatch/daw/cedaw/ (last visited on 20 June 2026)
[33] Cook, R. J. Reservations to the Convention on the Elimination of All Forms of Discrimination Against Women. *Virginia Journal of International Law, 30*, 643(1990).
[34] Burton, L. J. (2015). Underrepresentation of women in sport leadership: A review of research. *Sport Management Review, 18*(2), 155-165.

The link between affirmative action and CEDAW is evident in how national governments and international sports bodies have implemented gender equality policies in line with CEDAW's mandate.

For instance, the International Olympic Committee (IOC) has taken steps to align its policies with CEDAW by promoting female representation in leadership roles and increasing women's participation in the Olympics[35]. Similarly, Title IX in the United States, though a domestic policy, embodies the spirit of CEDAW's principles by mandating gender equity in school sports funding[36].

Despite the progress made, challenges persist in fully realizing gender equality in sports. Cultural biases, inadequate enforcement of affirmative action policies, and disparities in media coverage continue to hinder progress[37]. Moving forward, states must strengthen legal frameworks and ensure robust enforcement of CEDAW's provisions in the sports sector. Moreover, international sports federations must actively support affirmative action programs to foster gender equity.

CEDAW provides a strong foundation for affirmative action policies in sports by advocating for gender equality and recognizing the necessity of temporary special measures. Affirmative action has played a pivotal role in increasing women's participation and leadership in sports, yet challenges remain in achieving full parity. Continued implementation of CEDAW-aligned policies is essential to fostering a more inclusive and equitable sporting environment.

iii. The Interaction between the International Covenant on Economic, Social and Cultural Rights and Affirmative Action in Sports

The International Covenant on Economic, Social and Cultural Rights (ICESCR) establishes fundamental socio-economic rights, including the right to participate in cultural life and enjoy the benefits of scientific progress[38]. This paper explores how the ICESCR interacts with affirmative action in sports, ensuring inclusivity and equality while addressing historical and systemic disadvantages faced by marginalized groups. Affirmative action in sports involves policies aimed at increasing representation and access for historically disadvantaged groups, including women, racial minorities, and persons with disabilities[39]. Article 2(2) of the ICESCR mandates that rights be exercised without discrimination, which aligns with the purpose of affirmative action programs. Furthermore, Article 15 recognizes the right of everyone to take part in cultural and sporting life, reinforcing the legitimacy of affirmative action as a corrective mechanism[40].

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[35] Adriaanse, J., &Claringbould, I. (2016). *Gender equality in sport leadership: From the Brighton Declaration to the Sydney Scoreboard*. INTERNATIONAL REVIEW FOR THE SOCIOLOGY OF SPORT*, 51*(5), 547-564

[36] Staurowsky, E. J., DeSousa, M. J., Miller, K. E., Sabo, D., Shakib, S., Theberge, N., & Williams, N. *Women and sport: Continuing a journey of liberation and celebration*. Human Kinetics(2019)..

[37] Pfister, G. *Women in sport – Gender relations and future perspectives*. SPORT IN SOCIETY*, 13*(2), 234-248(2010).

[38] United Nations. (1966). *International Covenant on Economic, Social and Cultural Rights*. General Assembly Resolution 2200A (XXI).

[39] Schulenkorf, N. *Sport and Social Inclusion: International Perspectives*. Routledge(2016).

[40] de Schutter, O. *International Human Rights Law*. Cambridge University Press(2019)..

iv. Equality and Non-Discrimination in Sports

The ICESCR upholds substantive equality, which supports measures that go beyond mere formal equality to achieve real, effective inclusion.[41] Sports institutions and governing bodies have implemented affirmative action initiatives, such as quota systems, funding allocations, and development programs, in compliance with these principles[42]. For example, the International Olympic Committee (IOC) has endorsed gender equity policies to align with the ICESCR's non-discrimination standards.[43]

V. Landmark Cases on Affirmative Action for Women in Sports

Affirmative action in sports has played a significant role in promoting gender equality, ensuring that women receive fair opportunities in athletic participation, scholarships, and leadership positions. Several landmark cases have shaped legal precedents, influencing policies at educational institutions and professional sports organizations. A couple of these landmark cases and their significance to affirmative action is enunciated below;

i. Cohen v. Brown University

One of the most influential cases in Title IX litigation, *Cohen v. Brown University*, addressed gender discrimination in collegiate athletics. Brown University demoted two women's teams from varsity to club status due to budget constraints, while maintaining funding for men's teams. Female athletes sued, arguing that this violated Title IX of the Education Amendments of 1972. The First Circuit ruled that Brown University failed to provide equal athletic opportunities for women, reinforcing the principle that institutions must ensure proportional athletic opportunities in accordance with Title IX[44].

ii. Biediger v. Quinnipiac University[45]

This case reinforced Title IX compliance in collegiate sports. Quinnipiac University attempted to eliminate its women's volleyball team while counting competitive cheerleading as a varsity sport to maintain gender balance. The court ruled that cheerleading did not qualify as an NCAA-sanctioned sport and that Quinnipiac violated Title IX by failing to provide equal athletic opportunities. The decision emphasized the importance of genuine sports opportunities rather than statistical compliance.

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[41] Fredman, S. *Discrimination Law*. Oxford University Press(2011).
[42] Hylton, K. *Race and Sport: Critical Race Theory*. Routledge(2018).
[43] Brackenridge, C., Kay, T., &Rhind, D. *Gender and Sport: Changes and Challenges*. Palgrave Macmillan(2010).
[44] 101 F.3d 155 (1st Cir. 1996)
[45] 691 F.3d 85 (2d Cir. 2012)

iii. Communities for Equity v. Michigan High School Athletic Association[46]

In this case, female athletes challenged the scheduling of girls' sports seasons, arguing that they were placed in disadvantageous off-seasons compared to boys' sports. The court found that the Michigan High School Athletic Association (MHSAA) violated the Equal Protection Clause and Title IX by scheduling girls' sports in non-traditional seasons, thereby limiting their exposure to college recruiters. The ruling highlighted the need for equal treatment in athletic scheduling to ensure fair opportunities for female athletes.

iv. National Collegiate Athletic Association (NCAA) v. Smith[47]

Although this case did not directly impose Title IX obligations on the NCAA, it was pivotal in clarifying its role in gender equity issues. Renee Smith, a female student-athlete, sued the NCAA after being denied eligibility to play volleyball as a postgraduate. The Supreme Court ruled that Title IX applies to institutions receiving federal funding but not necessarily to the NCAA as a separate governing body. This case underscored the limitations of Title IX in holding independent athletic associations accountable for gender discrimination.

v. Parker v. Indiana High School Athletic Association[48]

This case addressed gender discrimination in sports participation at the high school level. Amber Parker, a female wrestler, challenged an Indiana High School Athletic Association (IHSAA) rule barring girls from competing against boys in wrestling tournaments. The court ruled in favor of Parker, stating that the exclusion of female athletes from certain sports violated Title IX and the Equal Protection Clause. This case reinforced the right of female athletes to compete on an equal footing with male athletes.

VI. Affirmative action policies in sports

The legal landscape surrounding affirmative action for women in sports continues to evolve through key judicial decisions. Cases such as *Cohen v. Brown University* and *Biediger v. Quinnipiac University* have reinforced Title IX compliance, while *Communities for Equity v. Michigan High School Athletic Association* addressed structural barriers in high school athletics. These landmark rulings have collectively advanced gender equity in sports, ensuring that women receive equal opportunities in participation, funding, and recognition.

Affirmative action policies in sports can take various forms, including gender quotas, financial assistance, and development programs targeting marginalized communities. For example, FIFA and the International Olympic Committee (IOC) have implemented programs to increase female par-

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[46] 459 F.3d 676 (6th Cir. 2006)
[47] 525 U.S. 459 (1999)
[48] 334 F.3d 850 (7th Cir. 2003)
[49] Fasting, K., Pfister, G., &Scraton, S. *Gender and Sport: A Contemporary Perspective.* Palgrave Macmillan(2018).

ticipation in sports governance and competition.[49] The Rooney Rule in the United States' National Football League (NFL) is another example, requiring teams to interview minority candidates for coaching positions[50].

Affirmative action policies have played a critical role in promoting gender equity in sports, particularly under the governance of FIFA and the International Olympic Committee (IOC). These policies aim to address historical discrimination and structural barriers that have marginalized female athletes[51]. By analyzing the approaches adopted by these organizations, this explores the effectiveness of affirmative action in ensuring greater representation and opportunities for women in sports.

i. FIFA's Affirmative Action Policies

FIFA has implemented several affirmative action initiatives to promote female participation in football. The introduction of the FIFA Women's World Cup in 1991 marked a significant step towards gender inclusivity[52]. Furthermore, FIFA has mandated that each member association invest in women's football development programs[53]. The introduction of minimum quotas for female representation in executive bodies also reflects FIFA's commitment to affirmative action[54].

The success of these policies is evident in the increased participation of women in football globally. According to a study by Sikes (2021), FIFA's investment in grassroots development has significantly increased the number of female footballers worldwide. However, challenges remain, including wage disparities and unequal media coverage[55].

ii. IOC's Affirmative Action Strategies

The IOC has been a frontrunner in implementing affirmative action policies to enhance female participation in the Olympics. The adoption of the Olympic Charter's Principle 6, which emphasizes non-discrimination and gender equality, has led to various initiatives aimed at leveling the playing field[56].

One of the most notable affirmative action measures is the establishment of quotas for female representation in leadership positions within the IOC[57]. Additionally, the IOC has mandated that every Olympic sport include events for women, culminating in gender parity at the Tokyo 2020

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[50] Burton, L). *The Rooney Rule and Diversity in Sports Leadership.*JOURNAL OF SPORT MANAGEMENT, 29(3), 259-272. (2015.

[51] Adriaanse, J., &Claringbould, I. *Gender equality in sport leadership: From the Brighton Declaration to the Sydney Scoreboard*. INTERNATIONAL REVIEW FOR THE SOCIOLOGY OF SPORT*, 51*(5), 547-564(2016).

[52] Williams, J. *A history of FIFA and the struggle for gender equality*. SPORT IN SOCIETY*, 23*(9), 1432-1448(2020)..

[53] FIFA. FIFA women's football strategy. Retrieved from FIFA.com(2022).

[54]Pfister, G. *Gender policies in sports governance: The case of FIFA*. JOURNAL OF SPORT MANAGEMENT*, 32*(4), 345-359(2018)..

[55] Kane, M. J., LaVoi, N. M., & Fink, J. S. *Exploring elite female athletes' perceptions of gender equality in sport*. SEX ROLES,*81*(1-2), 99-113(2019).

[56] IOC. (2021). The Olympic Charter. Retrieved from Olympic.org

[57] Brackenridge, C., Ting, L., & Palmer, F. *Women and sport leadership: Research and practice for change.*Routledge(2018).

Olympics[58]. These policies have significantly increased female representation in sports that were traditionally male-dominated.

Despite the progress achieved, affirmative action in sports governance still faces challenges. Structural biases, financial constraints, and cultural barriers continue to hinder full gender parity[59]. Further research suggests that enforcement mechanisms for gender quotas in sports governance need to be strengthened to ensure compliance and effectiveness[60]. Additionally, continued advocacy for equal pay, sponsorship opportunities, and media representation remains crucial in achieving substantive equality in sports[61].

Affirmative action policies implemented by FIFA and the IOC have played a crucial role in advancing gender equity in sports. While significant progress has been made in increasing female participation and representation, persistent challenges require continued effort and policy refinement. Future research should explore more effective enforcement strategies and ways to address systemic barriers to ensure sustainable gender equality in global sports governance.

Despite its positive impact, affirmative action in sports has faced criticism. Some argue that such policies may undermine meritocracy, creating resentment among athletes and stakeholders[62].

Others highlight the difficulty of enforcing affirmative action globally due to varying legal systems and cultural attitudes toward inclusion[63]. Moreover, the effectiveness of quotas and diversity programs remains debated, with concerns about tokenism and lack of structural change[64].

Affirmative action in international sports law is a crucial tool for fostering inclusivity and equal opportunity. While it has legal and ethical justifications, its implementation remains complex and contentious. Future research should focus on assessing the long-term impact of affirmative action policies on sports participation and governance. Addressing criticism and improving policy enforcement can help ensure that affirmative action continues to serve its intended purpose effectively.

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[58] Capranica, L., & Millard-Stafford, M. (2021). *Gender equity in the Olympic movement: Evolving challenges in achieving equality*. FRONTIERS IN SPORTS AND ACTIVE LIVING*, 3*, 25.

[59] Norman, L. (2020). *Gender equality in sports coaching and governance: Challenges and strategies*. SPORT MANAGEMENT REVIEW*, 23*(1), 23-38

[60] Pape, M. (2021). *Gender quotas in sports governance: Lessons from international institutions*. EUROPEAN JOURNAL OF SPORT SCIENCE*, 21*(3), 422-437

[61] Cooky, C., &Antunovic, D. (2022). *Gender and sports media: Challenges and progress*. JOURNAL OF SPORT AND SOCIAL ISSUES, *46*(2), 123-141

[62] McArdle, D. *Meritocracy and Fairness in International Sports Law.* Edward Elgar Publishing(2017).

[63] Barker, R. *Global Perspectives on Sports Law and Policy.* Cambridge University Press(2021).

[64] Anderson, J., & Dixon, M. *Diversity and Inclusion in Sports: A Critical Perspective.* Routledge(2019).

VII. Conclusion

The intersection of fairness and inclusion in international sports law remains a complex and evolving issue, particularly in the context of affirmative action and athlete representation. As global sporting institutions strive to uphold the principles of meritocracy and equal opportunity, affirmative action policies play a crucial role in addressing historical and systemic barriers faced by marginalized athletes, particularly women. While these measures are essential for promoting diversity and leveling the playing field, they must be carefully designed to balance competitive integrity with the need for broader representation.

Ensuring fair access to opportunities in sports governance, athlete selection, and leadership roles requires a commitment from international federations, policymakers, and legal bodies to enforce equitable policies without undermining sporting excellence. Moving forward, a nuanced approach that integrates legal frameworks, ethical considerations, and data-driven strategies will be vital in shaping a sports industry that truly embodies fairness and inclusion for all athletes.

i. Strengthening Anti-Discrimination Policies

Recommendation:

- » International sports governing bodies (e.g., IOC, FIFA, IAAF) should enhance and enforce anti-discrimination provisions within their statutes.
- » Regular reviews of anti-discrimination policies should be conducted to align with evolving gender equity standards.
- » Strict penalties for federations and organizations failing to uphold gender fairness should be implemented.

ii. Implementing Gender Quotas in Sports Governance

Recommendation:

- » Mandate a minimum percentage of women in executive roles within international sports organizations.
- » Encourage national sports bodies to adopt gender quotas in athlete representation, coaching, and administration.
- » Monitor compliance through annual reports and independent audits.

iii. Equal Pay and Prize Money Regulations

Recommendation:

- » Legally enforce equal prize money and salaries for male and female athletes in international competitions.
- » Establish independent oversight committees to review gender-based financial disparities

and address complaints.

» Encourage corporate sponsorships and media contracts that support female athletes equitably.

iv. Expanding Legal Protections for Female Athletes

Recommendation:

» Implement whistleblower protections for female athletes reporting discrimination or harassment.

» Strengthen legal frameworks to prevent gender-based violence and abuse in sports.

» Provide free or subsidized legal assistance for women facing discrimination in sports contracts or representation.

v. Affirmative Action in Talent Development and Training

Recommendation:

» Allocate dedicated funding and resources for the development of women's sports programs at grassroots levels.

» Ensure equal access to facilities, coaching, and training programs for female athletes.

» Encourage mentorship programs and leadership training for women in sports law and administration.

vi. Inclusive Regulations for Transgender and Intersex Athletes

Recommendation:

» Develop clear, inclusive policies for the participation of transgender and intersex athletes, balancing fairness and human rights considerations.

» Establish scientific and ethical review panels to create evidence-based policies on eligibility criteria.

» Protect athletes from discrimination based on gender identity through legally binding frameworks.

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SUSTAINABLE ECONOMIC PRACTICES: ADVANCING POVERTY ALLEVIATION AND SDG ACHIEVEMENT

Sakshi Kothari *

Abstract

Sustainable economic practices have emerged as critical instruments for addressing poverty and advancing the Sustainable Development Goals (SDGs). This study critically examines the contributions of circular economy models, renewable energy adoption, green finance mechanisms, and inclusive governance in promoting poverty alleviation and sustainable development. Employing a systematic literature review methodology, the research synthesizes empirical and theoretical studies published between 2007 and 2025, highlighting regional patterns, sectoral disparities, and institutional challenges that affect the implementation of sustainability-driven interventions. Grounded in Sustainable Livelihoods Theory, the Triple Bottom Line (TBL) framework, and Institutional Theory, the study develops a conceptual framework that captures the complex socio-economic and environmental interdependencies shaping development outcomes. Findings indicate that while sustainable practices enhance economic resilience, social inclusion, and environmental stewardship, their widespread adoption remains constrained by infrastructural gaps, institutional inefficiencies, and financial limitations, particularly in the Global South. The study emphasizes the need for integrated policy interventions focusing on community empowerment, green finance innovations, and participatory governance mechanisms. By offering a comprehensive analytical model and actionable policy insights, this research contributes to the discourse on sustainability-led economic transformation aligned with poverty reduction and SDG implementation.

Keywords: Sustainable Economic Practices, Poverty Alleviation, Sustainable Development Goals (SDGs), Circular Economy, Green Finance, Inclusive Governance.

I. Introduction

Poverty remains one of the most persistent global development challenges, particularly in low- and middle-income countries where large segments of the population continue to experience multidi-

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mensional deprivation across income, health, education, and basic services.[1] These conditions are further aggravated by structural inequalities, climate-related shocks, weak infrastructure, and constrained institutional capacity, which collectively limit the effectiveness of conventional growth-led and welfare-oriented development strategies[2]. In this context, the adoption of the United Nations Sustainable Development Goals (SDGs) in 2015 represents a global commitment to eradicating poverty in all its forms while advancing inclusive and environmentally responsible development paths[3].

Addressing poverty within the SDG framework requires integrated approaches that simultaneously promote economic growth, social inclusion, and environmental sustainability. The Triple Bottom Line (TBL) framework offers a useful foundation by emphasizing the need to balance economic, social, and environmental outcomes in development planning and policy design[4]. Complementing this, emerging work on sustainable economic practices highlights the transformative potential of circular economy models, renewable energy transitions, green finance mechanisms, and digital financial inclusion strategies to enhance livelihood resilience, reduce ecological degradation, and strengthen social equity.[5] These practices, when embedded in inclusive and accountable governance arrangements, can contribute directly to poverty reduction and SDG progress.

However, several critical gaps persist in the existing literature. Many studies examine individual components such as renewable energy, financial inclusion, or governance reforms in isolation, paying limited attention to their interdependencies and combined effects on poverty and SDG outcomes, particularly in the Global South.[6] Empirical evidence from fragile, rural, and marginalized settings

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[1] Ghimire, R. *Balancing the three pillars of sustainable development: Economic, social, and environmenta*l. JOURNAL OF SUSTAINABLE DEVELOPMENT AND POLICY,*16*(3), 125–139 (2021).
Majeed, M. T., &Mumtaz, S. (2020). *Poverty reduction and financial inclusion: Evidence from the Global South*. GLOBAL DEVELOPMENT STUDIES*, 32*(4), 154–168.

[2] Khalid, R., et al. *India's SDG challenges: Balancing rapid economic growth with sustainability.*JOURNAL OF SUSTAINABLE DEVELOPMENT, 33(2), 102–118(2020).
Leal Filho, W., et al. *Poverty as a key barrier to SDG implementation*. ENVIRONMENTAL SCIENCE & POLICY, *120*, 101–112 (2021)..https://doi.org/10.1016/j.envsci.2021.02.015

[3] UNDP. *Localizing the sustainable development goals: A practical guide for sub-national governments*. United Nations Development Programme (2021). https://www.undp.org/publications/localizing-sdgs-practical-guide;
Breuer, A., Janetschek, H., &Malerba, D. Translating sustainable development goal (SDG) interdependencies into policy advice. *World Development,* 120, 38–49(2019)..https://doi.org/10.1016/j.worlddev.2019.04.009

[4] Habib, S., &Pathik, B. *Governance and green finance: The role of anti-corruption policies in advancing environmental goals*. ENVIRONMENTAL ECONOMICS AND POLICY STUDIES*,* 23(3), 451–470 (2021).https://doi.org/10.1007/s10018-020-00287-7

[5] Antonioli, D., Ghisetti, C., Mazzanti, M., &Nicolli, F. *Sustainable production: The economic returns of circular economy practices*. BUSINESS STRATEGY AND THE ENVIRONMENT*, 31*(5), 2603–2617(2022). https://doi.org/10.1002/bse.3046;
Cherrafi, A., Elfezazi, S., Govindan, K., & Garza-Reyes, J. A. *The role of digital technologies in enabling circular economy practices within resilient supply chains post-COVID*. JOURNAL OF CLEANER PRODUCTION, 314, 128035(2022).. https://doi.org/10.1016/j.jclepro.2021.128035

[6] Firoiu, D., Paliu-Popa, L., &Oprea, F. *Romania's adaptation of the SDG framework: Local governance and global sustainability targets*. INTERNATIONAL JOURNAL OF PUBLIC ADMINISTRATION*, 42*(4), 354–367(2019). https://doi.org/10.1080/01900692.2018.1463540 ;

remains comparatively scarce, and context-responsive frameworks for deploying digital financial tools and green finance in low-capacity environments are still weakly developed.[7] Furthermore, while governance quality, policy coherence, and participatory decision-making are increasingly recognized as central enablers of sustainability transitions, adaptive and locally grounded governance models capable of scaling sustainable economic practices remain underexplored.[8]

In response to these gaps, this study systematically examines how sustainable economic practices can be strategically leveraged to advance poverty alleviation and SDG implementation in resource-constrained and institutionally fragile contexts. Drawing on Sustainable Livelihoods Theory, Institutional Theory, and the Triple Bottom Line framework, the research synthesizes empirical and theoretical evidence from 2007–2025 to develop a multidimensional conceptual model that links circular economy initiatives, renewable energy adoption, green finance, and digital financial inclusion with governance enablers and poverty outcomes.[9] By identifying enabling conditions, structural barriers, and context-specific success factors, the study aims to offer an integrated analytical lens and actionable policy insights for designing sustainability-driven interventions aligned with poverty reduction and SDG localization in the Global South.[10]

II. Background of the Study

Poverty persists as a profound global development challenge, affecting over one billion people worldwide, primarily in low- and middle-income countries. According to the 2025 Global Multidimensional Poverty Index, approximately 1.1 billion people, many of whom are children and live in rural areas, experience acute multidimensional poverty involving deprivation in health, education, and living standards[11]. Sub-Saharan Africa remains the region with the highest poverty concentration, where nearly half the population lives in extreme poverty, compounded by climate vulnerabilities and weak institutional infrastructures.[12]

Teixeira, M. L., Silva, D. G., & Pereira, A. M. *Case study of a Brazilian municipality's SDG integration efforts*. BRAZILIAN JOURNAL OF GOVERNANCE, 10(3), 45–59 (2022).

[7] Breuer, A., Janetschek, H., &Malerba, D. *Translating sustainable development goal (SDG) interdependencies into policy advice*. *WORLD DEVELOPMENT, 120*, 38–49 (2019). https://doi.org/10.1016/j.worlddev.2019.04.009 ; Ozdamirova, Z., Rauf, M. A., & Khalil, S. *Legal frameworks in SDG implementation: Ensuring accountability and sustainability*. JOURNAL OF PUBLIC POLICY AND ADMINISTRATION, *23*(2), 67–81(2024).

[8] UNDP. (2021). *Localizing the sustainable development goals: A practical guide for sub-national governments*. United Nations Development Programme. https://www.undp.org/publications/localizing-sdgs-practical-guide;
Florini, A., & Pauli, H*Collaborative governance for achieving SDGs: Partnerships between governments, businesses, and civil society*. JOURNAL OF INTERNATIONAL AFFAIRS, *71*(2), 73–86 (2018).

[9] Leal Filho, W., et al. Poverty as a key barrier to SDG implementation. *Environmental Science & Policy, 120*, 101–112 (2021). https://doi.org/10.1016/j.envsci.2021.02.015

[10] UNDP. *Localizing the sustainable development goals: A practical guide for sub-national governments*. United Nations Development Programme(2021).. https://www.undp.org/publications/localizing-sdgs-practical-guide; Ofori, D., Sarpong, D., &Nyuur, R. B. *Clean energy and sustainable development: Bridging the gap in BRICS nations.* ENERGY POLICY, 176, 113438 (2023). https://doi.org/10.1016/j.enpol.2023.113438

[11] Thomas Hale, David Held & Kevin Young, Gridlock: *Why Global Cooperation Is Failing When We Need It Most* (Polity Press, 2013).

[12] Breuer, A., Janetschek, H., &Malerba, D. *Translating sustainable development goal (SDG) interdependencies into policy*

The adoption of the United Nations Sustainable Development Goals (SDGs) in 2015 marked a global commitment to eradicating poverty in all its dimensions and promoting inclusive, sustainable development. However, progress toward these goals has been uneven due to fragmented policies, insufficient funding, and weak integration of sustainability frameworks into national development strategies[13]. Traditional economic growth and welfare-centered approaches have proven inadequate for addressing the intertwined economic, social, and environmental factors that sustain poverty.[14]

In this context, sustainable economic practices have emerged as promising pathways for poverty alleviation and SDG implementation. Approaches such as circular economy models, renewable energy adoption, green finance, and digital financial inclusion enhance resource efficiency, economic resilience, and social inclusion while advancing environmental protection. Empirical evidence suggests these interventions contribute to employment generation, improved livelihoods, and community resilience against climate and economic shocks, particularly in developing regions.[15]

Despite this potential, adoption and effectiveness of sustainable practices remain uneven, especially in the Global South, where institutional weaknesses, governance fragmentation, socio-cultural barriers, and infrastructure deficits hinder scalability.[16] Governance quality is critical; transparent, participatory, and adaptive institutions facilitate integration of sustainability principles into policy frameworks, but many regions still suffer from policy incoherence, regulatory gaps, and weak community engagement.[17]

Addressing these challenges necessitates comprehensive research on how sustainable economic practices can be effectively leveraged across diverse regional and institutional contexts. This study aims to synthesize existing evidence, identify enabling factors and barriers, and contribute to coherent and context-sensitive policy strategies for sustainable development and poverty reduction.

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*advice.*WORLD DEVELOPMENT*, 120*, 38–49 (2019) https://doi.org/10.1016/j.worlddev.2019.04.009

[13] UNDP. *Localizing the sustainable development goals: A practical guide for sub-national governments*. United Nations Development Programme(2021).. https://www.undp.org/publications/localizing-sdgs-practical-guide

[14] Majeed, M. T., &Mumtaz, S. *Poverty reduction and financial inclusion: Evidence from the Global South.*GLOBAL DEVELOPMENT STUDIES, 32(4), 154–168 (2020).

[15] Antonioli, D., Ghisetti, C., Mazzanti, M., &Nicolli, F. Sustainable production: The economic returns of circular economy practices. *Business Strategy and the Environment, 31*(5), 2603–2617 (2022). https://doi.org/10.1002/bse.3046;Cherrafi, A., Elfezazi, S., Govindan, K., & Garza-Reyes, J. A. *The role of digital technologies in enabling circular economy practices within resilient supply chains post-COVID.* JOURNAL OF CLEANER PRODUCTION, 314, 128035 (2022). https://doi.org/10.1016/j.jclepro.2021.128035;Ofori, D., Sarpong, D., &Nyuur, R. B. *Clean energy and sustainable development: Bridging the gap in BRICS nations.*ENERGY POLICY*,* 176, 113438(2023)..https://doi.org/10.1016/j.enpol.2023.113438

[16] Florini, A., & Pauli, H. *Collaborative governance for achieving SDGs: Partnerships between governments, businesses, and civil society.*JOURNAL OF INTERNATIONAL AFFAIRS,71(2), 73–86 (2018).Teixeira, M. L., Silva, D. G., & Pereira, A. M. *Case study of a Brazilian municipality's SDG integration efforts*. BRAZILIAN JOURNAL OF GOVERNANCE,10(3), 45–59(2022).

[17] UNDP. *Localizing the sustainable development goals: A practical guide for sub-national governments*. United Nations Development Programme. https://www.undp.org/publications/localizing-sdgs-practical-guide(2021). Habib, S., &Pathik, B. *Governance and green finance: The role of anti-corruption policies in advancing environmental goals.*ENVIRONMENTAL ECONOMICS AND POLICY STUDIES,*23*(3), 451–470(2021). https://doi.org/10.1007/s10018-020-00287-7

III. Statement of the Problem

Despite global commitments to eradicate poverty and accelerate progress toward the Sustainable Development Goals (SDGs), poverty remains a multidimensional challenge across many developing regions. Persistent socio-economic inequalities, environmental degradation, and governance constraints hinder the achievement of SDG targets, particularly in low- and middle-income countries.[18] The complex intersection of economic vulnerability, ecological stress, and institutional limitations renders traditional development strategies, which emphasize primarily economic growth, insufficient for sustainable change.[19]

Sustainable economic practices—such as circular economy initiatives, renewable energy adoption, green finance, and digital financial inclusion—offer promising pathways to create employment, improve resource efficiency, and strengthen community resilience.[20] However, adoption remains fragmented and uneven across regions. Empirical evidence on the collective influence of these practices on poverty alleviation and SDG performance is scant, especially in the Global South, where governance weaknesses, infrastructure deficits, and socio-cultural constraints predominantly undermine implementation efforts.[21]

Furthermore, literature frequently examines sustainability dimensions in isolation, resulting in a limited understanding of their synergistic impact on poverty and SDGs.[22] Governance mechanisms, including policy coherence, institutional transparency, and stakeholder participation, play critical but underexplored roles in driving the effectiveness of sustainability-focused interventions.[23]

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[18]Majeed, M. T., &Mumtaz, S. *Poverty reduction and financial inclusion: Evidence from the Global South*. GLOBAL DEVELOPMENT STUDIES,*32*(4), 154–168 (2020)..
Leal Filho, W., et al. *Poverty as a key barrier to SDG implementation*.ENVIRONMENTAL SCIENCE & POLICY, *120*, 101–112 (2021). https://doi.org/10.1016/j.envsci.2021.02.015

[19] Gray, E. *Evolution of poverty alleviation policies and the challenges in achieving sustainable outcomes.* JOURNAL OF SUSTAINABLE DEVELOPMENT POLICY,*19*(2), 101–115(2020).

[20] Antonioli, D., Ghisetti, C., Mazzanti, M., &Nicolli, F. *Sustainable production: The economic returns of circular economy practices*. BUSINESS STRATEGY AND THE ENVIRONMENT, 31(5), 2603–2617(2022). https://doi.org/10.1002/bse.3046
Cherrafi, A., Elfezazi, S., Govindan, K., & Garza-Reyes, J. A. *The role of digital technologies in enabling circular economy practices within resilient supply chains post-COVID*.JOURNAL OF CLEANER PRODUCTION, *314*, 128035(2022). https://doi.org/10.1016/j.jclepro.2021.128035

[21]Breuer, A., Janetschek, H., &Malerba, D. *Translating sustainable development goal (SDG) interdependencies into policy advice.* WORLD DEVELOPMENT,*120*, 38–49(2019). https://doi.org/10.1016/j.worlddev.2019.04.009
Kabonga, M., Marais, L., &Cloete, J. *Community empowerment and its role in poverty reduction: Case study of Zimbabwe*. DEVELOPMENT STUDIES REVIEW, *22*(1), 34–50(2021).

[22] Firoiu, D., Paliu-Popa, L., &Oprea, F. *Romania's adaptation of the SDG framework: Local governance and global sustainability targets*. INTERNATIONAL JOURNAL OF PUBLIC ADMINISTRATION, *42*(4), 354–367(2019). https://doi.org/10.1080/01900692.2018.1463540
Kabonga, M., Marais, L., &Cloete, J. (2021). *Community empowerment and its role in poverty reduction: Case study of Zimbabwe.*DEVELOPMENT STUDIES REVIEW, *22*(1), 34–50.

[23] UNDP. *Localizing the sustainable development goals: A practical guide for sub-national governments*. United Nations Development Programme(2021).. https://www.undp.org/publications/localizing-sdgs-practical-guide

Recent global poverty data reveal that in 2025, approximately 1.1 billion people live in acute multidimensional poverty, overwhelmingly in low- and middle-income countries affected by climate hazards and socio-economic vulnerabilities.[24] With challenges worsening due to uneven progress and governance fragmentation, there is a pressing need for comprehensive research to understand how integrated sustainable economic practices can be effectively leveraged to reduce poverty and advance SDG implementation. This study seeks to fill this gap by synthesizing evidence and identifying policy and institutional enablers for scalable, inclusive development strategies.

IV. Contribution of the Study

1. **Theoretical Contribution:** This study advances theoretical understanding by integratively applying Sustainable Livelihoods Theory (SLT), Institutional Theory, and the Triple Bottom Line (TBL) framework into a comprehensive conceptual model. Unlike prior research focusing on isolated elements, this study elucidates the complex interdependencies among circular economy models, renewable energy adoption, green finance mechanisms, and digital financial inclusion. Positioned within governance and institutional contexts, the research provides a nuanced lens to understand how these sustainability-oriented practices collectively impact poverty alleviation and SDG implementation

2. **Empirical Contribution:** The study synthesizes evidence spanning 2007 to 2025, drawing from peer-reviewed studies and regional case analyses predominantly from low- and middle-income countries of the Global South. This analysis spotlights sectoral disparities, institutional challenges, and contextual barriers affecting the adoption and effectiveness of sustainable economic practices. It adds to the evolving evidence base detailing implementation patterns, outcomes, and critical success factors in sustainability-driven poverty reduction efforts.[25]

3. **Policy Contribution:** Offering actionable insights, the research identifies enabling governance conditions, structural bottlenecks, and institutional gaps. It guides policymakers and development practitioners in designing integrated, context-sensitive interventions. Emphasis is placed on participatory governance, community empowerment, green finance innovations, and technologically enabled solutions essential for scalable and inclusive programs aligned with SDG targets.

4. **Practical Contribution:** For development agencies, financial institutions, and NGOs, this study provides an operational framework to implement sustainability initiatives tailored to local contexts. It illustrates how the interplay of economic, environmental, and

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[24] Habib, S., &Pathik, B. *Governance and green finance: The role of anti-corruption policies in advancing environmental goals.* ENVIRONMENTAL ECONOMICS AND POLICY STUDIES*, 23*(3), 451–470(2021). https://doi.org/10.1007/s10018-020-00287-7

[25] Ofori, D., Sarpong, D., &Nyuur, R. B. *Clean energy and sustainable development: Bridging the gap in BRICS nations.* ENERGY POLICY,*176*, 113438(2023). https://doi.org/10.1016/j.enpol.2023.113438

governance elements can collectively enhance livelihood security and social equity, offering guidance for effective implementation in marginalized and resource-constrained regions.[26]

5. **Methodological Contribution:** Employing a rigorous systematic literature review aligned with PRISMA 2020 guidelines, the study ensures transparency, replicability, and analytical robustness. This methodological rigor provides a replicable template for future interdisciplinary research at the nexus of sustainability, poverty alleviation, and SDG-oriented interventions.

V. Structure of the Paper

The paper is carefully organized to provide a coherent and comprehensive exploration of sustainable economic practices and their impact on poverty alleviation and Sustainable Development Goal (SDG) implementation. It begins with the Introduction, which presents the background and rationale for the study, clearly articulates the research questions or hypotheses, and defines the objectives. This section establishes the context and highlights the significance of examining integrated sustainability interventions, particularly in resource-constrained regions.

Following the Introduction, the Literature Review synthesizes key theoretical frameworks and relevant empirical studies related to sustainable economic practices, poverty reduction, and SDG implementation. It identifies critical research gaps, especially the fragmented treatment of economic, environmental, and governance dimensions, and justifies the need for this multidimensional, integrative investigation.

The Methodology section details the research design, explaining the data sources, selection criteria, and analytical methods employed. A systematic literature review (SLR) approach guided by PRISMA 2020 guidelines is used to ensure methodological rigor, transparency, and replicability. This section provides readers with sufficient detail to assess the validity and robustness of the study's findings.

Next, the results section presents a clear and objective description of the main findings. The evidence is supported by tables, figures, and qualitative synthesis, highlighting key patterns, sectoral disparities, institutional challenges, and contextual factors that influence the adoption and effectiveness of sustainable economic practices.

The discussion section interprets these findings within the context of existing literature, exploring their theoretical, policy, and practical implications. It emphasizes the importance of governance quality, institutional capacity, and socio-economic contexts in shaping the success of sustainability-driven interventions, while candidly acknowledging the study's limitations.

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[26] Antonioli, D., Ghisetti, C., Mazzanti, M., &Nicolli, F. *Sustainable production: The economic returns of circular economy practices.*BUSINESS STRATEGY AND THE ENVIRONMENT*, 31*(5), 2603–2617(2022)..https://doi.org/10.1002/bse.3046

Finally, the conclusion summarizes the study's key contributions, encompassing theoretical, empirical, and policy insights. It outlines actionable recommendations, discusses study limitations, and suggests productive directions for future research aimed at advancing sustainability-led poverty alleviation strategies.

Supporting elements, including the Abstract, Keywords, Acknowledgments, and References, are included in accordance with journal requirements. These components ensure adherence to standard academic and publication practices and facilitate the reader's navigation of the manuscript.

VI. Literature Review

The literature on sustainable economic practices and poverty alleviation highlights the multidisciplinary and evolving nature of addressing development challenges. The concept of sustainability is often framed within the Triple Bottom Line (TBL) theory, which integrates economic, social, and environmental dimensions to foster balanced development.[27] Circular economy (CE), inclusive governance, renewable energy transitions, and digital financial inclusion have emerged as pivotal approaches in sustainability discourse, showing potential in advancing Sustainable Development Goals (SDGs) through interconnected mechanisms.[28] This review synthesizes key theoretical foundations and empirical findings across thematic domains central to this study. Traditional development models emphasizing primarily economic growth have faced criticism for failing to address systemic inequalities and environmental degradation. Also it had been stated that incremental policy reforms are inadequate in contexts plagued by entrenched poverty, advocating for systemic institutional restructuring. Few authors also emphasized that achieving SDGs requires transformational changes in education, health, energy decarbonization, sustainable food systems, urban development, and digital innovation, offering a comprehensive framework beyond mere economic expansion.[29] Despite theoretical endorsement, practical implementation of TBL and integrated frameworks varies significantly due to differences in governance capacity and socio-economic contexts[30].

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[27] Cherrafi, A., Elfezazi, S., Govindan, K., & Garza-Reyes, J. A*The role of digital technologies in enabling circular economy practices within resilient supply chains post-COVID.* JOURNAL OF CLEANER PRODUCTION*,* 314, 128035. (2022)..https://doi.org/10.1016/j.jclepro.2021.128035

[28] Antonioli, D., Ghisetti, C., Mazzanti, M., &Nicolli, F. *Sustainable production: The economic returns of circular economy practices.* BUSINESS STRATEGY AND THE ENVIRONMENT,*31*(5), 2603–2617(2022). https://doi.org/10.1002/bse.3046

Cherrafi, A., Elfezazi, S., Govindan, K., & Garza-Reyes, J. A*The role of digital technologies in enabling circular economy practices within resilient supply chains post-COVID.* JOURNAL OF CLEANER PRODUCTION*,* 314, 128035. (2022)..https://doi.org/10.1016/j.jclepro.2021.128035

UNDP. *Localizing the sustainable development goals: A practical guide for sub-national governments*. United Nations Development Programme (2021)..https://www.undp.org/publications/localizing-sdgs-practical-guide

[29] Leal Filho, W., et al. *Poverty as a key barrier to SDG implementation.*ENVIRONMENTAL SCIENCE & POLICY*, 120*, 101–112. (2021). https://doi.org/10.1016/j.envsci.2021.02.015Habib, S., &Pathik, B. Governance and green finance: *The role of anti-corruption policies in advancing environmental goals*. ENVIRONMENTAL ECONOMICS AND POLICY STUDIES,*23*(3), 451–470(2021). https://doi.org/10.1007/s10018-020-00287-7

[30] Florini, A., & Pauli, H. *Collaborative governance for achieving SDGs: Partnerships between governments, businesses, and civil society*. JOURNAL OF INTERNATIONAL AFFAIRS*, 71*(2), 73–86(2018).

Circular economy practices, which emphasize resource efficiency, waste minimization, and closed material loops, have demonstrated significant productivity and resilience benefits in multiple sectors. Studies by Antonioli et al. (2022) establish that CE enhances firm-level performance, while Cherrafi et al. (2022) document the accelerating role of digital technologies such as IoT and AI in CE adoption post-pandemic. Sectorial analyses reveal that manufacturing benefits from improved eco-efficiency and cost reductions, construction achieves reduced waste and material reuse, and agriculture adopts biofertilizers and composting to bolster rural livelihoods and environmental stewardship. However, developing countries face infrastructural and policy barriers limiting CE scalability, necessitating local frameworks congruent with socio-economic realities[31]. Renewable energy adoption is increasingly recognized as a key driver of poverty reduction by expanding electricity access and promoting sustainable economic activities. Cheng et al. (2021) highlight that BRICS countries have experienced growth in green employment and energy poverty alleviation through renewable energy initiatives. Studies such as Ofori, Sarpong, and Nyuur (2023) underscore the alignment of renewable energy efforts with SDG 7 (Affordable and Clean Energy) and consequential socio-economic improvements. Biomass energy models in sub-Saharan Africa[32] Nonetheless, obstacles like financing shortages, regulatory gaps, and skill deficits impede wider uptake, calling for coherent policies and community-led energy projects[33].

Governance and institutional quality critically shape sustainable development outcomes. Effective governance involves collaborative multi-stakeholder engagement, accountability, and transparent institutions to translate SDG goals into actionable policies[34] argue that leveraging SDG interdependencies requires policy coherence supported by strong institutional mechanisms. Contrarily, fragile states often grapple with political instability, policy fragmentation, and centralized decision-making, undermining sustainability efforts[35]. Localization strategies that emphasize decentralization and community participation have shown promise in poverty reduction and environmental governance, demonstrated in Eastern European and African contexts[36] Financial inclusion through

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[31] Marzouk, M., Abdelkader, E., & Mohamed, Y. *The impact of COVID-19 on SDG indicators in Egypt: A fuzzy analytic hierarchy process approach.*ENVIRONMENTAL SCIENCE AND TECHNOLOGY*, 56*(2), 134–145(2022). https://doi.org/10.1021/acs.est.1c06566

[32] X Cheng and others, *Environment Science and Technology,* JOURNAL FOR INTERNATIONAL POLICY STUDIES 34(2021)

[33] Teixeira, M. L., Silva, D. G., & Pereira, A. M. *Case study of a Brazilian municipality's SDG integration efforts* BRAZILIAN JOURNAL OF GOVERNANCE*., 10*(3), 45–59(2022).

[34] Florini, A., & Pauli, H. *Collaborative governance for achieving SDGs: Partnerships between governments, businesses, and civil society.*JOURNAL OF INTERNATIONAL AFFAIRS,*71*(2), 73–86(2018)

[35] Khalid, R., et al. *India's SDG challenges: Balancing rapid economic growth with sustainability.*JOURNAL OF SUSTAINABLE DEVELOPMENT, 12(2), 102–118(2020).

Nor, F., &Razak, F. *Political instability, climate change, and infrastructure gaps in Somalia's poverty alleviation efforts*. AFRICAN DEVELOPMENT REVIEW, 33(2), 76–91(2021). https://doi.org/10.1111/1467-8268.12518

[36] Ionescu, G., Badescu, G., &Stanciu, P. *Socio-economic and institutional challenges in SDG integration in Bulgaria*. EUROPEAN JOURNAL OF SUSTAINABLE DEVELOPMENT*,* 10(2), 157–170(2021). https://doi.org/10.14207/ejsd.2021.v10n2p157

Kabonga, M., Marais, L., &Cloete, J. *Community empowerment and its role in poverty reduction: Case study of Zimbabwe.*DEVELOPMENT STUDIES REVIEW,22(1), 34–50(2021).

digital platforms, microfinance, and fintech innovations has demonstrated significant social and economic benefits, including enhanced resilience and reduced inequality[37] Targeted services for women entrepreneurs and households improve empowerment and community wellbeing.[38] However, challenges such as limited digital literacy, gender disparities, and infrastructural bottlenecks persist, limiting access and sustainability of financial inclusion programs Integrative programs[39] combining education, digital platforms, and community networks bolster poverty alleviation outcomes effectively.

Human capital development is fundamental to transitioning toward sustainable and inclusive economies. It has been emphasize that green and sustainability-focused education cultivates long-term resilience by equipping populations with essential skills. UNESCO (2021) stresses the importance of digital and eco-design competencies in facilitating circular and low-carbon economic activities. Grassroots educational initiatives empower marginalized communities, driving localized SDG achievements, despite persistent access inequities and resource constraints. Technological innovation accelerates sustainability transitions by enabling precise resource monitoring, transparent supply chains, and decentralized energy systems via IoT, blockchain, and AI[40]. Green finance mechanisms such as sustainability-linked loans and green bonds mobilize critical capital but face challenges in developing economies due to risk aversion and regulatory weaknesses[41] The synergy between technology and finance opens pathways for scalable, inclusive sustainability strategies.

Localization of SDG implementation requires context-sensitive, community-led approaches. The United Nations highlights the effectiveness of aligning development strategies with local socio-political contexts. It has been advocated that decentralized, participatory governance mechanisms to enhance institutional accountability and policy effectiveness. Diverse case studies from South Asia, Sub-Saharan Africa, and Latin America affirm improvements in poverty reduction and environmental management arising from community engagement, though challenges remain in overcoming resource limitations and policy integration.[42] Emerging scholarship stresses cross-sec-

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[37] Wang, H., Zhang, X., & Chen, L. *Microfinance and its paradox between social mission and financial sustainability*. JOURNAL OF DEVELOPMENT FINANCE,*28*(3), 189–204(2023).

[38] Ozdamirova, Z., Rauf, M. A., & Khalil, S. *Legal frameworks in SDG implementation: Ensuring accountability and sustainability.*JOURNAL OF PUBLIC POLICY AND ADMINISTRATION*, 23*(2), 67–81(2024).

[39] Majeed, M. T., &Mumtaz, S. *Poverty reduction and financial inclusion: Evidence from the Global South*. GLOBAL DEVELOPMENT STUDIES*,* 32(4), 154–168(2020).

[40] Popkova, E., Sergi, B. S., &Bogoviz, A. V. *The role of digital technologies in addressing global challenges like climate change and poverty.*TECHNOLOGY IN SOCIETY, 72, 102146(2022). https://doi.org/10.1016/j.techsoc.2022.102146

[41] Teixeira, M. L., Silva, D. G., & Pereira, A. M. *Case study of a Brazilian municipality's SDG integration efforts*. BRAZILIAN JOURNAL OF GOVERNANCE,10(3), 45–59 (2022).

[42]Firoiu, D., Paliu-Popa, L., &Oprea, F. (2019). *Romania's adaptation of the SDG framework: Local governance and global sustainability targets*. INTERNATIONAL JOURNAL OF PUBLIC ADMINISTRATION, 42(4), 354–367. https://doi.org/10.1080/01900692.2018.1463540

Teixeira, M. L., Silva, D. G., & Pereira, A. M. *Case study of a Brazilian municipality's SDG integration efforts*. BRAZILIAN JOURNAL OF GOVERNANCE, 10(3), 45–59(2022).

Wen, Z., & Wu, Y. *Community empowerment for transformative poverty alleviation*. DEVELOPMENT STUDIES JOURNAL, 22(2), 34–47(2023).

toral, integrative approaches addressing intersecting social and environmental challenges. Collaborative governance among state, private sector, and civil society actors facilitates innovative, systemic solutions[43] propose comprehensive policy packages combining social protection, renewable energy expansion, sustainable food systems, and urban planning essential for addressing complex sustainability demands. These approaches rely on adaptive, aligned institutions capable of managing diverse stakeholder interests effectively.

VII. Theoretical Background of the Study

The theoretical background of your study draws from three key interrelated frameworks that provide a multidimensional lens to understand the influence of sustainable economic practices on poverty alleviation and SDG implementation.

First, the Sustainable Livelihoods Theory (SLT) posits that poverty is a multidimensional phenomenon, extending beyond income deficits to encompass economic, social, human, and environmental vulnerabilities. SLT emphasizes how individuals and communities access and mobilize diverse forms of capital financial, human, social, natural, and physical to sustain and improve their livelihoods. This theory focuses on resilience, viewing livelihoods as sustainable when they can cope with shocks and stresses while maintaining or enhancing capabilities without degrading natural resources. In your study, SLT provides an analytical framework to examine how renewable energy adoption, green finance, and digital financial inclusion bolster livelihood resilience and reduce vulnerability to environmental and economic shocks.

Second, Institutional Theory highlights the influence of formal and informal institutional structures, norms, and governance mechanisms on economic behavior and resource allocation (Scott, 2008). Institutions play a critical role in shaping the adoption and scalability of innovative sustainability practices. This framework helps explore how governance, policy coherence, regulatory mechanisms, and participatory decision-making determine the effectiveness of sustainability interventions. Strong institutional frameworks facilitate embedding sustainable practices into local development strategies, while weak institutions constrain implementation and socio-economic impact.

Third, the Triple Bottom Line (TBL) framework expands the traditional focus on economic performance to incorporate social and environmental dimensions, emphasizing the need for development that balances profits, social equity, and environmental stewardship TBL provides a conceptual basis to evaluate the multidimensional impacts of circular economy models, renewable energy, and green finance mechanisms, underscoring holistic strategies that promote inclusive, resilient, and sustainable outcomes. Integrating these theories offers a comprehensive foundation for your research. SLT provides insight into how livelihood assets support resilience; Institutional Theory contextualizes the governance conditions necessary for sustainable practice adoption; TBL situates outcomes within broader economic, social, and environmental goals. Together, they enable a rich

[43] Florini, A., & Pauli, H. (2018). *Collaborative governance for achieving SDGs: Partnerships between governments, businesses, and civil society*. JOURNAL OF INTERNATIONAL AFFAIRS, 71(2), 73–86.

conceptual framework capturing the complex interactions among sustainable economic practices, governance, and development outcomes in resource-constrained settings.

By grounding your study in this multidimensional and context-sensitive theoretical base, you address gaps in existing literature that often examine components of sustainability in isolation, thereby offering a robust framework to analyze integrated sustainable economic practices for poverty reduction and SDG progress across diverse regional and institutional contexts.

VIII. Research Gap

The research gaps in sustainable development, poverty alleviation, and SDG implementation remain significant despite expansive recent scholarship, especially in developing and resource-constrained regions.

First, the research is notably fragmented. Many studies examine discrete dimensions such as economic growth, environmental policy, renewable energy, or governance reforms in isolation. This siloed approach neglects the interdependent nature of economic, social, environmental, and institutional factors that together shape poverty outcomes within the SDG framework. Consequently, there is a dearth of integrative, multidimensional empirical research that holistically captures how sustainable economic practices interact to influence development trajectories[44].

Second, geographic disparities in research are evident. Most empirical studies originate from high- and upper-middle-income countries, whereas low-income, fragile, and least-developed regions—where poverty challenges are most acute—are underrepresented[45] This limits understanding of the unique institutional, socio-economic, and infrastructural barriers faced by marginalized Global South communities, hindering development of context-sensitive frameworks adapted to region-specific sustainability challenges.

Third, despite advances in financial inclusion, renewable energy adoption, and green finance, their integrated operationalization in rural, conflict-affected, and infrastructurally deficient areas lags. Existing models often overlook governance shortcomings, digital divides, socio-cultural barriers, and market failures characteristic of these contexts. These omissions reduce the inclusivity and equity of poverty reduction outcomes from sustainability interventions[46] Fourth, governance research underscores its pivotal role but remains limited regarding adaptive, decentralized, and participatory frameworks capable of fostering policy coherence and multi-stakeholder collaboration. Weak

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[44] Leal Filho, W., et al. Poverty as a key barrier to SDG implementation. *Environmental Science & Policy, 120*, 101–112(2021)..https://doi.org/10.1016/j.envsci.2021.02.015

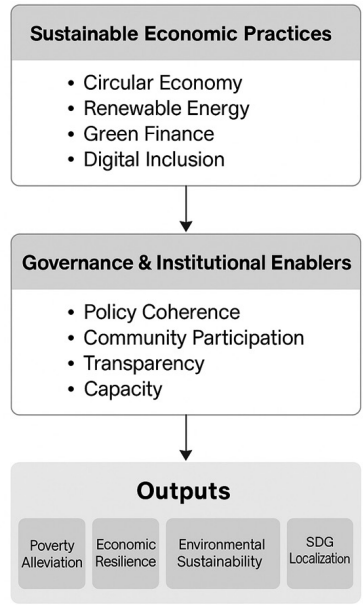
[45] Breuer, A., Janetschek, H., &Malerba, D. (2019). Translating sustainable development goal (SDG) interdependencies into policy advice. *World Development, 120*, 38–49. https://doi.org/10.1016/j.worlddev.2019.04.009
UNDP*Localizing the sustainable development goals: A practical guide for sub-national governments*. United Nations Development Programme (2021). https://www.undp.org/publications/localizing-sdgs-practical-guide

[46] Teixeira, M. L., Silva, D. G., & Pereira, A. M. (2022). *Case study of a Brazilian municipality's SDG integration efforts.* BRAZILIAN JOURNAL OF GOVERNANCE, 10(3), 45–59;
Ozdamirova, Z., Rauf, M. A., & Khalil, S. (2024). *Legal frameworks in SDG implementation: Ensuring accountability and sustainability.* JOURNAL OF PUBLIC POLICY AND ADMINISTRATION, 23(2), 67–81.

conceptualization of governance dynamics constrains understanding of how institutional arrangements affect the success, scalability, and transferability of sustainability-oriented developmental interventions[47] Given these critical gaps, this study advocates for an integrative, context-responsive investigation assessing how sustainable economic practices—including circular economy models, renewable energy initiatives, digital financial inclusion, and inclusive governance—jointly influence poverty alleviation and SDG progress in underserved, resource-constrained regions. Addressing this will contribute a comprehensive, multidimensional understanding, advancing both theory and policy in sustainability-driven development. This gap analysis aligns with 2025 Sustainable Development Reports showing slowed global SDG progress, acute financing shortfalls amounting to trillions of dollars, and heightened conflict and climate-related vulnerabilities disproportionately impacting developing nations, underscoring the urgent need for localized, integrated, and governance-sensitive sustainability interventions.

IX. Conceptual Model

Figure No.1



Source: Conceptual model developed by the authors for this study, informed by Antonioli et al. (2022), Ghimire (2021), Singh & Jayaram (2020), Breuer, Janetschek, & Malerba (2019), Leal Filho et al. (2021), and related scholarly works.

[47] UNDP*Localizing the sustainable development goals: A practical guide for sub-national governments*. United Nations Development Programme (2021)..https://www.undp.org/publications/localizing-sdgs-practical-guide

The conceptual model developed for this study offers a holistic framework illustrating how sustainable economic practices contribute to poverty alleviation and Sustainable Development Goal (SDG) implementation in resource-constrained and developmentally fragile settings. It identifies four primary sustainability drivers: circular economy practices, renewable energy adoption, green finance mechanisms, and digital financial inclusion. These inputs directly shape socio-economic and environmental outcomes, reflecting multifaceted pathways toward sustainable development.[48]

Central to this model is the moderating role of governance and institutional enablers—policy coherence, transparency, participatory decision-making, community engagement, and institutional capacity. These governance dimensions critically influence the efficacy and scalability of sustainability interventions by either facilitating or constraining their translation into tangible development impacts. Strong governance environments significantly amplify the transformational potential of sustainable economic practices, whereas weak, fragmented institutions impede progress.[49]

The model captures dynamic, nonlinear interactions among these inputs and governance structures generating multiple outputs: poverty reduction, enhanced economic resilience, improved environmental sustainability, and localized SDG progress. By explicitly emphasizing the interconnectedness of economic, environmental, and institutional systems, the framework aligns with the integrated logic of the SDGs and contemporary sustainability scholarship advocating cross-sectoral, systemic approac[50]. Importantly, this conceptualization rejects linear or one-dimensional development trajectories, recognizing the context-dependent, regionally diverse nature of sustainability transitions, particularly within the Global South. It acknowledges socio-economic heterogeneity, infrastructural disparities, and governance variations across different geographies, thereby offering a flexible yet comprehensive foundation for analyzing how sustainable economic practices interface with institutional conditions to drive inclusive, resilient and environmentally-aligned development pathways.

This integrated conceptual model thus serves as a critical analytical and practical tool to guide scholarship and policymaking in leveraging interconnected sustainability drivers moderated by governance for effective poverty alleviation and SDG advancement in diverse resource-limited contexts.

X. Objectives of the Study

The objectives of this study focus on investigating the role of sustainable economic practices in reducing poverty and advancing Sustainable Development Goals (SDGs), especially within marginalized and resource-constrained regions. The primary aim is broken down into five specific, actionable objectives:

Florini, A., & Pauli, H. *Collaborative governance for achieving SDGs: Partnerships between governments, businesses, and civil society*. JOURNAL OF INTERNATIONAL AFFAIRS,*71*(2), 73–86 (2018).

[48] DavideAntonioli, Claudia Ghisetti, Massimiliano Mazzanti& Francesco Nicolli, *Sustainable Production: The Economic Returns of Circular Economy Practices,* 31BUS. STRATEGY & ENV'T2603 (2022).

[49] U.N. Dev. Programme, Human Development Report 2021/2022: Uncertain Times, Unsettled Lives: Shaping Our Future in a Transforming World (2022).

[50] Jeffrey D. Sachs et al., Sustainable Development Report 2023: Implementing the SDG Stimulus (Sustainable Development Solutions Network 2023).

i. To critically review and synthesize key theoretical foundations and empirical evidence relating to sustainable economic practices, poverty alleviation, and SDG implementation, emphasizing integrated, multidimensional, and cross-sectoral approaches. This addresses the need to collate existing knowledge to form a comprehensive understanding.[51]

ii. To examine the landscape and effectiveness of circular economy initiatives, renewable energy adoption, digital financial inclusion, and green finance mechanisms in developing and fragile economies. Special focus is given to regional disparities, implementation outcomes, and contextual effectiveness given structural and socio-economic variabilities[52]

iii. To identify institutional, infrastructural, cultural, and socio-economic barriers hindering the adoption of sustainability-driven interventions in rural, marginalized, and low-capacity communities. Understanding these barriers is critical for designing inclusive strategies that address real-world constraints like governance gaps, resource deficits, and socio-cultural norms[53]

iv. To investigate governance's role—including adaptive policymaking, institutional coherence, transparency, and participatory mechanisms—in enabling inclusive and context-sensitive SDG localization and poverty alleviation strategies. Governance quality significantly modulates the success and scalability of sustainability interventions.[54]

v. To develop a comprehensive, context-responsive conceptual framework integrating sustainable economic practices with governance, financial innovations, and technological advancements. This framework aims to accelerate poverty reduction and foster sustainable, resilient development outcomes, addressing multidimensional and region-specific needs[55]

Through these objectives, the study prepares to generate theoretical insights, empirical evidence, and policy recommendations that together contribute to an enhanced understanding and effective implementation of sustainability-driven poverty alleviation and SDG advancement, particularly in underserved regions.

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[51] U.N. Dev. Programme, Human Development Report 2021/2022: Uncertain Times, Unsettled Lives: Shaping Our Future in a Transforming World (2022).

[52] Antonioli, D., Ghisetti, C., Mazzanti, M., &Nicolli, F. *Sustainable production: The economic returns of circular economy practices.* BUSINESS STRATEGY AND THE ENVIRONMENT,31(5), 2603–2617(2022)..https://doi.org/10.1002/bse.3046

Breuer, A., Janetschek, H., &Malerba, D. Translating sustainable development goal (SDG) interdependencies into policy advice. WORLD DEVELOPMENT, 120, 38–49(2019)..https://doi.org/10.1016/j.worlddev.2019.04.009

[53] Teixeira, M. L., Silva, D. G., & Pereira, A. M. *Case study of a Brazilian municipality's SDG integration efforts.*BRAZILIAN JOURNAL OF GOVERNANCE,*10*(3), 45–59 (2022).

UNDP. *Localizing the sustainable development goals: A practical guide for sub-national governments*. United Nations Development Programme. (2021). https://www.undp.org/publications/localizing-sdgs-practical-guide

[54] Anita Breuer, Hannah Janetschek& Daniele Malerba, *Translating Sustainable Development Goal (SDG) Interdependencies into Policy: Lessons from the 2030 Agenda,* 14 SUSTAINABILITY SCI.1569 (2019).

[55] Anita Breuer, Hannah Janetschek& Daniele Malerba, *Translating Sustainable Development Goal (SDG) Interdependencies into Policy: Lessons from the 2030 Agenda*, 14 SUSTAINABILITY SCIENCE1569 (2019).

XI. Research Questions

To guide the exploration of how sustainable economic practices affect poverty alleviation and SDG implementation in resource-constrained regions, this study seeks to answer five key research questions:

i. What are the critical theoretical and empirical insights that elucidate the connections between sustainable economic practices, poverty reduction, and SDG implementation within developing country contexts?

ii. How effectively are circular economy models, renewable energy technologies, digital financial inclusion platforms, and green finance mechanisms being deployed in low- and middle-income, as well as fragile, regions? What measurable outcomes have these interventions achieved?

iii. What institutional, infrastructural, socio-cultural, and governance-related challenges impede the effective roll-out of sustainability-driven interventions in marginalized and rural communities?

iv. In what ways do adaptive governance frameworks, inclusive policymaking processes, and institutional coherence affect the success, inclusivity, and scalability of sustainable economic practices?

v. How can an integrated, context-sensitive conceptual framework that synthesizes economic, technological, financial, and governance elements be designed to accelerate poverty alleviation and advance SDG progress in resource-poor settings? Together, these questions structure a comprehensive inquiry into the multidimensional dynamics of sustainability, governance, and poverty reduction in challenging development environments.

XII. Importance of the Study

This study is academically and practically significant because it offers an integrative evaluation of sustainable economic practices as multidimensional tools for poverty alleviation and Sustainable Development Goal (SDG) progress in marginalized, resource-limited regions. While global development agendas increasingly emphasize inclusive, equitable, and environmentally sustainable growth, there remains a lack of comprehensive empirical evidence on how economic, environmental, financial, and governance-centered sustainability interventions collectively affect development outcomes, especially in the Global South.

By synthesizing diverse theoretical frameworks and empirical findings, this research bridges crucial knowledge gaps concerning the interrelated roles of circular economy innovation, renewable energy adoption, digital financial inclusion, and green finance. These practices have strong potential to bolster livelihood resilience, advance social equity, and enhance environmental stewardship, yet their combined impact is underexplored in existing studies.

Importantly, the study highlights the pivotal function of adaptive, transparent, and participatory governance structures in determining sustainability intervention success. A nuanced understanding of how localized governance, institutional capacity, and policy coherence drive SDG implementation is vital for crafting scalable, context-sensitive development strategies.The conceptual framework developed serves as an evidence-based, context-responsive guide for policymakers, development agencies, civil society, and financial institutions to implement sustainable economic policies tailored to local realities. It is particularly relevant for regions beset by infrastructural shortcomings, climate vulnerabilities, and governance deficits—providing actionable insights to enhance poverty reduction efforts aligned with global sustainability commitments.

This research thus contributes vital theoretical and practical knowledge supporting the design of integrated, effective, and locally adapted pathways to multidimensional poverty alleviation and sustainable development.

XIII. Research Methodology

The research methodology employs a qualitative, exploratory design utilizing a Systematic Literature Review (SLR) to investigate how sustainable economic practices contribute to poverty alleviation and SDG implementation. This methodology is well-suited for integrating diverse theoretical perspectives, empirical evidence, and case study data across low- and middle-income countries, allowing for a comprehensive understanding of economic, environmental, financial, and governance factors impacting sustainable development outcomes.

The SLR followed a rigorous and transparent process consistent with best practices such as PRISMA 2020 guidelines. Literature was sourced from authoritative databases including Scopus, Web of Science, SpringerLink, Wiley Online Library, and Google Scholar, covering publications from 2007 to 2024. Search strategies incorporated predefined keywords and Boolean operators to ensure exhaustive cross-disciplinary coverage of themes such as “sustainable economic practices,” “poverty alleviation,” and “SDG implementation.”

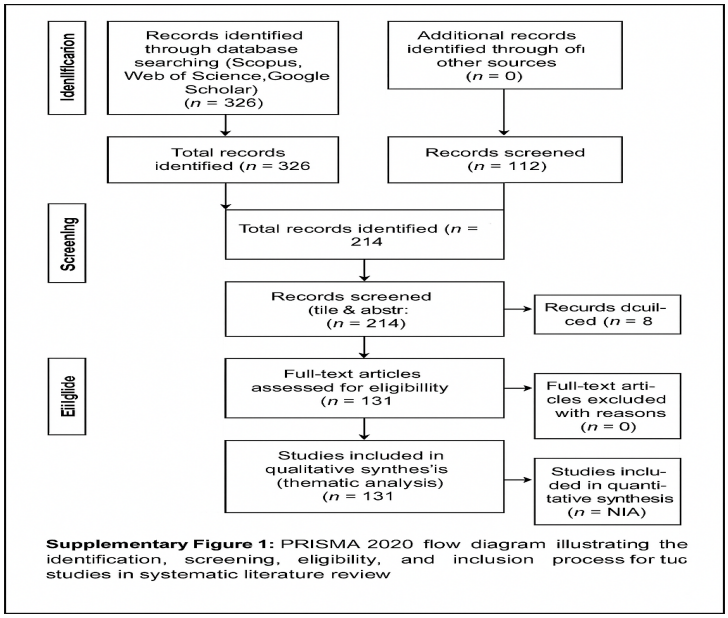
Inclusion criteria emphasized English-language peer-reviewed articles, policy reports, and case studies focused on empirical data from low- and middle-income countries. Exclusion criteria filtered out studies lacking contextual relevance, methodological rigor, or peer-review validation. This process ensured a high-quality, context-sensitive evidence base.Data extraction utilized a structured review protocol categorizing findings under thematic domains like economic sustainability, environmental stewardship, governance and institutional quality, and financial inclusion. Analytical techniques included qualitative synthesis to identify recurring themes and interrelationships among variables, supplemented by descriptive statistical insights where available.

From this inductive synthesis, the study develops a conceptual framework linking sustainable economic drivers (circular economy, renewable energy, green finance, digital financial inclusion) with governance and institutional quality as moderating factors and outcomes measured by poverty reduction and SDG progress. This model captures the complexity and context-specificity of sustainability transitions in resource-constrained environments.

No primary data collection was conducted; all analyses rely on secondary literature. The adherence to PRISMA ensures reliability and transparency, reinforcing the methodology's robustness. This approach offers a replicable and contextually relevant foundation to understand and enhance sustainable economic practices for poverty reduction and SDG implementation in the Global South.

Figure.No.2

A PRISMA flow diagram summarizing this selection process is provided as supplementary material.



Supplementary Figure 1: PRISMA 2020 flow diagram illustrating the identification, screening, eligibility, and inclusion process for tuc studies in systematic literature review

XIV.Findings and Discussions

Research Question 1: Theoretical and Empirical Insights on Sustainable Economic Practices, Poverty Reduction, and SDG Implementation

The systematic literature review underscores that sustainable economic practices namely circular economy adoption, renewable energy initiatives, green finance mechanisms, and digital financial inclusion are significantly correlated with multidimensional poverty alleviation and progress toward the Sustainable Development Goals (SDGs). Empirical studies consistently highlight that these practices improve resource efficiency, generate employment, enhance livelihood resilience, and promote social equity. However, the effectiveness of such interventions is contingent upon contextual variables including institutional capacity, governance quality, and the socio-economic environment. The integration of economic, environmental, and institutional dimensions within the Triple Bottom Line framework offers a comprehensive approach that addresses the limitations inherent in mono-dimensional development paradigms.

Research Question 2: Implementation Effectiveness and Outcomes in Low- and Middle-Income and Fragile Regions

Findings from empirical case studies reveal variable effectiveness of circular economy practices in manufacturing and agriculture, with noted improvements in supply chain resilience and eco-efficiency. Nevertheless, infrastructural deficits and fragmented policy landscapes in low-income countries impede broader adoption[56]. Renewable energy projects, predominantly community-centric solar and biomass models, have substantially expanded energy access and mitigated energy poverty, despite challenges posed by high initial costs and regulatory barriers[57] (Ofori et al., 2023; Teixeira et al., 2022). Green finance instruments and digital financial inclusion strategies enhance access to credit, savings, and insurance among marginalized groups; however, persistent digital literacy gaps and inadequate institutional enforcement limit their reach and impact[58] (Ozdamirova et al., 2024; Wang et al., 2023). These findings suggest that cross-sectoral integration and adaptation to local socio-economic contexts optimize intervention success.

Research Question 3: Institutional, Infrastructural, Socio-Cultural, and Governance Barriers

The analysis identifies major constraints arising from institutional fragilities, governance deficiencies, and socio-cultural factors. Policy incoherence, centralized governance architectures, and transparency deficits reduce the scalability and efficacy of sustainability-oriented programs (Florini & Pauli, 2018; Khalid et al., 2020). Infrastructure limitations—such as unreliable electricity grids, poor internet connectivity, and insufficient transport networks—further hinder renewable energy deployment and digital financial service accessibility[59] (Leal Filho et al., 2021). Additionally, entrenched socio-cultural norms, including gender disparities and community skepticism toward change, restrict engagement with sustainability initiatives[60] (UNDP, 2021). Addressing these multifaceted barriers demands context-specific, participatory governance mechanisms coupled with policies that reinforce institutional capacity.

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[56] Ann Florini& Matias Pauli, *Collaborative Governance for the Sustainable Development Goals*, 27 ASIA & THE PACIFIC POLICY STUDIES6 (2018)

[57] Ofori, D., Sarpong, D., &Nyuur, R. B. *Clean energy and sustainable development: Bridging the gap in BRICS* nations. ENERGY POLICY, 176, 113438(2023) https://doi.org/10.1016/j.enpol.2023.113438

Teixeira, M. L., Silva, D. G., & Pereira, A. M..*Case study of a Brazilian municipality's SDG integration efforts.*BRAZILIAN JOURNAL OF GOVERNANCE, 10(3), 45–59 (2022).

[58] Anita Breuer, Hannah Janetschek& Daniele Malerba, *Translating Sustainable Development Goal (SDG) Interdependencies into Policy: Lessons from the 2030 Agenda*, 14 SUSTAINABILITY SCIENCE1569 (2019).

[59] Walter Leal Filho et al., *The Role of Sustainable Development Goals in Addressing Global Challenges: A Systematic Review,* 13 SUSTAINABILITY 11917 (2021)

[60] U.N. Dev. Programme, Human Development Report 2021/2022: Uncertain Times, Unsettled Lives: Shaping Our Future in a Transforming World (2022).

Research Question 4: Influence of Adaptive Governance Frameworks and Participatory Policymaking

Robust governance mechanisms substantively govern the efficacy of sustainable economic practices. Regions exhibiting decentralized governance and inclusive, participatory policymaking report enhanced adoption rates of renewable energy, green finance, and circular economy initiatives, reflecting higher SDG attainment[61] (Habib & Pathik, 2021; Kabonga et al., 2021; Ionesco et al., 2021). Conversely, governance fragmentation and institutional opacity correlate with poor implementation outcomes and stalled progress. These insights underline the necessity for adaptive governance models that foster transparency, policy coherence, and stakeholder engagement to translate sustainable investments into measurable development outcomes.

Research Question 5: Development of an Integrated, Context-Responsive Conceptual Framework

The review substantiates the development of an integrated conceptual framework that harmonizes economic, technological, financial, and governance dimensions. Aligning circular economy, renewable energy, green finance, and digital financial inclusion with governance enablers creates a comprehensive pathway to accelerate poverty alleviation and SDG progress. Case analyses emphasize that frameworks tailored to socio-economic and infrastructural realities enhance scalability, sustainability, and inclusiveness. The conceptual model advanced herein operationalizes these interdependencies, serving as a pragmatic guidebook for policymakers, practitioners, and financial institution[62].

XV. Synthesis and Implications

Collectively, these findings elucidate that sustainable economic practices exert potent influence on poverty reduction and SDG advancement when deployed through integrated, contextually informed strategies. Success hinges on synergistic interplay among technological adoption, financial mechanisms, and governance quality. Policymakers should champion multi-sectoral coordination, empower participatory governance, and invest in capacity development to surmount institutional and infrastructural constraints effectively. The evidence underscores that isolated interventions are insufficient; integrated strategies addressing economic, environmental, social, and governance dimensions are indispensable for inclusive and resilient development.

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[61] Ionescu, G., Badescu, G., &Stanciu, P. *Socio-economic and institutional challenges in SDG integration in Bulgaria*. EUROPEAN JOURNAL OF SUSTAINABLE DEVELOPMENT, 10(2), 157–170 (2021). https://doi.org/10.14207/ejsd.2021.v10n2p157

[62] World Bank, World Development Report 2022: Finance for an Equitable Recovery (2022)

XVI. Implications of the Study

i. Theoretical Implications

This study advances theoretical understanding by synthesizing Sustainable Livelihoods Theory, Institutional Theory, and the Triple Bottom Line (TBL) framework into an integrated conceptual model. This multidimensional approach elucidates the complex interdependencies among economic, environmental, financial, and governance factors influencing poverty alleviation. By demonstrating how circular economy practices, renewable energy adoption, green finance mechanisms, and digital financial inclusion interact with governance enablers, the study addresses critical gaps where prior research often treated these components in isolation.

ii. Policy Implications

The findings emphasize the necessity for adaptive, context-sensitive policy frameworks that integrate economic growth with environmental sustainability, technological innovation, and financial inclusion. Policymakers should prioritize participatory governance, transparency, and capacity-building initiatives to ensure equitable resource distribution and successful SDG localization. These strategies are particularly essential in marginalized, resource-constrained regions where institutional and infrastructural challenges prevail.

iii. Practical Implications

For development practitioners—including NGOs, financial institutions, and government agencies—the study underscores the importance of focusing on operational feasibility, community engagement, and capacity development. Investments in digital literacy, technical training, and infrastructure are pivotal to facilitating the adoption of renewable energy, green finance, and digital financial services among vulnerable populations, thereby enhancing livelihood resilience and economic security.

iv. Socio-Economic and Environmental Implications

Sustainability-driven interventions generate wide-ranging socio-economic and environmental benefits. Promoting resource efficiency, addressing energy poverty, and fostering inclusive growth contribute to improved local livelihoods and community resilience. These benefits align local development agendas with global SDG targets, supporting long-term regional sustainability and environmental stewardship.

Implications for Future Research

The study identifies several promising directions for future research. Empirical validation of the proposed conceptual framework across diverse socio-economic and geographic contexts is essential. Comparative, longitudinal studies examining the long-term impacts of integrated sustainable economic practices will deepen understanding. Further exploration of governance innovation, policy coherence, and multi-stakeholder collaboration can enhance the scalability and effectiveness of sustainability interventions.

XVII. Suggestions & Conclusion

Based on the study findings, several actionable recommendations are proposed to enhance the effectiveness of sustainable economic practices in poverty alleviation and Sustainable Development Goal (SDG) implementation within resource-constrained regions.

First, policymakers and development practitioners should adopt integrated, multidimensional strategies that concurrently address economic growth, environmental sustainability, and social inclusion. Implementing circular economy initiatives, renewable energy adoption, green finance mechanisms, and digital financial inclusion in a coordinated manner can maximize synergies and overcome sectoral limitations. Programs designed in isolation risk reduced impact and sustainability.

Second, governance reform remains critical to improving the scalability and inclusiveness of sustainability-driven interventions. Establishing transparent, participatory, and adaptive governance structures can strengthen policy coherence, institutional coordination, and community engagement. Local governments and regulatory bodies should enhance monitoring mechanisms, decentralize decision-making, and foster stakeholder collaboration to effectively reach marginalized and rural populations.

Third, substantial investments in capacity building and infrastructure development are necessary to overcome operational barriers. Improving energy access, digital connectivity, transportation, and human capital through targeted programs enhances digital literacy, financial awareness, and technical skills. These advancements enable vulnerable communities to fully leverage renewable energy, green finance, and digital financial inclusion.

Fourth, context-specific and culturally sensitive approaches are paramount for addressing socio-cultural barriers to adoption. Engaging community leaders, incorporating indigenous knowledge, and tailoring interventions to local socio-economic realities enhance acceptance and longevity. Prioritizing social inclusion strategies, particularly for women, youth, and marginalized groups, further promotes equitable development outcomes.

Fifth, financial innovation and incentives must be actively promoted to facilitate sustainable practice adoption. Expanding access to green finance instruments—microfinance, sustainability-linked loans, impact investment schemes—alongside subsidies, tax incentives, and blended finance mechanisms can reduce financial barriers for low-income communities and small enterprises.

Finally, continuous monitoring, evaluation, and knowledge exchange should be institutionalized to maintain intervention adaptability, effectiveness, and scalability. Establishing data-driven feedback systems, conducting regular assessments, and documenting best practices across regions can foster learning and policy refinement. Collaborative partnerships among academia, government, and civil society are essential for evidence-based decision-making and accelerated SDG progress.

This study thoroughly investigated the influence of sustainable economic practices on poverty alleviation and Sustainable Development Goal (SDG) implementation, with particular emphasis on

marginalized, resource-constrained, and developmentally vulnerable regions. By synthesizing empirical evidence and theoretical perspectives across circular economy practices, renewable energy adoption, green finance mechanisms, and digital financial inclusion, the research presents a holistic understanding of how these multidimensional interventions drive socio-economic and environmental progress.

The findings indicate that sustainable economic practices significantly contribute to poverty reduction and SDG advancement. Nonetheless, their effectiveness is highly dependent on contextual factors such as governance quality, institutional capacity, and prevailing socio-economic conditions. Key barriers including weak policy coherence, infrastructural deficiencies, and socio-cultural constraints limit scalability and impact. Conversely, adaptive, transparent, and participatory governance frameworks enhance the transformational potential of sustainability initiatives, underlining the critical need for integrated approaches that simultaneously address economic, environmental, technological, and institutional dimensions to foster inclusive and resilient development outcomes.

From a theoretical standpoint, this research contributes an integrative conceptual framework that harmonizes Sustainable Livelihoods Theory, Institutional Theory, and the Triple Bottom Line approach, thereby bridging existing gaps caused by unilateral examination of these domains. Practically, the study highlights the importance of context-responsive policies, capacity-building efforts, financial and digital inclusion strategies, and community engagement to facilitate effective poverty alleviation and localized SDG realization. Finally, the study lays the groundwork for future empirical investigations. It recommends validation of the conceptual framework across diverse geographic and socio-economic contexts, longitudinal studies to track the long-term outcomes of integrated sustainability approaches, and in-depth comparative analyses to elucidate governance and institutional dynamics that drive successful implementation.

Overall, by providing evidence-based insights, actionable recommendations, and a comprehensive theoretical model, this study advances both academic understanding and policy practice toward sustainable development, particularly in understudied regions of the Global South.

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PLATFORM WORKERS AND INDIA'S LABOUR CODES: A CRITICAL ANALYSIS OF WORKER CLASSIFICATION, ALGORITHMIC CONTROL, AND THE QUEST FOR SOCIAL SECURITY IN THE GIG ECONOMY

Mahak Khirwal*

Abstract

Platform work, mediated by digital platforms such as Ola, Uber, Swiggy, Zomato, Blinkit, and Zepto has become the fastest-growing sector of employment in India, with employment expected to hit 23.5 million by 2029-30, a share of 6.7 per cent of non-agricultural labour in India.[1] Although the historic implementation of the four Labor Codes of India took place on November 21, 2025, formally recognizing the existence of gig and platform workers as the first labour law in Indian law[2], there are still fundamental uncertainties on the issue of worker classification, the right to the minimum wage, and collective bargaining, as well as accountability of algorithms[3]. The platform worker regulatory framework in India has been thoroughly analyzed in terms of theology and socio-legal provisions, with this research paper highlighting the major disconnect between the legislative framework and the practical implementation frameworks. Based on the recent events such as the landmark Karnataka High Court decision in Ms. X v. ANI Technologies Pvt. Ltd. (2024[4]) The December 2025 nationwide strikes of more than 200,000 gig workers, and the Karnataka Platform-Based Gig Workers Bill 2024[5] and this study critically review whether algorithmic management in the case of gig workers establishes de facto employer-employee relationship.[6] By using comparative analysis of the EU Platform Work Di-

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[1] NITI Aayog. (2022). *India's Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work*, Policy Brief, NITI Aayog, Government of India, June 2022. Available at: https://www.niti.gov.in/sites/default/files/2022-06/25th_June_Final_Report_27062022.pdf.

[2] Ministry of Labour and Employment. (2025). *Notification regarding implementation of the Code on Social Security, 2020*, S.O. 5319(E), dated 21 November 2025, The Gazette of India: Extraordinary, Part II—Section 3(ii). Available at: https://labour.gov.in/sites/default/files/e-_noti-ss.pdf (last accessed on 21st June 2026)

[3] Herbert Smith Freehills. (2025). "India Implements Labour Code Reforms: Key Changes for Employers," *HSF Employment Law Updates*, November 2025.

[4] *Ms. X v. The Internal Complaints Committee, ANI Technologies Pvt. Ltd.*, WP No. 8127/2019, Karnataka High Court, 30 September 2024.

[5] The Karnataka Platform Based Gig Workers (Social Security and Welfare) Act, 2024, Karnataka Act No. 35 of 2024, Karnataka Legislative Assembly (2024).

[6] Shilpa Elizabeth, *Karnataka Gig Workers Bill: What Stayed and What Changed*, THE HINDU (Apr. 16, 2025, 1:00 PM IST).

rective 2024[7] and UK Supreme Court ruling in Aslam[8], the paper suggests certain reforms, such as a statutory presumption of employment which can be rebutted by the platforms, the contribution of aggregators to the social security funds, the algorithmic transparency and audit, the redress of grievances that are subject to human oversight, and the constitutional interpretation of the rights of workers in Articles 14[9], 19(1)(c)[10] and 21[11]. The study concludes that there is a need to reinforce India with international labour standards through urgent legislative action covering the 23.5 million of projected platform workers in India.[12]

Keywords : Platform Workers, gig workers, Labour Code, AI

I. Introduction

1.1 The Platform Economy in India: Scope, Scale, and Significance

Gig work or platform work, as it is also called, is one of the essential changes in the structure of the Indian labour market, which is marked by the employment relationship based on the tasks performed and intermediated solely by digital systems and mobile applications.[13] They include ride-hailing networks as Ola and Uber, food delivery networks as Swiggy and Zomato, quick commerce networks as Blinkit, Zepto, and Instamart and home services aggregators like Urban Company, which pair individual workers with customers on a flexible and contractual basis, without forming traditional employer-employee relationships.[14] In contrast to traditional work with a definite working time and a definite place of work, definite stated superiors, and definite wage, platform work is marked by a variety of its peculiarities: all work assignments are mediated by the algorithm, the compensation system of independent contractors, the flexibility of work organization in time and space, and a formal definition of a worker as an independent contractor, not an employee[15]. Such categorization has far-reaching consequences on the access of workers to the labour protection measures, social security as well as the right to collective bargaining.[16] The industry has recorded a phenomenal growth in the last ten years and has evolved to be an important part of the Indian

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[7]Lehdonvirta, V. *Flexibility in the gig economy: managing time on three online piecework platforms. New Technology,* WORK AND EMPLOYMENT, 33: 13-29(2018),. https://doi.org/10.1111/ntwe.12102

[8] *Aslam and Others v. Uber BV and Others*, [2021] UKSC 5, United Kingdom Supreme Court.

[9] India Consti., art. 14.

[10] India Consti, art. 19, cl. (1)(c).

[11] India Consti, art. 21.

[12] International Labour Organization (ILO). (2024). *World Employment and Social Outlook 2024: The Role of Digital Labour Platforms in Transforming the World of Work*, ILO, Geneva.

[13] Chandrashekhar, S. (2025). *Platform Work and the Gig Economy in India: Emerging Trends and Regulatory Challenges*, RSI INTERNATIONAL JOURNAL OF ECONOMIC AND SOCIAL RESEARCH, 2025. Available at: https://www.rsisinternational.org.

[14] International Journal of Novel Research and Development "Digital Penetration and Gig Economy Growth in India," *IJNRD*, Vol. 10, 2025.

[15] *Supra* note 12.

[16] *Supra* note 3.

labour force and a no longer fringe employment sector. The number of gig workforce has increased to 6.8 million workers in 2019-20 as compared to 2.52 million in 2011-12, indicating a compound annual growth of 16.78 percent, which is very high as compared to the growth in the overall employment in India.[17] The platform workforce is now estimated to be between 7.7 million (a conservative estimate given by NITI Aayog) and 11.7 million (industry estimates) as at 2024 with the authoritative estimates indicating that by 2029-30, there would be 23.5 million platform workers which imply 6.7 percent of the non-agricultural workforce in India.[18] This trend trajectory has made platform work one of the fastest growing employment platforms in India who can be compared to the manufacturing sector in terms of how many people can get their employment.

There are various overlapping conditions which have triggered such growth. First, penetration of technology: smartphone ownership is at 81 per cent of the entire population of India and there were 936 million users of the internet as of 2024, which provides the digital infrastructure to facilitate work through platforms.[19] Second, sectoral growth in e-commerce and particularly quick commerce: the Q-commerce market surged to rupees 64,000 crore in 2025-26, with platforms like Blinkit, Zepto, and Swiggy Instamart competing aggressively for market share, directly translating to increased demand for delivery workers.[20] Third, geographic expansion: platforms have systematically expanded from metropolitan cities into tier-2 and tier-3 urban centers, creating localized employment hubs in previously underserved markets.[21] Fourth, employment distress: with formal sector job creation remaining sluggish and agricultural distress persistent, platform work has emerged as a critical livelihood option, particularly for migrants, semi-skilled workers, and those seeking supplementary income.[22]

1.2 The Central Problem: Recognition Without Protection

Despite constituting a critical and rapidly growing component of India's digital economy, contributing an estimated 1.25 percent to GDP with projections to reach 4.1 percent by 2030[23], platform workers face systemic precarity arising from their ambiguous legal classification and exclusion from protective labour legislation. On November 21, 2025, following years of deliberation and political negotiation, the Government of India implemented four comprehensive Labour Codes,

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[17] *Supra* note 1.

[18] Business Standard. (2022). "Indian gig economy to have 23.5 mn workers by 2029-30: Niti Aayog report," *Business Standard*, 27 June 2022. Available at: https://www.business-standard.com/article/economy-policy/indian-gig-economy-to-have-23-5-mn-workers-by-2029-30-niti-aayog-report-122062701069_1.html (last accessed on 1st July 2026)

[19] Supra note 14.

[20] Drishti IAS. (2026). "Transforming India's Gig Economy," *Daily Updates – Daily News Editorials*, January 2026. Available at: https://www.drishtiias.com/daily-updates/daily-news-editorials/transforming-india-s-gig-economy

[21] PWOnlyIAS. *Gig Economy in India: Multi-Apping and Economic Dependency*, PWONLYIAS CURRENT AFFAIRS, 2025.

[22] Supra note 13.

[23] Supra note 1.

[24] Codes on Wages, 2019, No. 29, Act of Parliament, 2019 (India).

the Code on Wages 2019[24], the Industrial Relations Code 2020[25], the Code on Social Security 2020, and the Occupational Safety, Health and Working Conditions Code 2020, which consolidated and replaced 29 separate labour statutes enacted over eight decades.[28]

The intended aim of these Codes was the most important labour law reform since the time of Independence, to ease compliance, to cut litigation, and to offer protection to workers not previously covered, especially those in the informal and unorganized sectors.[29] Crucially, the Code on Social Security 2020[30] formally recognized gig workers and platform workers as distinct categories, defining gig workers as persons who perform work or participate in work arrangements and earn from such activities outside of traditional employer-employee relationships, and platform workers as those engaged in or undertaking platform work through digital intermediaries called aggregators.

This definitional inclusion marked the first explicit statutory recognition of platform workers in Indian labour law, acknowledging their distinct employment characteristics and signalling legislative intent to provide social protection.[31] However, this recognition has proven largely symbolic rather than substantive. While Section 114 of the Social Security Code[32] mandates the establishment of social security schemes for gig and platform workers covering life and disability insurance, health and maternity benefits, old age protection, and other welfare measures, and while Section 115[33] requires aggregators to contribute 1-2 percent of their annual turnover (capped at 5 percent of amounts paid to workers) to a dedicated Social Security Fund, the actual formulation and implementation of these schemes remains entirely discretionary, contingent on government notifications and state-level rule-making that have been significantly delayed.

Draft rules released in January 2026 introduced additional barriers, stipulating that workers must be engaged with an aggregator for at least 90 consecutive days (or 120 days if working with multiple aggregators) within a financial year to qualify for benefits, effectively excluding the majority of platform workers who engage in seasonal, part-time, or multi-platform work.[34] As of January 2026, no state has notified social security schemes or operationalized funds, despite statutory

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[25] Industrial Relations Code, 2020, No. 35, Act of Parliament, 2020 (India).
[26] Code on Social Securities, 2020, No. 36, Act of Parliament, 2020 (India).
[27] Occupational Safety, Health and Working Conditions Code 2020, No. 37, Act of Parliament, 2020 (India).
[28] DLA Piper. (2025). "New Labour Codes usher in a new era of compliance," *DLA Piper GENIE*, 21 November 2025. Available at: https://knowledge.dlapiper.com/dlapiperknowledge/globalemploymentlatestdevelopments/2025(last accessed on 1st July 2026)
[29] Press Information Bureau (PIB). (2022). "NITI Aayog Launches Report on India's Gig and Platform Economy," Ministry of Labour and Employment, 27 June 2022. Available at: https://www.pib.gov.in/PressReleasePage.aspx?PRID=1837277 (last accessed on 1st July 2026)
[30] Supra note 26.
[31] Legalitysimplified.com. (2025). "Code on Social Security 2020 Enforced from 21 Nov 2025," *Legality Simplified*, 22 November 2025. Available at: https://www.legalitysimplified.com/ministry-of-labour-and-employment-notifies-implementation-of-the-code-on-social-security-2020/.
[32] Code on Social Securities, 2020, No. 36, §. 114, Act of Parliament, 2020 (India).
[33] Code on Social Securities, 2020, No. 36, §. 115, Act of Parliament, 2020 (India).
[34] Draft Social Security Rules, 2026, Ministry of Labour and Employment, Jan. 2026 (India).
[35] Press Information Bureau, India's Labour Reforms: Simplification, Security, and Sustainable Growth (Nov. 21,

mandate.[35] Platform workers remain excluded from minimum wage protections under the Code on Wages 2019[36], collective bargaining rights under the Industrial Relations Code 2020[37], and workplace safety regulations under the Occupational Safety Code 2020[38] through their classification as independent contractors rather than employees.

II. The Labour Codes and Platform Workers: Gaps Between Recognition and Protection

2.1 Code on Social Security 2020: Promises and Implementation Failures

The Code on Social Security 2020[39] introduces formal definitions distinguishing gig workers from platform workers. Gig workers are defined broadly as persons who perform work or participate in work arrangements outside traditional employer-employee relationships, while platform workers are those engaged in platform work facilitated by digital intermediaries called aggregators (Code on Social Security, 2020, Sections 2(35)[40], 2(61)[41], 2(62)[42]). Aggregators are defined as digital platforms that aggregate services and connect buyers with sellers or service providers. These definitional inclusions represent legislative acknowledgment that platform-mediated work constitutes a distinct employment category requiring specific regulatory attention.[43]

However, implementation faces critical gaps. Section 114[44] mandates that the central government may formulate social security schemes for gig and platform workers, but uses discretionary rather than mandatory language. The word 'may' rather than 'shall' provides no binding timeline or enforcement mechanism[45]. Section 115[46] requires aggregators to contribute to social security funds, but leaves contribution amounts, collection mechanisms, and fund administration entirely to executive rule-making . Draft rules[47] released in January 2026 require workers to be engaged for 90-120 consecutive days to qualify for benefits, a threshold that excludes seasonal workers, part-time workers, and those working across multiple platforms simultaneously. As of January 2026, no state has notified schemes or operationalized funds despite statutory mandate, rendering Sections 114-115 entirely unenforceable in practice.[48]

2025, 4:44 PM IST), Press Information Bureau, Government of India.
[36] *Supra* note 24.
[37] *Supra* note 25.
[38] *Supra* note 27.
[39] *Supra* note 26.
[40] Code on Social Securities, 2020, No. 36, § 2 (35), Act of Parliament, 2020 (India).
[41] Code on Social Securities, 2020, No. 36, §. 2(61), Act of Parliament, 2020 (India).
[42] Code on Social Securities, 2020, No. 36, §. 2(62), Act of Parliament, 2020 (India).
[43] *Supra* note 31.
[44] *Supra* note 32.
[45] Uknowva. *Labour Codes 2025: Impact on Gig Workers and Platform Economy*,HRCOMPLIANCE REPORT, 2025.
[46] *Supra* note 33.
[47] *Supra* note 34.
[48] Press Information Bureau, Labour Codes: Consolidation of 29 Laws into 4 for Simplification and Security (Nov. 21, 2025, 4:44 PM IST), Press Information Bureau, Government of India.
[49] Codes on Wages, 2019, No. 29, §. 2(k), Act of Parliament, 2019 (India).

2.2 Code on Wages 2019 and the Classification Problem

The Code on Wages 2019[49] defines employee as any person employed on wages by an establishment to do any skilled, semi-skilled, or unskilled work, but explicitly excludes independent contractors from this definition. Platforms systematically classify workers as independent contractors despite exercising extensive control through algorithmic management systems, pricing determination, performance monitoring, and account suspension authority.[50] This classification excludes workers from minimum wage protections mandated under Sections 3-6, overtime compensation requirements, and payment guarantees.[51] The employee-independent contractor dichotomy creates an all-or-nothing framework: workers classified as employees receive comprehensive protections; workers classified as independent contractors receive none.[52] This binary classification fails to account for platform workers' hybrid status: they exercise some independence in choosing when and where to work, but face comprehensive platform control over pricing, task assignment, performance evaluation, and disciplinary measures.[53] The Code provides no intermediate category recognizing degrees of economic dependence and control, unlike European jurisdictions that recognize worker status distinct from both employee and independent contractor classifications.[54]

2.3 Industrial Relations Code 2020: Exclusion from Collective Rights

The Industrial Relations Code 2020[55] governs trade unions, collective bargaining, industrial disputes, and works committees. The rights are however limited only to employees as stipulated in the Code. The platform workers who are considered independent contractors are denied the option of forming a recognized trade union, collective bargaining, or dispute resolution measures.[56] This ban is regardless of the fact that sites dictate wages, working conditions and terms of engagement without the input of the worker.[57] Employees who seek to organize are blocked and blacklisted on network systems of the platforms, and have no legal means or safeguard against retaliatory measures.[58] The fact that platform workers are not entitled to collective bargaining powers by the Code really puts power imbalance at its core. Prices are established, performance is monitored, tasks are allocated and disciplinary action is taken by platforms and workers have no means of collectively bargaining.[59] The bargaining power of individual workers to challenge unfair practices is low: to decline

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[50] *Supra* note 13.
[51] Codes on Wages, 2019, No. 29, §§. 3-6, Act of Parliament, 2019 (India).
[52] *Supra* note 3.
[53] *Supra* note 12.
[54] *Supra* note 7.
[55] *Supra* note 25.
[56] Fisher Phillips. (2025). "India's New Labor Codes: 9 Steps Multinational Employers Can Take Now," *Fisher Phillips Insights*, November 2025. Available at: https://www.fisherphillips.com/en/news-insights/indias-new-labor-codes.html.
[57] *Supra* note 21.
[58] *Supra* note 20.
[59] *Supra* note 12.
[60] *Supra* note 13.

the unfair terms, the individual worker loses the channel altogether whereas the platform can replace workers of large labour pools in no time.[60] Such inequality in the structure would deny the objective of the Code which is to bring harmonious industrial relations and safeguard worker interests.[61]

2.4 Occupational Safety, Health and Working Conditions Code 2020

This Code requires safety standards, health and working condition rules on the employees in the establishments. Platform workers, once more disqualified under nomadic contractor classification, have no safeguard though they enjoy considerable occupational dangers.[62] The delivery workers are exposed to road traffic accidents, assault, and violence, exposure to extreme weather conditions, and musculoskeletal injuries which occur due to extended periods of riding or transporting heavy goods.[63] In December 2025, the strikes recorded more than 250 road accidents caused by 10-minute delivery time, and several people were killed.[64] The platforms do not require any safety equipment, do not offer any accident insurance and set deadlines of particular goods delivery which encourages risky driving and traffic offence. [65]

III. Algorithmic Control and the Employment Relationship Question

3.1 Manifestations of Algorithmic Management

Of fundamental importance to the platform work is the systematic control of work processes with the help of algorithmic management systems, which is a fundamental distinction between the traditionally independent contracting and platform work.[66] These systems take the form of six major dimensions:

First, work assignment: algorithms will distribute work orders to particular workers on a non-transparent basis such as location closeness, approval rates, customer recommendations, and priority levels set by the platform.[67] The workers do not have a chance to select customers, bargain on the choice of tasks, and to see available orders prior to acceptance. Not accepting the given tasks will lead to less allocation of future orders and penalties to the account.[68]

Second, determination of prices: platforms determine the price of services received by customers and revenue received by workers unilaterally.[69] Employees are not able to bargain on prices, establish their rates, or impose special fees on burdensome or urgent deliveries. It is also common on plat-

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[61] Industrial Relations Code, 2020, No. 35, Preamble, Act of Parliament, 2020 (India).
[62] *Supra* note 3.
[63] *Supra* note 21.
[64] *Supra* note 20.
[65] *Supra* note 13.
[66] *Supra* note 12.
[67] *Supra* note 13.
[68] *Supra* note 21.
[69] *Supra* note 14.
[70] *Supra* note 20.

forms to change prices in a surge mechanism and promote discounts without the consultation of workers, which makes a direct difference in earnings.[70] Workers are not given any visibility on pricing processes or distribution on revenues between platform commissions and workers compensation.[71]

Third, performance monitoring, constant monitoring of various metrics, such as the rate of accepting orders, delivery time, customer rating and route compliance.[72] GPS trackers identify the exact positions of workers, their track paths and time wastage in real-time.[73] Platform applications document the observation of work behaviors, income, and customer interactions, creating holistic profiles of workers that are algorithmically used to make decisions and have no access or control by the workers.[74] Fourth, disciplinary power: automated systems are used to administer punishment such as fewer allocation of orders, account blocking, and automatic shutdown depending on the decision of the algorithm.[75] There is no warning and written explanation or human inspection of punitive action to workers. The deactivation of accounts is automatic and immediate in relation to the complaints or low rating of the customer or a certain percentage of acceptance rate, and there is no appeal mechanism or an option of appealing against the decision.[76] Platforms recognize the fact that 15-20 percent of workers get temporarily or permanently suspended on their account every year.[77]

Fifth, route optimization: platforms have obligatory navigation information that is required to be adhered to by the workers.[78] Any violation of algorithmic route recommendations can lead to fines or lessening future distribution.[79] This payment of work methods goes against the definition of independent contractor wherein workers normally dictate how they want to go about the completion of their tasks.

Sixth, time pressure: platforms have strict delivery deadlines, and platforms based on quick commerce require 10 minutes of delivery, which poses a considerable threat to safety.[80] Employees are punished when they deliver late despite the traffic and weather condition as well as other acceptable delays. They cause time pressures that motivate unsafe driving, traffic offenses, and neglect of rest breaks, which directly affect the number of accidents as reported by workers, and strike demands.[81] The theoretical disjunction of platforms is not in agreement with this all-encompassing algorithmic control.[82] Employees have no ability to negotiate fees, pick clients at their own will,

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[71] *Supra* note 21.
[72] *Supra* note 13.
[73] *Supra* note 21.
[74] *Supra* note 12.
[75] *Supra* note 20.
[76] *Supra* note 21.
[77] *Supra* note 31.
[78] *Supra* note 14
[79] *Supra* note 12.
[80] *Supra* note 20.
[81] *Supra* note 21.
[82] *Supra* note 12.
[83] *Supra* note 4.

regulating working practices, or even to schedule their work hours outside the general availability periods. Instead, they have no choice but to endure constant supervision, automated fines and automatic termination without appeal, which are indicators of the subordinate employment relationships, as opposed to the actual independent contracting.

3.2 The Karnataka High Court Decision: Ms. X v. ANI Technologies

In September 2024, the Karnataka High Court made a historic decision, which used substantive control test to platform workers in Ms. X v. ANI Technologies Pvt. Ltd.[83] Internal Complaints Committee. The case included sexual harassment claims by an Ola passenger against a driver, which established a question of jurisdiction on whether the driver was an employee who is subject to workplace sexual harassment protection. The Court decided that Ola had an algorithmic control that formed a de facto employer-employee relationship despite any labels of contract. The rationale of the Court paid attention to substantive indicators of control: Ola itself defined how much to charge when selling rides to customers; the drivers had to take up the rides established by the algorithm of the platform; the platform constantly monitored the work of drivers by using GPS tracking and customer ratings; Ola had unilateral power to suspend or dismiss a driver according to the decision of the algorithm; and the platform offered drivers the necessary working tools in the form of the application interface and the customer connection system. According to these aspects, the Court found that the drivers had been employed by Ola, but not individually, and that employer-employee relationships existed even though the contract provisions established drivers as partners. Ola has however managed to appeal successfully to stay on this decision pending appeal, which has caused continuous legal uncertainty.[84] Final appellate determination is the determinant of ultimate precedential value. Even positive conclusive results would be applicable only in certain situations without wider changes in legislation, which would specify classification criteria in all cases of the industry. The ruling shows that the judiciary is willing to consider other formalities of the contract and the work relationship of substance, but the individual litigation may not offer broad solutions to the millions of platform employees with such ambiguities in classification.

IV. The December 2025 Strikes: Worker Mobilization and Systemic Grievances

On December 5-12, 2025, platform workers in the largest metropolitan areas in India organized the first ever large-scale labour strikes comprising of an estimated 200 000 300,000 workers. Swiggy, Zomato, Blinkit, Zepto, and other large platforms had their delivery workers simultaneously walk out in Delhi, Mumbai, Bengalore, Hyderabad, and Pune, interrupting the delivery of food and quick commerce services in the midst of the essential pre-holiday purchases. The strikes were the most massive organization of platform workers in Indian history, so they did not presuppose an organization level even though platform workers were excluded and segregated by law and unions.

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[84] *Supra* note 20.

[85] *Supra* note 21.

[86] Directive (EU) 2024/2831 of the European Parliament and of the Council of 23 October 2024 on improving working

Workers articulated five core demands through informal organizing networks and social media coordination. First, immediate ban on 10-minute delivery targets that workers documented as causing over 250 traffic accidents including multiple fatalities during 2025. Second, algorithmic transparency in earnings calculation, with workers demanding written explanation of how platform algorithms determine delivery fees, surge pricing, and individual worker compensation. Third, end to arbitrary account deactivation, with workers documenting cases where accounts were permanently suspended based on false customer complaints or algorithmic determinations without human review or appeals process. Fourth, immediate implementation of social security schemes promised under the Labour Codes but unnotified and unfunded since the November 2025 implementation. Fifth, recognition of workers' right to organize collectively without platform retaliation or account deactivation.[85] Platform responses demonstrated unwillingness to address structural grievances. Companies offered temporary financial inducements including one-time bonuses of rupees 50-100 per delivery and modest increases in base delivery fees, but refused to modify 10-minute delivery policies, provide algorithmic transparency, establish fair appeals processes, or recognize collective bargaining rights. Platforms published public messages stating that they are dedicated to the welfare of their partners, but workers are independent contractors who can and should accept or decline work on their own terms, an essential way to misdescribe the degree of algorithmic manipulation and financial reliance that defines platform work. The strikes showed a number of important realities. To begin with, platform workers have the ability to collective action and solidarity even though legally they do not qualify as members of a union and collective bargain systems. Second, worker grievances regarding safety, earnings transparency, algorithmic accountability, and social security are deep, widespread, and unlikely to be resolved through temporary financial inducements. Third, current regulatory frameworks provide no mechanisms for workers to compel platforms to address systemic concerns, leaving labor action as the only available avenue for worker voice. Fourth, platforms remain confident that existing legal structures impose no obligations to engage with worker demands, respond to safety concerns, or modify business practices that maximize platform profits while externalizing risks and costs onto workers.

V. International Comparative Framework: Lessons from the EU, UK, and California

5.1 European Union Platform Work Directive 2024

The EU Platform Work Directive[86] adopted in November 2024 establishes rebuttable presumption of employment based on algorithmic control indicators.[87] The Directive creates legal presumption that platform workers are employees when platforms meet at least two of five specified criteria: effective determination of remuneration levels; supervision of work performance including electronic monitoring; control over distribution of tasks or work allocation; restrictions on freedom to choose working hours, accept tasks, or engage with third parties; and control over work equipment, appearance, or conduct.

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conditions in platform work, 2024 O.J. (L 2831) 11 (EEA relevance).

[87] *Supra* note 7.

[88] *Supra* note 4.

This presumption shifts evidentiary burden to platforms: workers are presumed employees unless platforms prove genuine independent contractor status. Platforms must demonstrate that workers genuinely control pricing, choose clients freely, determine work methods independently, and operate as autonomous businesses rather than subordinate labour. The Directive further requires extensive transparency of algorithms: the sites will be required to publish automated surveillance and determination procedures that influence the employment terms; they will have the option of computerized choices in human control and to challenge; secure data rights; and have their algorithmic management systems audited by third parties. The importance of the Directive concerns awareness that an employment relationship can be established in the absence of traditional workplaces due to the presence of an algorithmic control, that legal responsibility should be transferred to the control indicators in the context of platforms that have superior information and bargaining power, and that worker rights need to be guaranteed and monitored by an algorithmic transparency.

5.2 United Kingdom: Aslam v. Uber and Worker Status

In 2021, the unanimous decision of the UK Supreme Court was in Aslam and Others v. Uber BV and Others[88], that Uber drivers are employees and will receive minimum wage, annual and rest leaves given the employment law of the UK. In the UK, three groups are identified: full-employment, basic employee protection, such as minimum wage and basic benefits, and actually self-employed workers, who have little protection. Substantive examination of employment relationship allowed the Supreme Court to determine that drivers were not self-employed but workers.

This Court rationale highlighted that Uber, and not drivers, determined fares or conditions of the contract; Uber had great control over drivers by imposing ratings or terminating their accounts; drivers could not do anything with professional competence and entrepreneurial efforts to change their economic situation; Uber as a business model dictated treating drivers as part of the workforce and not as independent providers of services. The Court disapproved the argument of Uber that drivers were working independently once they were logged in the app, and instead, decided that drivers were employed by Uber during the entire period they were logged in the app whether or not they were transporting passengers. The significance of this decision is in that contractual labels should not supersede substantive employment relationships, that platform business models in which workforce integration is required form employment liability, and that intermediate worker status offers minimum protection without the full rights of an employee, which may offer a model to platform worker laws.

5.3 California AB5 and the ABC Test

California's Assembly Bill 5,[89] enacted in 2019, codified the ABC test establishing strong presumption of employee status. Under this test, workers are presumed employees unless the hiring

[89] Assemb. B. 5, 2019–2020 Reg. Sess. (Cal. 2019) (codified at Cal. Lab. Code §§ 2750.3, 3351, 606.5, 621, 686, 1720.4, 18404, 21000, 26001, 2775–2787).

[90] Proposition 22, App-Based Drivers as Contractors and Labor Policies Initiative, Cal. Gen. Election (Nov. 3, 2020)

entity proves all three conditions: (A) the worker is free from control and direction in performing work; (B) the work performed is outside the usual course of the hiring entity's business; and (C) the worker is customarily engaged in an independently established trade, occupation, or business of the same nature as the work performed.The ride-hailing and delivery services normally do not pass prong B as the transport and delivery services are their right business operations rather than side services. This high assumption puts evidentiary pressure on platforms and acknowledges structural power asymmetries in favour of platforms in determination of classification. Nevertheless, the lobbying of the intensive platform industry allowed passing the Prop 22 in 2020 that provided certain derogation of AB5 to the employee classification to app-based transportation and delivery workers.[90] Proposition 22 introduced different regulatory framework with fewer benefits and still with independent contractor classification, proving that it is difficult at a political level to keep high worker protection against well-resourced platform opposition.

VI. Proposed Regulatory Reforms for India

This study suggests extensive reform package concerning classification, minimum wages, algorithmic governance, grievance mechanisms, collective bargaining, social security implementation and constitutional interpretation based on the analysis of the existing regulatory gaps and the international comparative models.

6.1 Statutory Employment Presumption Based on Control Indicators

Amend the Code on Wages 2019 to establish rebuttable presumption of employment for platform workers, following the EU Directive model. Workers should be presumed employees where platforms exercise control through: (a) unilateral pricing determination for services provided to customers; (b) algorithmic monitoring of work performance including GPS tracking, acceptance rates, or customer ratings; (c) automated assignment of tasks without worker ability to choose customers or negotiate terms; (d) authority to impose disciplinary measures including reduced allocation or account suspension. Platforms may rebut this presumption by proving workers genuinely control pricing, choose clients freely, provide services to multiple competing platforms simultaneously, and operate as independent businesses with autonomous decision-making authority.

This strategy transfers the burden of evidence into the right places based on the better information platforms provide regarding the algorithmic systems and work arrangements, acknowledges the substantive control indicators are of significance than contractual designation, and allows genuine independent contracting without misclassifying economically dependent employees.

6.2 Minimum Wage Protections and Payment Transparency

Introduce sector-based wage boards that set the minimum wage rates on platform work, which are charged in hours worked (even during waiting periods between tasks) and per task completed,

(codified at Cal. Bus. & Prof. Code §§ 7451–7467).

as is the case in UK after Aslam (2021) did. Require algorithmic transparency in pay: platforms are required to publish approaches to computing delivery costs, surge-based pricing, and charges to individual workers; offer real-time pay information demonstrating the base rates, surge, and tip compensation and platform fees; and issue written authorization in the face of the compensation rate change at least 14 days beforehand. Ban below-cost pricing models that pass platform business risks onto workers using unsustainable compensation rates.

6.3 Algorithmic Governance and Transparency Requirements

Oblige platforms to publish algorithmic systems that influence working conditions such as work assignment, prices, performance measurement and disciplinary actions, as per the EU Directives. Introduce human review procedures: the platform should be able to present written justification in case of the account suspension or deactivation within 48 hours; the workers should be allowed to have automated decisions reviewed by a person; the appeals should be addressed within 14 days with justification provided. Third party algorithmic audit of bias, fairness, and adherence to labour standards. Introduce safety override strategies: algorithms should not demand delivery schedules that pose unreasonable safety hazards; employees should have the freedom to speak against the unsafe solutions without punishment. Establish civil sanctions against non-compliance, such as its fines that are proportional to the platform revenue and the possibility of suspending the work of a platform in the case of serious violations.

6.4 Specialized Grievance Redressal Mechanisms

Create a Public Tribunal at the Platform Worker level that will preside over classification cases, wage claims, health and safety offenses and unfair labour practices. The procedures should be simplified with few filing fees (not more than rupees 100), hearings should be hastened within 60 days and judgement passed in 90 days after filing the tribunal. Establish a separate office of Platform Worker Ombudsman with the power to take independent systemic complaints, and proactively audit platform practices, and issue corrective action such as compensation, policy reforms or changes in operations. Platforms should have internal grievance mechanisms that include human decision-makers, sources of compulsory response, (first response within 72 hours, final response within 14 days) and transparent procedures that are available to the workers.

6.5 Collective Bargaining Framework and Organizing Rights

Change the Industrial Relations Code 2020 to allow the collective bargaining of platform workers of all employment categories by sector. Accept the worker associations as a legitimate bargaining representative to agree on industry-wide standards, concerning minimum wages, safety measures, working conditions, and grievance process. Ban repression of organizing activity: the repression cannot take the form of platform-deactivation, allocation reduction, or any other punishment form to workers who are members of a union or engage in collective action. Institutionalize legal structure of sectoral collective agreements that encompass all platforms within given geographic or industry extension and eradicate race to the bottom competition over labour standards.

6.6 Social Security Implementation with Mandatory Timelines

Set benchmarked deadlines of social security schemes implementation: central government should inform schemes within 6 months of implementation of the Code; state government should mobilize funds and start to receive contributions within 12 months. Make be eligibility requirements easier: the workers whose income on platform work is at least the minimum threshold (e.g. rupees 10,000 monthly) are instantly eligible without the necessity to work consecutive days. Establish mechanisms of enforcement: impose financial fines on aggregators who do not contribute (at least 10 percent of the amount they should contribute); create automatic enrolment mechanisms that circumvent administrative obstacles; have transparency in fund administration with workers representation in governing boards; publish an annual report on contributions, benefits paid and fund performance.

6.7 Constitutional Interpretation Establishing Baseline Protections

The Supreme Court ought to give understandings of constitutional clauses such that there might be minimum worker protection irrespective of the type of employment. The equality assurance of Article 14 forbids arbitrary classification: platform workers in similar positions as those held by traditional employees should not be excluded labour protection, just because of contractual categories that are not a reflection of substantive work relationships. The right to associate as stated in article 19(1)(c) protects the freedom of association, which ensures that workers have the rights to organize collectively and to collectively bargain, and such rights cannot be restricted to the requirement that the employer acknowledges the employee or to the employment status of the employee. The right of life with dignity in the article 21 imposes minimum standards: wages are fair, safety in the workplace, and basic welfare through social security are the necessary elements of the right to life with dignity as guaranteed by the constitution. These interpretations of the constitution offer legislative reforms which have a judicial basis and may lead to gaps in regulations which would expose vulnerable workers to insecurity.

VII. Conclusion: The Path Forward

The platform economy of India is at the crossroads. November 2025 with the application of the Labour Codes was the first time that gig and platform workers were officially treated as a specific segment of the population deserving social protection. This realization has been however mostly merely symbolic: social security plans are not notified in accordance with statutory requirements; platform workers are not protected by minimum wages, collective bargaining, and workplace safety, using the employee independent contractor dichotomy; algorithmic management systems go unchecked, unsupervised, and unaccountable, and workers have no ready grievance mechanism to call unfair treatment or unsafe workstations.

The 2025 strikes involving 200,000-300,000 workers showed how many grievances there were among the workers and how insufficient the response by the existing regulations was. Employees presented tangible requests such as prohibition of perilous 10-minute deliveries, algorithmic openness, just appeals procedures, put into effect social security, acknowledgment of organizing rights, which

on platforms could not be fulfilled by transformational changes. Short-term financial incentives can never replace structural transformation where the issues of the classification of workers, their bargaining power, and regulatory safeguarding are not resolved. A judicial way out is not exhaustive. The use of the substantive control test in the case involving Ola by the Karnataka High Court is a progressive jurisprudence that acknowledges the existence of employer-employee relationships despite the use of contractual terms and conditions. Nonetheless, the stay awaiting the ruling process is an issue of uncertainty and even positive concluding results would be applicable in particular situations without the introduction of a legislative change that would introduce the standards of classification of the whole industry.

Comparative analysis on the international level shows possible directions of reform. The EU Platform Work Directive defines the rebuttal employment presumption in terms of the indicators of algorithmic control and the extensive transparency demands. The status in Aslam v. the UK Supreme Court. A judicial precedent in considering the formality of the contract as secondary is the Uber (2021) platform workers are employees or workers who deserve minimum protections. ABC test of California generates high presumption of employee status, but its political difficulties have shown signs of pushback by well-financed platform industries. The seven-part reform framework suggested above helps to address basic gaps in the regulation: the statutory employment presumption balances the burden of classification, allows legitimate independent contracting; the minimum wage and payment disclosure safeguard compensations; the algorithmic governance prescribes disclosure, human intervention, and safety measures; the specific tribunals and the role of an ombudsman serve as a means of ensuring access to redressing grievances; worker control of the industry through collective employer powers; social security provisions of mandatory timelines and simplified qualification provide the promised protection; constitutional interpretation offers.

These are reforms that balance rival interests. The protection of workers should be through dignity, safety and fair pay of millions of platform workers and their families. Platform innovation needs to maintain sectoral dynamism and technological progress which is a driver of economic growth. Consumer good calls that services should be of quality and accessible on the platforms. Regulatory efficiency involves the development of effective, enforceable regulations that lessen the cost of litigation as well as the uncertainty in complying with the rules. These interests do not necessarily conflict: in the case of sustainable platform economies, both technological innovation and the norms of decent work are needed at the same time, as the experience of the international community can confirm. The need to reform cannot be overestimated. The platform economy in India is expected to have three times its current size within five years and 23.5 million workers and their families will rely on platform revenues by the years 2029-30. The existing regulatory frameworks ensure continuity of precarity by shifting all the employment risks, such as income volatility, accidents in the workplace, health crises, old age insecurity, etc., to workers and monopolizing all the economic gains on platforms and investors. Such an order is not only economically unsustainable, since a growing rate of worker resistance and strike proves it, but it is also indefensible under the constitution, where Article 21 of the constitution guarantees life with dignity, which, under minimum wages, safety on the job, and social security, is the case.

India has an option of continuing with the existing strategy: formal recognition as opposed to substantive protection, discretionary welfare as opposed to enforceable rights, algorithmic control as opposed to accountability, and symbolic legislation as opposed to meaningful enforcement. This direction will result in increasing precarity of workers, a rise in labour unrest, an increase in inequality, and the platform economy based on exploitation instead of dignity.

Instead, India can start thinking about global best practices and constitutional values to create platform economies with a combination of technological innovation and decent work norms building upon them. This will involve courage to legislate against the preferred classification of platform companies as independent contractors; regulatory ability to institute transparency and accountability in algorithms; judicial determination to apply constitutional ideas to new labor structures, and the political desire to place worker dignity over profit maximization of platform companies.

The December 2025 strikes have shown that platform workers, even though excluded systematically by legislation and institutional apparatus, can still organize to promote change in large numbers. Workers demonstrated that they have organizational potential, solidarity, and will to put a fight against exploitative arrangements. The answer is whether the legal and political institutions in India will act in response to the question of providing substantive reforms or carrying further symbolic gestures.

To 23.5 million estimated platform workers and their families -roughly 100 million people when family dependents are included- this solution will make or break the platform economy an access to dignified livelihoods that would allow economic security, social and structural mobility and basic well-being in the current development process in India. In terms of technology, the decision that India makes will determine not only the future of the platform work, but also the character of technological progress as in whether innovation will support human dignity or destroy it, whether economic development will be inclusive or extractive, and whether constitutional guarantees of equality and life with dignity would apply to all workers despite the role played by technology in mediating their labour.

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WHEN THE BACKSTOP BECOMES THE DEFAULT: GAAR, INTERPRETIVE FIDELITY, AND THE EROSION OF CERTAINTY IN INDIAN CORPORATE RESTRUCTURING LAW

Dr. Priyanka Anand*

Abstract

India's General Anti-Avoidance Rules (GAAR) - enshrined in Chapter X-A of the Income Tax Act, 1961 - were designed to be a catch-all measure against tax schemes that lack commercial substance and are primarily motivated by the aim of obtaining a tax benefit. However, recent pronouncements of the GAAR Approving Panel, in the matters concerning the Hinduja Group's NCLT-approved demerger and the Vedanta Group's Mauritius-based delisting, indicate that GAAR is being used almost as a default lens to scrutinise corporate restructurings, even when said transactions have already passed through other statutory gates. This paper suggests that this trend is an instance of interpretive infidelity: a move away from the text of the statute, the legislative scheme, and the jurisprudential norms that should attend the exercise of a special power. Using H.L.A. Hart's theory of the rule of recognition and open texture, Lon Fuller's inner morality of law, and Ronald Dworkin's interpretive integrity, this paper argues that a purposive, disciplined exercise of the GAAR requires the dominant-purpose threshold to be taken seriously, that the NCLT's approval be given evidentiary weight for the sake of institutional comity, and that the evidentiary onus on the Revenue should not be a procedural formality but a substantive requirement. This paper also highlights recent decisions of the Telangana High Court that suggest a more nuanced approach and argues that this approach is more consistent with constitutional demands of legal certainty under Articles 14 and 265 and with India's international obligations to provide a stable investment climate.

Keywords: GAAR, corporate restructuring, dominant purpose, NCLT, institutional comity, interpretive integrity, investor certainty, tax avoidance.

I. Introduction: The Paradox of the Ordinary Exception

It is ironic when an exceptional rule becomes a routine application. India's General Anti-Avoidance Rules (GAAR) are currently witness to this paradox. When Chapter X-A was introduced to the Income Tax Act, 1961, there was no question about what the lawmakers intended: GAAR was to be a rule that was to be used sparingly by the Revenue, only when it had exhausted all other options, only where there was obvious abuse and only where the primary purpose of a transaction as opposed to a subsidiary purpose was to secure a tax benefit.[1]

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[1] Expert Committee on General Anti-Avoidance Rules (GAAR), *Final Report on General Anti-Avoidance Rules* 3.1–3.5 (Ministry of Finance, Government of India, Sept. 30, 2012) [hereinafter Shome Committee Report].

This was the view of the Parthasarathi Shome Expert Committee whose recommendations heavily influenced the shape of the provision that was enacted. GAAR was not meant to replace conventional tax planning, or to re-classify legitimate commercial transactions merely because they were tax efficient.[2] The Central Board of Direct Taxes (CBDT) reiterated this in its guidelines on GAAR, which provided that the provision should be applied only in obvious cases of misuse.[3]

There seems to have been a change recently. The directions by the GAAR Approving Panel in the Hinduja Group (involving an NCLT-approved demerger) and the Vedanta Group for delisting suggest a willingness to invoke GAAR in respect of transactions that have already passed the other tests under the tax law, on reasoning that, according to some commentators, equates tax efficiency with tax avoidance. This is no small matter of administration. It raises fundamental questions of legal theory: how to interpret an extraordinary right? What is the meaning of previous regulatory approval? And what are the rule of law implications of investor certainty and fiscal rectitude?

This article considers these questions through three jurisprudential frameworks, Hart, Fuller and Dworkin, and turns to the recent case law and a principled approach to applying the GAAR.

II. The Legislative Framework of GAAR: Threshold, Taint, and Burden of Proof

It is important to understand the structure of Chapter X-A before launching a critique of the provision, as the provision itself is important. Section 96 provides that an "impermissible avoidance arrangement" is an arrangement with a conjunctive trigger: it must have the obtaining of a tax benefit as its main purpose,[4] and it must also satisfy at least one of the "taint" criteria in section 97 (including lack of commercial substance, artificial steps, treaty abuse or misuse of provisions).[5] Despite the disjunctive taint criteria, the conjunctive nature of the trigger is important. Both limbs must be satisfied. A transaction may be artificial but not attract GAAR if the dominant purpose was not to achieve a tax benefit. On the other hand, a transaction may save a lot of tax but it may not attract GAAR if its dominant purpose was commercial. The law is clear on this (and the CBDT guidelines regard it as the threshold for the entire scheme).[6]

This is crucial to corporate restructurings. Mergers, demergers, hive-offs and delistings are not unequivocally motivated. They are often motivated by a web of strategic, regulatory, governance, finance and market factors that develop over time. That a restructuring is tax-efficient that it consumes losses, creates a favourable capital structure or invokes a treaty rate is not, in and of itself, proof that tax was the dominant motivating factor. The law demands more; it demands evidence that the tax result was the governing outcome rather than a side-effect. This is the Revenue's burden.[7]

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[2] *Id.*7.5.
[3] *Central Board of Direct Taxes, Circular No. 7 of 2017: Clarifications on Implementation of GAAR Provisions under the Income-tax Act, 1961 (Ministry of Finance, Department of Revenue, Jan. 27, 2017) [hereinafter CBDT Circular 7/2017].*
[4] Income Tax Act 1961, § 96(1).
[5] Income Tax Act 1961, § 97.
[6] CBDT Circular 7/2017, *supra* note 3, 4.
[7] H.L.A. Hart, *The Concept of Law* 94–95 (Oxford University Press 1961).
[8] *Id.* at 100.

It is against this statutory backdrop, so carefully crafted, qualified and expressly described as a provision of last resort, that recent practice needs to be evaluated.

III. Deference and Anti-Avoidance Rules: Hart, Fuller, and Dworkin

i. Hart's Rule of Recognition: Giving Effect to the Text

H.L.A. Hart's account of the rule of recognition is a good place to start. For Hart, the validity of legal rules is derived from the hierarchy of rules, including the rule of recognition, the ultimate rule by which courts and officials discern what is law.[8] The implication for judicial interpretation is clear: in the case of a clear text, courts and tribunals must follow it.[9] Hart's 'core' of settled meaning is just what section 96 provides: a test of dominant purpose with an evidentiary requirement.[10]

Hart, of course, recognised that legal terms have an 'open texture' - there will always be 'penumbral' cases where the rule is not determinately applicable, and where the court must exercise discretion.[11] But penumbral cases need special treatment. To assume that every corporate restructuring that results in a tax benefit is presumptively within the penumbra - and therefore vulnerable to challenge under GAAR - is to turn Hart on his head. In the clear cases, the dominant purpose is plainly commercial. In the penumbral cases the dominant purpose is not known. GAAR was built to address those cases with a manifestly fiscal dominant purpose: not the core cases of commercial restructuring, and not the penumbral cases without cogent evidence.[12]

Dworkin's celebrated attack on Hart was that he could not explain the need for principles in judicial decision-making.[13] But even on hardheaded Hartian positivist grounds, the current direction in the application of GAAR is hard to justify: it seems to ignore the settled meaning of the text rather than apply it.

ii. Fuller's Inner Morality of Law: Certainty as a Legal Obligation

Perhaps the most relevant contribution to this debate is that of Lon Fuller. In his book, The Morality of Law, Fuller described eight 'desiderata' that constitute the 'inner morality of law', the requirements for a legal system to operate as a system of rules regulating human behaviour.[14] These include that rules should be promulgated, clear, non-retroactive, possible to comply with, consistent with one another, and (crucially) that there should be congruence between the declared rule and official action.[15]

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[9] *Id. at 119–120.*
[10] Ronald Dworkin, *Taking Rights Seriously* 22–28 (Harvard University Press 1977).
[11] Lon L. Fuller, *The Morality of Law* 33–94 (Yale University Press, rev. ed. 1969).
[12] *Id.* at 39.
[13] *Id.* at 162.
[14] Shome Committee Report, *supra* note 1, 7.5.
[15] *Lon L. Fuller, The Morality of Law, supra note 11, at 79.*
[16] Ronald Dworkin, *Law's Empire* 225–27 (Harvard University Press 1986).

Fuller wasn't arguing for a natural law position, in the sense of requiring morally good laws. Rather, he was arguing that law, by virtue of its role as a means of governance, holds itself to treating people as rule users.[16] When official action systematically violates official rules - when the Revenue applies GAAR in circumstances where the statutory test has not clearly been satisfied, or treats the dominant purpose test as satisfied by the amount of the tax benefit - it violates this commitment. Fuller's desideratum of consistency is also implicated. GAAR exists alongside a rich and complex tapestry of specific anti-avoidance provisions in the Income Tax Act - thin capitalisation rules, transfer pricing rules, the principal purpose test in double tax treaties, controlled foreign corporation provisions, and industry specific provisions. The Shome Committee explicitly envisaged that GAAR would be a back-up provision, to be used where specific provisions are inadequate to deal with the abuse.[17] To apply GAAR to transactions that are already governed by specific statutory regimes such as SEBI's delisting mechanism or NCLT's scheme of arrangement procedure, without showing that the specific statutory regime is inadequate - is to violate the desideratum of consistency.

The law must also be stable, according to Fuller: it should not be changed or applied in an unpredictable way.[18] If the application of GAAR is unpredictable - if the schemes of arrangement approved by the NCLT can be challenged by the application of GAAR even after years of operation, then the law fails this test. But the trouble is not GAAR per se but erratic and over-broad application of GAAR.

iii. Dworkin and Interpretive Integrity: GAAR Should Not Have a Split Personality

The most advanced jurisprudential approach to this matter is Ronald Dworkin's notion of interpretive integrity. Law is an interpretive activity: legal propositions must be construed not just as the rules that are supposed to apply but as the best interpretation of the institutional history of the community.[19] This interpretation must be evaluated in terms of 'fit' with past institutional actions, and 'justification' in terms of the best available moral principle.

Dworkin's account has a clear implication for GAAR. The interpretation of Chapter X-A that maximises consistency with the legislative history, the Shome Committee's proposal, the CBDT guidelines and the Supreme Court's consistent emphasis on the legitimacy of tax planning is best.[20,21] An interpretation that makes GAAR a near-automatic contravention of restructurings that give rise to substantial tax benefits cannot achieve this fit: it is inconsistent with the dominant-purpose test, with the design of GAAR as a tax avoidance measure of last resort, and with the case law.

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[17] CIT v. Walfort Share & Stock Brokers (P) Ltd., (2010) 326 ITR 1 (SC); McDowell & Co. Ltd. v. CTO, (1985) 3 SCC 230.
[18] Ronald Dworkin, *Law's Empire*, *supra* note 16, at 176–224.
[19] *Id.* at 225.
[20] *Id.* at 176–224.
[21] *Id.* at 225–27.

On the 'justification' plane, Dworkin would enquire what principle justifies GAAR. It is not 'the state should always maximise tax revenue', but 'the state should not allow arrangements structured for the dominant purpose of circumventing the purpose of the legislation, without good commercial reasons.' That principle, once stated, constrains the application of GAAR: it requires proof, not reliance upon inference; it requires dominant purpose, not incidental purpose; and it requires deference to legitimate commercial purposes.[22,23]

Dworkin's idea of 'law as integrity', that judges should decide cases in a manner that makes the law as a whole as coherent as possible,[24] also suggests the institutional comity argument set out in the following section. If we are to apply GAAR with integrity, then we must not apply it in a way that conflicts with the institutional weight of NCLT approval.

IV. The NCLT Question: Institutional Comity and the Relevance of Regulatory Approval

A recent and overlooked question in the GAAR jurisprudence is the weight that should be given to NCLT approval in a GAAR analysis. The manner in which the GAAR Approving Panel responded to this question in the Hinduja case was to consider the weight of NCLT approval as a neutral factor, perhaps relevant to the existence of a transaction, but not relevant to dominant purpose.[25] The Panel explained that the NCLT and the GAAR Panel are engaged in different statutory regimes: one approving corporate schemes under the Companies Act, the other avoiding tax under the Income Tax Act.

This argument is legally sound but institutionally one-sided. The question is not whether NCLT approval immunises a transaction from GAAR, it clearly doesn't, and there is no plausible argument that it does. The question is whether NCLT approval is evidence of the relevant dominant purpose. Here, the answer is less clear.

The role of the NCLT under the Companies Act is to be an independent statutory trustee for the interests of shareholders, creditors, employees and the public in schemes of arrangement.[26] It has an approval process that includes disclosure requirements, valuations, notifications to the Competition Commission and the Securities and Exchange Board of India, and, importantly, a judicial determination about whether the scheme is fair and reasonable, and for a legitimate corporate purpose. A scheme that passes the NCLT process cannot be a sham or a colourable transaction under company law.

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[22] *In re* Hinduja Group Demerger, GAAR Approving Panel Direction (2022) (unreported).
[23] Companies Act 2013, §§ 230–232.
[24] H.L.A. Hart, *The Concept of Law*, *supra* note 7, at 77–96.
[25] Lon L. Fuller, *The Morality of Law*, *supra* note 11, at 81.
[26] Agreement for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital Gains between the Government of the Republic of India and the Government of Mauritius, May 24, 1982, as amended by Protocol, May 10, 2016, art. 10.

According to Hart, the NCLT and the GAAR Panel are institutions in the same legal system, what Hart calls a system of primary and secondary rules.[27] Although they exercise different secondary powers (one constitutes corporate validity; the other constitutes tax implications), their decisions about a particular transaction are not wholly unconnected. When one statutory body has examined a transaction and has determined it to be a legitimate corporate action, the other, with its exceptional power, should give that determination respect as a matter of institutional integrity.

This is also justified by Fuller's inner morality of law. The congruence between declared regulations and official conduct is undermined where regulatory approval by one part of the state (after careful public scrutiny) is then effectively cancelled by another part of the state presuming the transaction to be abusive. This does not mean that GAAR does not apply to transactions approved by the NCLT. It means that where NCLT approval exists, the Revenue must meet the dominant-purpose burden with more compelling evidence that is contemporaneous, objective, and relevant to the tax-avoidance allegation, rather than inferential from timing or tax result.

So a principled stance might be: NCLT approval does not immunise against GAAR, but it is persuasive evidence of commercial substance and shifts the onus more to the Revenue. This is consistent with institutional comity, with Fuller's congruence, and with the imperative of tax certainty.

V. GAAR at the Capital Markets Frontier: Treaty Shopping and the Vedanta Delisting

Vedanta Group's delisting structure raises another set of questions. The Revenue's claim that the Mauritius structure was designed to artificially meet the shareholding requirement under the India-Mauritius Double Taxation Avoidance Agreement to gain a lower rate of dividend tax

The SEBI delisting regime is a rich, pro-shareholder framework developed to ensure that the price paid to the public shareholders is fair and that the delisting transaction is fair to the market.[28] When transactions are compliant with the framework, it not only signals agreement between private parties but a transaction that has been publicly supervised. To apply GAAR (on the ground that the corporate structure was designed to obtain the treaty benefit) to such arrangements poses the same institutional comity issue as the NCLT example, but with an additional twist. Section 90(2A) of the Income Tax Act explicitly authorises GAAR to limit treaty benefits where the transaction is not permissible.[29] This is not in doubt. The issue is one of proof: is it sufficient that the arrangement turns on a route through Mauritius that necessarily invokes the treaty, or is it necessary for the Revenue to prove that the treaty route was chosen as the primary purpose of the entire delisting, as opposed to a subsidiary feature of a commercially justified transaction? The statutory answer is the latter, and the CBDT guidelines support it.

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[27] Securities and Exchange Board of India (Delisting of Equity Shares) Regulations 2021.
[28] Income Tax Act 1961, § 90(2A).
[29] CBDT Circular 7/2017, *supra* note 3, ¶ 9.

The Vedanta case is currently before the Delhi High Court, where it is also raising an issue of compliance with section 144BA.[30] The procedural challenge is itself telling: the architecture of GAAR under section 144BA includes safeguards (references to the GAAR Panel, opportunity to the assessee, timelines) because the legislature was aware that GAAR is an extraordinary power that needs procedural integrity. From the perspective of Fuller, the inner morality of GAAR - its procedural architecture - is not a procedural nicety that can be sacrificed to the cause of fiscal efficiency. It is an essential part of the morality of GAAR, an important part of what makes it a valid law rather than an arbitrary rule. A rule of anti-avoidance that can be invoked in the absence of its procedural preconditions would be most obviously incongruent to Fuller's view of the law.

The more significant message from the Vedanta experience that even SEBI-regulated delistings are now open to challenge under GAAR is the sort of unpredictability that Fuller's morality of law is intended to avoid. If market participants cannot know, at the time of structuring a transaction, whether a treaty-compliant legitimate exit route will be re-classified as impermissible avoidance, the law is not doing its job.

VI. Judicial Reactions: The Telangana High Court's Cautious Approach

Against the backdrop of executive over-kill, the recent judicial pronouncements from the Telangana High Court are revealing. Two particular decisions - separated by just over a year - have carved out a jurisprudence of GAAR that is rigorous and circumspect.

In *Ayodhya Rami Reddy Alla v. PCIT*, on June 7, 2024, the Court refused to quash GAAR proceedings at the threshold.[31] The Court's arguments were properly deferential: if the Revenue alleges, merely on a prima facie basis, that an arrangement was entered into with the dominant purpose of securing a tax benefit, the statutory process that is spelled out in section 144BA ought to be permitted to proceed. Threshold-level intervention by the Court, it ruled, should only be triggered in rare, special cases - not as a standard response to all GAAR cases. This is as it should be: the process set out in section 144BA is a safeguard, and the Court should not short-circuit that process.

More important for today's purposes is *Smt. Anvida Bandi v. DCIT* (August 22, 2025).[32] In this case, the Court discharged the GAAR in respect of securities transactions undertaken through the normal course of trading. The Court was clear and correct: GAAR cannot be invoked on suspicion, timing or result-inference. The Revenue must first prove, with reasonable and timely evidence, the existence of an impermissible avoidance arrangement. A transaction's tax-efficiency, or that it was timed to result in a tax advantage, does not suffice.[33]

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[30] *Vedanta Ltd. v. DCIT*, W.P.(C) No. 7564/2023 (Delhi High Court, pending).
[31] *Ayodhya Rami Reddy Alla v. PCIT (Central)*, W.P. Nos. 46510 & 46467 of 2022, [2024] 163 taxmann.com 277 (Telangana H.C., June 7, 2024).
[32] *Smt. AnvidaBandi v. DCIT*, W.P. No. 3201 of 2023, [2025] 177 taxmann.com 726 (Telangana H.C., Aug. 22, 2025).
[33] Ayodhya Rami Reddy Alla, *supra note 31*.

Together, these cases state a middle ground. Ayodhya Rami Reddy retains GAAR as an investigative tool; Anvida Bandi ensures that the burden of proof is strictly policed to prevent GAAR from being used to harass. One prefers the process; the other insists on evidence before an adverse result is imposed.

This nuanced approach is nicely aligned with the Dworkinian ideal of interpretive integrity.[34] Dworkin proposes that law be applied in a fashion that renders coherent and consistent the whole body of law - statutes, precedents, principles. A court that applies GAAR only where there is dominant purpose, but not where there is simply evidence of tax efficiency, is increasing the law's coherence. It is applying GAAR consistently with the animating principle of GAAR - anti-abuse - and refusing to apply GAAR in a way that is inconsistent with the animating principle (by taking tax efficiency as evidence of abuse).

VII. The Certainty Deficit: Constitutional and Policy Considerations

The issues discussed in this paper are not just doctrinal. They have specific constitutional and policy implications which require examination.

i. Articles 14 and 265: Certainty in the Constitution

The Indian Constitution's Article 265 states that no tax shall be levied or collected except by authority of law. This article, interpreted by the Supreme Court as requiring not just the existence of a taxing provision but its application as per its terms. GAAR's application in a way that treats the evidentiary burden as met by mere outcome (by the amount of tax benefit, or by the fact that transactions occurred in a treaty jurisdiction) comes close to levying a tax consequence without the 'authority of law' for the purpose of the Constitution's Article 265: it infers what is not proven by the taxing provision.[36]

The principle of equality before law and equal protection (Article 14) is related.[37] If GAAR is applied to corporate restructurings in a random manner (if some restructurings approved by the NCLT are challenged and others are not based on the size of the tax benefit rather than the dominant purpose), there is an Article 14 complaint. Differentiation calls for rational classification; and in the context of GAAR, rational classification calls for differentiation on the basis of dominant purpose, not tax result.

ii. Investment in India: The Certainty Premium

The policy implications are equally serious. In recent years, India has taken pains to position itself as an attractive destination for investment by making its tax law more certain, through changes

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[34] *Id*.
[35] INDIA CONST. Art. 265.
[36] *GovindSaran Ganga Saran v. CST*, (1985) Supp SCC 205.
[37] INDIA CONST. Art. 14.

in the dispute resolution process, simplification of the transfer pricing rules and the institution of advance rulings. Such efforts reflect recognition that investors are sensitive to the legal certainty of tax consequences of their commercial transactions: if the tax outcome of a commercial transaction cannot be reasonably predicted, investors will demand a higher risk premium.

The GAAR prospect outlined in this paper undermines these efforts. If NCLT-approved demergers and SEBI-approved delistings are always at risk of attack under the GAAR, years after the fact, on the basis of inference from a result, the certainty implied by regulatory approvals is a mirage. Boards and their advisers must take advice that no restructuring (no matter how well designed and scrutinised) can be considered safe from challenge on the basis of GAAR. This is a substantial tax risk that chills legitimate corporate planning.

India is a member of the OECD's BEPS project, which calls for the principal purpose test as a minimum standard in treaty abuse.[38] That test is a broad standard based on a real purpose test and GAAR's dominant-purpose test is not less rigorous. India's anti-avoidance rule should be seen as in line with best practice: demanding but rational, exceptional but effective. It is unfortunately on course to become exceptional in a different way - unpredictable and so difficult for a mature tax system.

VIII. A Framework for Principled Use

The above discussion leads to five propositions that, collectively, could form a more principled approach to the application of GAAR in the context of corporate restructuring.[39]

First: The dominant-purpose test should be no mere pleading requirement.

The Revenue must adduce contemporaneous, objective evidence (such as board minutes, advisor presentations and correspondence, transaction documents) to show the tax outcome was the dominant purpose of the transaction.[40] Inferences on basis of timing, sequence or the size of the tax benefit are not sufficient.

Second: NCLT approval should have evidential weight as a matter of comity.

NCLT approval cannot be a safe harbour from GAAR, but nor should it be ignored. It should make the proof of dominant tax purpose more burdensome for the Revenue, by requiring heightened and specific proof. This is in line with constitutional principles, Fuller's congruence and Dworkin's interpretive integrity.

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[38] OECD, *Action 6: Preventing the Granting of Treaty Benefits in Inappropriate Circumstances* (OECD/G20 Base Erosion and Profit Shifting Project, 2015).
[39] Income Tax Act, 1961, ss. 98-100 (India) (consequences of impermissible avoidance arrnagements, including denial of tax treaty benefits and re-characterisation of Income).
[40] Income Tax Act 1961, § 96(1); CBDT Circular 7/2017, *supra* note 3.

Third: GAAR's procedural framework (section 144BA) needs to be given due regard as a substantive protection.

The GAAR Panel's procedures, with their time limits, opportunities for the assessee and oversight of the Panel, is not merely procedural.[41] It is how the legislature has protected against the application of GAAR in an unfettered manner. Procedural errors should be regarded as substantive defects, not just remandable errors.

Fourth: GAAR should not be invoked to deal with transactions governed by specific regulatory frameworks without showing those frameworks are insufficient.

If the transaction is already regulated by SEBI, or supervised by NCLT, or subject to other statutory frameworks, the Revenue should be required to justify why the particular regulatory framework is insufficient to curb the alleged abuse, before a residual anti-avoidance rule such as GAAR is invoked.[42] This is in line with the Shome Committee's last-resort approach and Fuller's consistency desideratum.

Fifth: Post-transaction conduct should be evaluated both as evidence against the taxpayer, and evidence in favour of the taxpayer.

In recent years, GAAR has been increasingly sensitive to post-transaction conduct, governance and operational independence, financing arrangements, as evidence of the bona fides of the stated commercial purposes. This is appropriate. But the flipside of that is that post-transaction conduct congruent with the claimed commercial purpose should be viewed as compelling evidence in favour of the taxpayer. It must be two-sided, not one-sided to find evidence of abuse and not evidence of substance. [43]

IX. Conclusion: GAAR as a Principled Instrument of Last Resort

The essence of the argument in this paper can be put: GAAR is on the verge of becoming something it was not intended or authorised to be. The transformation from anti-abuse exception to analytical default is not brought about by any change in the law, Chapter X-A remains as it was originally enacted, with its dominant-purpose benchmark. It is driven by a progressive change in administrative personality, a preparedness to find evidence of avoidance purpose in the existence of a substantial tax benefit.

This is legally problematic because it turns the statutory burden of proof. It is jurisprudentially problematic because it flouts the interpretive integrity that, from different perspectives, Hart, Fuller and Dworkin demand of the law. It is constitutionally problematic because it violates the certainty demanded by Articles 14 and 265. And it is economically problematic because it creates a risk premium on corporate restructuring that discourages legitimate corporate activity.

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[41] *Ayodhya Rami Reddy Alla v. PCIT (Central),supra* note 31; Smt. AnvidaBandi v. DCIT, *supra* note 32.
[42] Income Tax Act 1961, § 144BA(1)–(13).
[43] Shome Committee Report, *supra* note 1, 7.5; Lon L. Fuller, *The Morality of Law*, *supra* note 11, at 79.

Recent decisions in the Telangana High Court suggest that our judiciary is aware of these issues and is starting to develop a more sophisticated approach. That approach - let the GAAR process go ahead if there is prima facie evidence; invalidate it if GAAR is based only on outcome-based inference - is correct. This approach retains GAAR as a potent anti-abuse tool without disregarding the evidence and institutional protections that lend legitimacy to the provision.

An efficient tax system is one in which the rules of the game are applied as written, emergency powers are not invoked lightly, and business can plan effectively. GAAR can and should be part of that system, as a principled weapon of last resort, backed by rigorous evidence and respect for institutions, not as a presumption of avoidance every time a corporate manoeuvre yields a tax gain. The statute already provides for this. We must make it work.

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BALANCING EVIDENCE, PRIVACY, AND ACCOUNTABILITY: A CRITICAL LEGAL ANALYSIS OF INSTITUTIONAL GAPS IN SEXUAL HARASSMENT AND RAPE CASES IN INDIA

Goutham Suja Satheesh* Merrya Ginto**

Abstract

The handling of workplace sexual harassment and rape cases in India is an ongoing challenge. Protecting vital evidence while respecting survivors' and the accused's privacy and dignity is essential. Laws such as the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act), and the recognition of privacy as a constitutional right have improved legal protections. However, systemic gaps still diminish their effectiveness. This study looks closely at two connected areas: how Internal Complaints Committees (ICCs) operate under the POSH Act, particularly in informal sectors like the film industry, and the uneven privacy protections in rape cases. Survivors enjoy legal anonymity, while the accused often face early public exposure. The research uses doctrinal legal analysis, committee reports, jurisprudence, and secondary scholarship to identify procedural failures, confidentiality breaches, and evidentiary challenges, particularly regarding digital data. Findings reveal that ICCs frequently lack independence, training, and trauma-informed practices, leading to compromised evidence handling and erosion of survivor trust. At the same time, criminal trials reveal the reputational harm to the accused through media trials, further undermining the presumption of innocence. The rapid expansion of electronic evidence presents even greater challenges to these adjudications. The research finds that India's legal system needs to balance evidentiary integrity with the constitutional values of dignity, fairness, and privacy. Essential reforms at the institutional level include granting ICCs independent statutory status from the courts, creating standard protocols regarding the admissibility of digital evidence, increasing training in trauma-informed practices, and mitigating the risk of disclosure for survivors and accused. Ultimately, bringing technology and institutional practices in line with constitutional principles can change workplace and criminal justice responses into systems that protect rights while ensuring accountability.

Keywords : Sexual harassment, workplace justice, POSH Act, rape prosecutions, media trial

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I. Introduction

The workplace sexual harassment issue and the rape cases in the criminal justice system are the most serious but still the most neglected issues of gender-based violence in India.[1] These legal fields are still grappling with a core problem that remains unsolved, despite essential changes made through legislation and the courts: how to preserve the evidence necessary for justice while protecting the privacy, dignity, and rights of the people involved?[2] This dilemma is particularly evident in sexual violence cases where the weaknesses of evidence, the power differences, the stigma imposed by society, and the slowness of the institutions all come together. The way legal systems deal with this issue not only affects individual cases but also shapes people's perceptions of the fairness of the systems intended to address gender injustices.[3]

In response to workplace sexual harassment, in 2013, India passed the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, which not only gave the *Vishaka* Guidelines statutory force but also mandated the establishment of Internal Complaints Committees (ICCs) as the in-house grievance procedure[4]. Similar to that, the criminal justice system treats sexual assaults via a combination of procedural protections and criminal law while being obliged by the Constitution to respect, under Article 21, the rights of personal liberty, dignity, and due process.[5] Although the two areas differ in legal terms, they are united by a common votive and conceptual approach to the use of sensitive evidence, confidential testimonies, and professional discretion. Nevertheless, they are usually seen as separate issues, which divert attention from the system problem, the awkwardness, and, sometimes, a poorly formulated balance between the two aspects of the matter, that is, evidence preservation and privacy protection.

The goal of this research is to explore that balance in both areas. It also tells the story of how effective the current legal systems, especially the POSH Act and the legal regime on rape, are regarding the protection of evidentiary integrity that does not breach the privacy and dignity rights of survivors, witnesses, and accused persons. The investigation primarily takes place within the context of ICCs under the POSH Act. It examines procedural design, confidentiality safeguards, evidentiary practices, and survivor-centric approaches, particularly in informal and unorganised sectors such as the film industry.[6] Secondly, it questions the inadequacy of privacy rights given to rape accused individuals, especially when there is no statutory protection against the revealing of the accused's identity until after the case has been decided. Together, these inquiries allow for a comparative understanding of how institutional design influences both fairness and credibility in adjudicatory processes involving sexual violence.[7]

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[1]Gangoli, G. *The #metoo Movement in India: Emotions and (in)justice in feminist responses*. FEM LEG STUD 32, 213–230 (2024). https://doi.org/10.1007/s10691-023-09540-x

[2] See Law Comm'n of India, Report No. 243: Section 498A IPC (2012).

[3] Flavia Agnes, *Law, Justice and Gender*, 18 ECON. & POL. WKLY. 1779 (1983).

[4] Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, No. 14 of 2013, India Code (2013).

[5] *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248 (India).

[6] Gov't of Kerala, Report of the Justice K. Hema Committee (2019).

[7] Aparna Chandra & William Hubbard, *The Problem of the Presumption of Innocence in India*, 10 NUJS L. REV. 143 (2017).

The theoretical and legal foundation of this inquiry draws from constitutional law, criminal jurisprudence, feminist legal theory, and scholarship on institutional accountability. The acknowledgment of the right to privacy as a fundamental right has turned upside-down the constitutional concepts of dignity, informational autonomy, and decisional freedom, especially in matters of sexuality and bodily integrity. Feminist legal theorists criticized the law for its obscure procedures, power structures, and institutional bias that keep victims silent and mishandle fact discovery in sexual violence cases. In the workplace, internal and external research has shown that Internal Complaints Committees (ICCs) are often nominally present and lack independence, proper composition, training, and procedural clarity. One of the critics, Paramita Chhatdhuri, has pointed out that, in most cases, employers set up ICCs to comply with the law rather than consider them neutral and skilled bodies.[8] The evidence-gathering and confidentiality of the proceedings often lead the survivor to lose trust and participate less.

The same issues arise in the criminal justice system statutory protections. The treatment of the victims of sexual assault is undoubtedly the right way. Nevertheless, the accused do not enjoy the same protection until the court has made a decision.[9] This difference in treatment has led to media trials, premature leaks of information, and the spread of slanderous remarks on the internet. The consequences of these actions have not only undermined the presumption of innocence but also inflicted serious harm on the reputations of the parties involved, even in cases where the charges are untrue or the courts decide in favor of the accused. The rights of dignity and privacy, which are the main concerns of constitutional law, are frequently overlooked during the trials of rapes that attract broad public interest and media coverage, even though the law is clear on this point.[10] The other side of the 2019 Hema Committee Report, the document that was set up to investigate sexual harassment in the Malayalam film industry, gives us the institutional link between these two domains. One of the main findings of the report was that the POSH Act was not being followed at all in many cases. There were no Internal Complaints Committees (ICCs) set up; complaints were not taken seriously; no records were kept; and victims were often afraid of retaliation. Besides, it emphasized the need for informed consent, in-camera procedures, and psychological safety as prerequisites for just and efficient adjudication principles highly applicable to both criminal investigations and trials.[11] Nevertheless, such trauma-informed and privacy-sensitive practices are not part of the system, and forensic and evidentiary procedures in both contexts are frequently applied inconsistently or delayed, thereby undermining the integrity of the adjudicatory process. The writings and records of institutions demonstrate a significant mistake in the concept that has become a habit in Indian legal discussions: treating privacy and evidence as contending claims rather than as mutually supporting pillars of court decisions.

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[8] Catharine A. MacKinnon, *Feminism Unmodified* 72–84 (1987).
[9] Indira Jaising, *Sexual Harassment at Workplace: Law & Reality*, 46 ECON. & POL. WKLY. 59 (2011).
[10] Gautam Bhatia, *Offend, Shock, or Disturb: Free Speech under the Indian Constitution* 211–15 Oxford University Press (2016).
[11] Paramita Chaudhuri, *POSH Act and the Illusion of Compliance*, 54 ECON. & POL. WKLY. 45 (2019).

This paper raises the question of whether the present legal systems are capable of balancing such discordant demands without violating constitutional values. It investigates how institutions can retain evidence without inflicting unnecessary harm on individuals, and it also inquires how confidentiality can be arranged not as a barrier to the truth, but as a condition that facilitates truth-telling, reliable fact-finding, and procedural legitimacy.[12] The proposed changes, in the form of reforms to the existing structure, procedures, and norms, would not only incorporate privacy and evidentiary integrity but also advance gender justice in India by referring to constitutional principles, drawing on international comparative practices, and using interdisciplinary methods in the research. Some reflections on sexual harassment at the workplace and rape-related offences by the court are the most severe, but the very fact that they are under-addressed gender-based violence areas in India for a long time. The law has come a long way from ignoring the problem completely, but it is still not very effective in the area of sexual harassment law, where it grapples with a core issue that cannot be resolved through its application. This issue is how the law can, at the same time, maintain evidence necessary for the delivery of justice while ensuring the privacy, dignity, and constitutional rights of the parties involved. This conflict that is very strong in sexual violence cases where the very question of evidence, power differential, social stigma, and institutional inertia merging together problem's handling by legal systems is a factor that plays not just a part in the individual outcomes but also in the public's trust in institutions that are meant to fight gender injustices. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, thereby addressed the problem of sexual harassment at the workplace in India by sanctioning the Vishaka Guidelines and requiring the establishment of Internal Complaints Committees (ICCs) as in-house redressal bodies, thereby fulfilling the statutory requirement.

II. Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

The enactment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, made sexual harassment at the workplace a statutory requirement in India, and sanctioned the Vishaka Guidelines, along with the setting up of Internal Complaints Committees (ICCs) as in-house redressal bodies. At the same time, the criminal justice system uses procedural safeguards and substantive criminal law to deal with rape crimes. Still, it must comply with Article 21, which guarantees personal liberty, dignity, and due process. Although these two areas are legally different, they are thematically connected by the same factors: sensitive evidence, confidential testimony, and institutional discretion. However, they are often separately reviewed, which creates a situation where the common structural issue that is the problematic and frequently poorly traded balance between preserving evidence and the protection of privacy is obscured. This study intends to consider this equilibrium across both areas. Its goal is to critically evaluate existing legal frameworks, particularly the POSH Act and the criminal law governing rape offences, in terms of their ability to protect the integrity of evidence without invading privacy and diminishing the

[12] Mrinal Satish, *Discretion, Discrimination and the Rule of Law* 189–92 Cambridge University Press (2016).

dignity of survivors, witnesses, and accused persons. The problem is first addressed by analyzing the operation of ICCs under the POSH Act, with particular emphasis on procedural design, confidentiality safeguards, evidentiary practices, and survivor-centric approaches, especially in informal and unorganised sectors such as the film industry.

The second part questions the issue of the privacy rights of individuals accused of rape being insufficient, especially given the lack of statutory protection against the disclosure of the accused's identity prior to a verdict being reached. Together, these inquiries allow for a comparative understanding of how institutional design influences both fairness and credibility in adjudicatory processes involving sexual violence. The theoretical and legal foundation of this inquiry draws from constitutional law, criminal jurisprudence, feminist legal theory, and scholarship on institutional accountability. The embracing of privacy as a fundamental right has brought about a radical transformation in constitutional theories related o human dignity, the right to control one's own information and the right to make choices, particularly in sexuality and bodily integrity Legal feminists have been stating for a long time that the non-disclosure of the court proceedings, the chain of command and the bia of the court are among the factors that not only push back the reporting but also significantly affect the finding of the truth in cases of sexual violence. The same thing happened in the area of work, where studies, both practical and theoretical, have consistently shown that the Internal Complaints Committees (ICCs) are nothing but paper entities with the formal appearance of being present. Scholars like Paramita Chaudhuri have shown that employers are forming ICCs solely to demonstrate compliance with the law, not to achieve impartial and effective dispute resolution. These weaknesses lead to the evidence and the confidence of the hearings being mishandled, and sometimes the witness loses trust in the process and therefore does not participate.

Similar concerns emerge within the criminal justice system. While statutory provisions rightly protect the identity of rape survivors, there is no corresponding protection for the accused before the conclusion of the trial. The media trials, the early disclosures, and the digital defamation have taken full advantage of this imbalance in the justice system and have done so to the detriment of the presumption of innocence and the reputational harm, which is already irreversible, even in situations where the accusations are not supported by the evidence or the accused is acquitted. While constitutional law puts great importance on dignity and the right to privacy regarding information, these rights are often overlooked in cases of rape prosecution that attract public attention and are subjected to sensationalism, which in turn suppresses the use of procedural measures.The results of the 2019 Hema Committee Report, which was appointed to investigate sexual harassment issues in the Malayalam film industry, represent an essential institutional connection between the two areas involved. The report's findings indicated widespread non-adherence to the POSH Act's norms, including the absence of ICCs, informal handling of complaints, failure to maintain records, and widespread fear of retaliation. Most importantly, it highlighted the necessity of confidentiality, in-camera proceedings, and psychological safety as the fundamental requirements for fair and effective adjudication. These principles also apply to criminal investigations and trials. Nevertheless, such trauma-informed and privacy-conscious practices remain more of a rarity than a standard in the system, and inconsistent application or delays in forensic and evidentiary procedures often occur in both contexts, thereby weakening the integrity of the adjudicatory process.

A persistent conceptual error in Indian legal discussions is revealed by the existing literature and data from institutions: privacy and evidence are treated as opposing interests rather than as the two reinforcing pillars of justice. This study addresses a significant gap by interrogating whether current legal frameworks are equipped to reconcile these demands in a manner consistent with constitutional values. The question posed is about the measures institutions can take to retain evidence without unnecessarily putting people at risk, and about how confidentiality can be designed not as a hindrance to the truth but as a prerequisite that allows for the production of truthful witnesses and reliable fact-finding and that brings about the legitimacy of the procedure. The research, drawing on constitutional principles, comparative international practices, and interdisciplinary insights, aims to propose reforms to the structure, methods, and normative principles that will unite privacy and evidentiary integrity, thereby leading to a more balanced, humane, and credible approach to gender justice in India.

III. Structural Flaws in ICCs: Confidentiality as against Transparency in Workplace Complaints

The establishment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (popularly known as the POSH Act) was a turning point in the history of legislation in India. It formalized the Vishaka Guidelines established by the Supreme Court in 1997 and introduced Internal Complaints Committees (ICCs) in workplaces as the key mechanism for redressing complaints of sexual harassment. Though the motive behind these committees was noble, the operation of ICCs for the last decade has revealed critical structural failures. One of the most controversial challenges is the balancing act of both maintaining openness in the process of inquiry and protecting both complainants and alleged offenders' confidentiality. The conflict has become even more evident in the aftermath of the #MeToo movement, especially in informal industries like the media and the film industry. Such reports as the Hema Committee Report (2019) also highlight the systemic shortcomings of ICCs, from procedural obscurity to institutional bias and lack of impartiality.

The core of the issue is the way in which ICCs are constituted. According to the POSH Act, ICCs are constituted by the employer in the organization. While the statute mandates a woman chairperson and inclusion of an external member well-versed with the law, in practice, this composition often results in committees that are closely aligned with the management. The lack of institutional independence has been repeatedly flagged. For example, in the Malayalam film industry, the Hema Committee noted that industry associations like AMMA and FEFKA opposed the setting up of ICCs by arguing they were not "employers" as defined in the Act[13]. This diversion effectively denied women in cinema any protection under the statute, in spite of widely documented abuses.

The committee emphasized that most ICCs did not exist or were ineffective, and where they existed, they were utilized to silence and not take care of complaints. Such a lack is worsened by the

[13] Hema Committee Report on Issues Faced by Women in Cinema 8–9 (2019) [hereinafter Hema Report]

transparency–confidentiality dilemma. Confidentiality is essential in sexual harassment complaints so that the complainant's dignity, privacy, and safety are ensured. But it usually turns out to be a double-edged sword. In most instances, confidentiality is called upon not to protect the survivor but to protect the accused or to stifle procedural examination. The Hema Committee observed that young artists and other vulnerable women in the industry were afraid to testify before the committee, even under the promise of anonymity, because of fear of professional backlash and blacklisting.[14] Such a culture of intimidation and silence engenders a hostile atmosphere that discourages survivors from reporting. Equally, the opaque nature of how ICCs operate, for example, vague timelines, lack of published annual reports, or unrecorded proceedings, prevents one from judging whether investigations are impartial, in-depth, and fair.

A related concern is the absence of trained personnel within ICCs. While the POSH Act requires that members be sensitized to issues of gender and law, in practice, most ICCs function without any formal legal or psychological training. Paramita Chaudhuri's 2008 study on complaints committees in West Bengal found that not only were many ICCs constituted without adhering to legal norms, but their members also lacked orientation in gender sensitivity or procedural fairness[15]. In the film industry, this discrepancy is especially harmful. The Hema Committee observed that the ICCs, even when they were established, lacked the institutional capability to deal with trauma-informed questions. Survivors were frequently exposed to demeaning cross-examination, denial, or veiled coercion to retract allegations[16]. A lack of professional investigators or legal experts also translated into haphazardly implemented evidentiary standards, leading to stalled or compromised results.

The #MeToo movement put these failures starkly into the limelight. In well-known instances like the ones involving Vikas Bahl, Nana Patekar, among others, survivors cut short internal procedures altogether and used social media to identify their abusers. This was because there was a pervading sense that internal complaints committees were rigged against the weak and in favour of the strong. Uma Bhrugubanda's study of the #MeToo movement within Indian film makes the point that survivors, particularly women who are marginalized in the industry, were habitually discredited, shamed, or pushed out of jobs after coming forward.[17] The pushback they received was not only legal or professional but also personally intense, including threats, doxxing, and social media harassment. Institutional machinery that was meant to provide cover was missing, dysfunctional, or hijacked. Survivors thus had little option but to go public, incurring huge personal costs.

This institutional breakdown in trust has roots in both procedural and structural weaknesses. The informal character of the film industry, with its fluid jobs, informal contracts, and deep hierarchies, makes it virtually impossible for women to make claims for accountability via formal

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[14] *Id*. at 12–13.

[15] Paramita Chaudhuri, *Sexual Harassment at the Workplace: Experiences with Complaints Committees*, 43(17) ECON. & POL. WKLY. 99, 103 (2008).

[16] Hema Report, *supra* note 1, at 15.

[17] Uma MaheswariBhrugubanda, *The #MeToo Movement in the Indian Film Industries, 47(3/4*) INDIA INT'L CTR. Q. 143, 146–47 (2020).

channels.[18] The Hema Committee also seconded this view and contended that the ICC model envisioned under the POSH Act is intrinsically inappropriate for such settings. It suggested the appointment of independent grievance redressal institutions for the film industry, with defined powers and independence from industry guilds or production houses.[19] The transparency of ICC operations also creates serious questions regarding documentation and records. A few committees kept meeting records or minutes, and some did not even have minimal protocols for filing complaints or holding hearings.[20] Such a lack of procedural transparency makes accountability challenging to ensure. When an ICC's ruling is appealed in court, the lack of written evidence undermines the case of the survivor. Further, it enables the organizations to contest or distort facts. This is especially damaging when powerful individuals are involved, where the onus of proof is already against the complainant.

To address these systemic shortcomings, a multi-faceted reform agenda needs to be instituted. First, the autonomy of redressal mechanisms has to be given top priority. ICCs have to be reconstituted as independent statutory agencies for every industry sector, with members being nominated by unbiased authorities like human rights commissions or gender justice boards. This would remove the possibility of conflicts of interest and maintain higher objectivity in investigations. Second, obligatory training programs need to be institutionalized for all members of the ICC, including legal procedures, appreciation of evidence, and trauma-sensitive methods of inquiry. This training has to be updated and certified from time to time by regulatory authorities. Third, informal industries like cinema, media, and gig economies need the POSH Act to be modified to make and enable Local Complaints Committees (LCCs) functional. These LCCs have to be provided with funds to work independently and should be provided with mobile and digital interfaces to receive complaints. Additionally, there should be a national list of ICCs and LCCs, with yearly reports of cases received, to ensure transparency. Fourth, strong whistleblower protections are necessary. The law should sanction retaliation against complainants, and legal assistance should be provided to survivors who want to appeal ICC conclusions in court.

In the end, however, the promise of the POSH Act will be unfulfilled unless changes in the institutions guarantee that ICCs are more than mere procedural formalities but effective, trustworthy avenues of justice. The Hema Committee's bold and exhaustive report has already laid down a blueprint for change, particularly concerning informal workplaces such as the screen industry. The #MeToo movement, despite its suffering and backlash, has compelled a public reckoning with the long-standing failure of current grievance redressal mechanisms. It is now up to lawmakers, industry associations, and civil society to use this momentum to drive structural change. Finally, although the POSH Act established the basis for combating workplace sexual harassment in India, its operationalization through ICCs has been plagued by institutional lethargy, procedural obscurity, and a lack of autonomy. The twin imperatives of secrecy and transparency have to be delicately weighed—but not at the expense of justice. As attested to by witness accounts collected in the Hema Committee

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[18] *Id*. at 147.
[19] Hema Report, *supra* note 1, at 20
[20] Chaudhuri, *supra* note 3, at 101

Report and lessons learned through the #MeToo movement, the existing system cannot manage the intricacies of gendered power relations in unofficial workplaces. Amplifying and reorganizing ICCs—along with establishing independent bodies where necessary—is no longer merely ideal but imperative to preserve the constitutional guarantees of equality, dignity, and secure workplaces for all.

IV. Privacy Rights of the Accused in Rape Prosecutions: Presumption of Innocence in a Digital Age

The criminal justice system in democratic nations rests on the basic premise that every person is innocent until proven guilty. This bedrock of justice, enshrined under Article 21 of the Indian Constitution as part of the right to life and personal liberty, has come increasingly under strain in the age of the Internet. With the advent of media trials, social media revelations, and cyber shaming, the dignity and privacy of persons accused of sexual violence or rape are often vitiated, long before legal proof is established. This paper critically analyses how early public revelation, by conventional as well as electronic media, jeopardizes the presumption of innocence principle. It analyses the current legal regime, specifically the parameters of Section 72 of the Bhartiya Nyaya Sanhita (BNS) 2023, and brings the challenge to conforming constitutional doctrine on privacy in light of the seminal Puttaswamy ruling.

The advent of social media as an alternate forum for justice has fundamentally changed criminal prosecution dynamics. Hashtag activism like #MeToo has emboldened numerous victims of sexual assault to speak up and ask for accountability. These revelations, though, typically take place in the absence of or before any judicial investigation. Public naming and shaming of the accused in such situations pose grave ethical and legal challenges. Though survivors' rights need protection, the rights of the accused also need protection to a fair trial and from permanent damage to their reputation.

One trend in particular that is especially troubling is the role of the media in blowing up the allegations without a proper investigation. News websites and social media personalities regularly publish the accused's names, photographs, and personal information, often in sensational stories that walk a thin line between reportage and judgment. This has the impact of creating an extrajudicial parallel trial by public opinion, which can bias judicial proceedings and irreparably harm the reputation, career, and private life of the accused. The Hema Committee Report of 2019, while dealing specifically with harassment in Malayalam cinema, commented on how both complainants and the accused were subjected to intense online harassment once their names were disclosed, such as doxxing, rape threats, and social isolation.[21] Under such an environment, the fine line distinguishing justice from mob justice is quickly lost.

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[21]Hema Report, *supra* note 1, at 117-119

Indian criminal law does have some measures in place. Section 72 of Bharatiya Nyaya Sanhita, 2023, punishes the disclosure of the identity of sexual offence victims. Yet there is a glaring omission on the identity of the accused, particularly where there has been no conviction. In contrast to the victim, the accused is not provided with an automatic protection of a legal gag order on revelation. The courts have acknowledged the potential for abuse, but the law is still inadequately developed in this respect. The lack of sanctions on media outlets or persons who disobey this principle continues to let the public discourse demonize those yet to be convicted. The constitutional aspect of this problem is very important. In Justice K.S. Puttaswamy v. Union of India, the Indian Supreme Court has declared the right to privacy a right under Article 21.[22] This constitutional right, according to the Court, encompasses informational privacy, decisional autonomy, and dignity protection. When media and digital platforms publish an accused individual's name in the absence of a legal requirement or any judicial supervision, they stand to violate this constitutional right. Additionally, this encroachment is not accidental; it is often irreparable. Reputational damage, once caused, will never be reversible even if the individual is subsequently acquitted.

Where there is a democratic society under rule of law, it is absolutely crucial to make a clear demarcation between public interest and trial by media. The jurisprudence of Article 21 requires that the accused's rights should not be offered at the altar of public opinion. The Supreme Court has on various occasions underscored that freedom of expression has to be balanced against the right to a fair trial. In Sahara India Real Estate Corp. v. SEBI, the Court ruled that courts could pass stay orders or exercise suo moto cognizance of prejudicial press reports to safeguard fair trial rights.[23] Nonetheless, media trials thrive, often unbridled because of absence of statutory deterrents. The issue becomes more serious in the era of digital permanence. As soon as a name is linked with an accusation of rape on the internet, it can remain forever on digital platforms, search results, and cached pages. Even when the accused person is acquitted or the charge is dropped, the online trail remains. This can constitute a kind of "digital punishment" that lasts much longer than legal accountability. Scholars have contended that this public shaming without legal grounds is tantamount to a kind of extrajudicial punishment contrary to the canons of criminal jurisprudence.[24]

More than that, the social repercussions are not intangible. People have lost their jobs, been uninvited to academic conferences, and shunned by society based on public allegations alone. This is not to downplay the seriousness of sex crimes or the importance of hearing survivors, but to make a case for an even-handed approach that upholds the constitutional rights of all concerned. The judicial principle of audi alteram partem—hear the other side—is as essential in the trial of public opinion as it is in a court of law. The state, then, needs to legislate a sophisticated approach. One such reform can be to provide statutory protection to the identity of the accused until a charge sheet is presented or trial begins, on similar lines to existing protections for juveniles under the Juvenile

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[22] *Justice K.S. Puttaswamy v. Union of India*, (2017) 10 S.C.C. 1
[23] *Sahara India Real Estate Corp. v. SEBI*, (2012) 10 S.C.C. 603
[24] Uma MaheswariBhrugubanda, *supra* note 5, at 149-150

Justice Act. Additionally, bodies like the Press Council of India and social media grievance officers must be empowered to punish offending reporting. Judiciaries should also be more active in providing guidelines on the reporting of sensitive cases, drawing from precedents such as R.K. Anand v. Delhi High Court, which condemned media intervention in current trials[25].

The Hema Committee Report also highlighted the requirement for confidentiality in proceedings, both for the purpose of safeguarding victims as well as preventing prejudicing the accused in publicized cases.[26] The report states that mere references to the names of some individuals in relation to complaints resulted in a stringent backlash in the form of online abuse and professional boycotts. Protection of privacy is not merely a procedural nicety in such situations—it is a protection against social violence. In sum, the digital age has enabled anyone to become judge, jury, and executioner at the touch of a few keys. Although such democratization of discourse has its strengths, it also threatens to erode due process. The right to privacy, the right to dignity, and the presumption of innocence need to be safeguarded not only in courtrooms but also in our digital as well as social spheres. Legal reform, judicial intervention, and media accountability have to come together so that justice continues to be fair, balanced, and humane.

V. Evidentiary Challenges: Admissibility, Digital Trails, Consent, and Privacy in the Age of Technology

The difficulties in presenting evidence in the case of sexual harassment and sexual violence are not only to be considered as technical or procedural weaknesses; they are highly influenced by the gendered assumptions that determine the whole credibility, knowledge, and truth construction in legal institutions. Feminist perspectives on law and evidence have repeatedly pointed out that rules of evidence are not objective filters of fact but rather social mechanisms of power, often empowering prevailing narratives while pushing survivors' experiences into the background.[27] This understanding becomes particularly significant in the era of digital technology, where evidence in the form of technology does not replace biases but, most of the time, becomes the reason bias reaches its highest level. The use of digital trail messages, emails, call logs, screenshots, location data, and social media interactions is becoming the norm for adjudicatory bodies in both workplace investigations under the POSH Act and sexual offences criminal trials.[28] Though such material can be invaluable in corroborating the truth, the feminist criticism points out that the presence of digital evidence does not guarantee epistemic fairness.[29] The digital artefacts are often misunderstood by the patriarchal reasoning of rationality, coherence in behaviour, and straightforward reaction patterns, which makes it difficult for the victims to prove their case when their conduct is a result of trauma, fear, economic

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[25] *R.K. Anand v. Delhi High Court*, (2009) 8 S.C.C. 106

[26] Hema Committee Report, *supra* note 1, at 163–64

[27] MacKinnon, C. A. *Feminism unmodified: Discourses on life and law* Harvard University Press (1987)..https://doi.org/10.2307/2070528 72–84

[28] Kelly, L. *Surviving sexual violence*. Polity Press.(1988)

[29] *Supra* Note 10

dependence, or planned silence. In the case of the ICC, the lack of strict evidentiary rules has not led to a survivor-friendly flexibility; instead, it has resulted in a system of discretion that swings between extreme doubt and uncritical acceptance of scattered digital evidence, which is primarily influenced by institutional hierarchies and power imbalances. On the one hand, the exclusive concentration on the epistemic marginalization of the survivors risks hiding an accompanying and increasingly visible problem: the diminishing of procedural rights and the privacy of the accused in the adjudication of sexual offenses, especially in environments thoroughly saturated with technology.[30] Feminist legal theory doesn't advocate eliminating due process; instead, it demands examining power in all its forms.[31] In today's world, power is represented not just by the sceptics of victims' claims but also by the early revelation of the case, the tarnishing of one's reputation, and the public's moral condemnation of the accused even before the verdict is passed. Digital proof, if shared or leaked, cannot be undone in any significant way, rendering legal terms like acquittal or exoneration mere symbols; still, the social aspect remains empty.[32]

Feminist perspectives on evidence rightly argue that credibility is tied to identity and standpoint. As Childs and Ellison argue, evidence law often transforms the survivor into an object of scrutiny while positioning the respondent as the default rational subject. But in cases of sexual offences where the media is everywhere, the above situation is getting more and more reversed in public discussions: the person accused turns out to be guilty presupposedly, while the lack of evidence is whatever way morality dictates and not through legal proof.[33] Such a flip does not undo the past injustice; it just shifts the inadequacy to the position of not knowing, while ignoring the reasons for that position. A feminist approach to justice cannot support a system where credibility is already fixed either for survivors or for the accused.[34] The issue is grave in criminal adjudication, as the retrospective discussion of consent is based on selective interpretations of digital interactions. Feminist criminological literature rightly points out that consent is not fixed or transferable; rather, it is an on-going negotiation heavily dependent on context and influenced by power relations and coercion.[35] Nonetheless, the courts often interpret the digital messages exchanged during the time before or after the alleged assault as a sign of consent at that particular moment, thus eliminating the time discrepancies and dominating the victim's ability to make a choice. Simultaneously, the same digital evidence is often made public and treated as evidence of the accused's moral guilt even before any legal evaluation, thereby violating the right to be presumed innocent.[36] These two practices are indicative of what feminist theorists call epistemic distortion: the evidence is not evaluated to uncover the truth but to reinforce accepted narratives. A further evidentiary failure lies in how institutions

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[30] RatnaKapur, *Gender, Alterity and Human Rights* Edward Elgar Publishing 114–18 (2018).
[31] Rosemary Hunter, *Gender in Evidence Law*, 15 FEMINIST LEGAL STUD. 1 (2007).
[32] Susan Estrich, Rape, 95 Yale L.J. 1087 (1986).
[33] Emma Childs & Louise Ellison, *Feminist Perspectives on Evidence*, 12 INT'L J. EVIDENCE & PROOF 161 (2008).
[34] Nicola Lacey, *Unspeakable Subjects* 102–06 (1998).
[35] Aparna Chandra & William Hubbard, *The Problem of the Presumption of Innocence in* India, 10 NUJS L. REV. 143 (2017).
[36] Miranda Fricker, *Epistemic Injustice* 20–29 Sage Publishing (2007).

conceptualise what counts as evidence and who is allowed to harm proof. Feminist approaches to building knowledge on gender-based violence emphasise that experiential, narrative, and contextual forms of evidence are indispensable in cases occurring in private or informal spaces. However, elevating certain forms of digital or medical evidence to "objective" status has produced a paradox: survivor testimony is discounted as subjective.[37] In contrast, digital artefacts are treated as neutral even when stripped of context. In some situations, this hierarchy not only pushes survivors to the side but also justifies the unequal suffering of the accused when the digital traces are made public without any procedural protections.

It is the way institutions handle digital evidence that shows how weak privacy rights protection is on both sides. Feminist GBV research approaches consider evidence collection a process centred on the survivor and thus require informed consent, data minimisation, and protection against secondary victimisation. However, the same principles must be applied to all parties whose human rights, dignity, and autonomy are at stake.[38] In reality, ICCs, employers, investigators, and media personnel often lack sound, legally binding protocols covering aspects such as storage, access, anonymization, and the disclosure of sensitive electronic material. Consequently, there is a two-fold failure: the personal data of survivors is circulated so widely that they have to go through the trauma again. At the same time, the accused persons are already subjected to the harshest punishment: the loss of their reputation, as the exposure has not yet been made official.[39]

From a feminist perspective, these failures are not merely superficial but rooted in the very structure of society. Feminist legal theory has long maintained that law defines persons as trustworthy or not, rational or emotional, through the standards of proof. Legal systems that favour coherence, emotional restraint, and documentary proof favor performances that align with prevailing social norms.[40] In this digital format, the construction process is not confined to the court. Still, it extends. Still, it extends to the public domain, where evidence loses its significance due to the power of algorithms and the sensationalism of the media. A system that disregards the defendant's privacy is, in fact, undermining its own epistemic credibility, as reality and illusion become indistinguishable.[41]

Models coming from comparative studies and feminist theory show that the conflict between the two views is neither unavoidable nor unresolvable. Feminist methods of creating evidence on gender-based violence suggest using participatory, context-sensitive, and intersectional approaches that consider the survivors as knowledge co-producers while still being procedurally neutral. Victim-oriented inquiry frameworks underline that not being able to prove an accusation does not mean it is false, any more than the accusation implies the individual is guilty.[42] Most importantly,

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[37] Mrinal Satish, *Discretion, Discrimination and the Rule of Law*Penguin Publishing 189–92 (2016).
[38] Renzetti et al., *Feminist Perspectives on Evidence and Knowledge, in Feminist* Research Methods 45 SAGE Publications (2013).
[39] UN Women, *Handbook for Legislation on Violence Against Women* (2012).
[40] UN Women, *Feminist Approaches to Building Knowledge on GBV* (2020).
[41] UN Office of Internal Oversight Servs., *Investigators' Manual* (2021).
[42] Armstrong, E. A., Gleckman-Krut, M., & Johnson, L. (2018). *Silence, power, and inequality: An intersectional approach to sexual violence*. ANNUAL REVIEW OF SOCIOLOGY, *44*(1), 99–122

these approaches differentiate between legal proof and moral assessment and assert that confidentiality is the only condition under which an honest witness and a fair trial are possible. To address recognized deficiencies, the study presents a revamped evidentiary framework grounded in constitutional proportionality and feminist legality.[43] To begin with, the digital evidentiary protocols are to be standardized and feminist-informed, meaning that the adjudicatory bodies are to interpret technological artefacts within the power, coercion, and dependency contexts. Additionally, consent jurisprudence must be doctrinally clarified, rejecting retrospective and decontextualized readings of digital communication for both incrimination and exoneration. Moreover, privacy-preserving evidence management systems should be institutionalized, recognizing that dignity, informational autonomy, and reputational integrity are not entitlements to be shared but rather constitutional guarantees common to all. The evidentiary challenges in the technological era signal a more profound epistemic crisis in the legal handling of sexual harassment and sexual violence. The belief in digital evidence as a neutral truth does not only cover the gendered and institutional aspects that affect its production, interpretation, and dissemination. A feminist legal order that is committed to substantive equality cannot allow itself to swap disbelief with presumption, or silence with spectacle. Legal entities that establish a connection between the quality of evidence and the secrecy of all persons concerned will have to make considerable progress in developing a truth-seeking model that is not only survivor-friendly but also constitutionally credible, procedurally fair, and normatively balanced.

VI. Media, Technology, and Institutional Accountability: Public Narratives, the Accused, and the Crisis of Due Process

The public narratives of sexual violence have increasingly become parallel to the court process and have directly impacted the perceptions of guilt, credibility, and justice without the influence of the legal system. The situation in India has been exceptional, as digital media, 24-hour news cycles, and social media platforms that prioritize speed over accuracy[44] have come together to create a powerful phenomenon. Although feminists have traditionally critiqued the historical suppression of victims, contemporary institutional practice uncovers a new risk, namely, the gradual loss of the accused's rights to fair trial and privacy through media trials and digital vigilantism.[45] This is not a departure from feminist concerns but a continuation of them, as both dynamics stem from the same structural failure of the law's inability to regulate power operating outside the courtroom.[46]

In rape trials, the person accused is very likely to suffer public exposure from the very beginning of the investigation, which may include the registration of the FIR or the arrest, even though there has been no judicial decision of guilt. Trial courts' ethnographic studies reveal that when the

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[43] NgaireNaffine, *Law's Meaning of Life* Bloomsbury Publishing 67–71 (2009)
[44] *Supra* note 10
[45] *Supra* Note 34
[46] *Supra* Note 29
[47] Shreya Atrey&VasudhaDhagamwar, *Ethnographic Study of Rape Adjudication in Trial Courts* (2016).
[48] *Supra* Note36

accused is publicly named, evidentiary uncertainty is socially rather than legally resolved, and media narratives fill the gap left by slow courts and opaque procedures.[47] Innocence is presumed; however, if already damaged, the presumption becomes totally useless. Digital technologies contribute significantly to this harm by enabling the continuous, irreversible flow of accusations, pictures, and rumors that render the legal right of acquittal or discharge less socially effective in the face of the experience of being found not guilty in court.[48]

A similar, though less formally acknowledged, process operates in workplace sexual harassment cases. The POSH Act, while providing for confidentiality, does not give ICCs any legally enforceable means to stop leaks or control the spread of stories about the matter.[49] In the real world, individuals accused, mainly in informal sectors like the film industry, suffer from professional isolation and damaged reputations solely because of accusations, and this happens without the protection of due process, which is commonly provided in criminal trials. Feminist narrative research has shown that where institutions do not control the flow of information, informal reputational sanctions take over from formal accountability, producing outcomes that are neither survivor-centered nor procedurally just.[50]

International and comparative practices are a crucial source of information on how to fill this gap without compromising victims' rights. Some jurisdictions provide the accused in sexual offence cases with temporary anonymity until formal charges are made or trials start, acknowledging that the first revelation of the case does not represent any public interest and, at the same time, causes the victim irreversible damage.[51] The European Court of Human Rights has consistently affirmed that the right to private life is engaged and should thus be subject to the criteria of proportionality, necessity, and legal justification in cases of reputational damage resulting from premature disclosure.[52] The same reasoning applies to international investigations conducted by multilateral organizations, where the confidentiality rule is viewed as the primary safeguard for all parties involved, not just a privilege granted at the investigator's discretion, who may still reveal their identities if they deem them essential witnesses.[53]

The same models also argue that the accused's anonymity does not undermine women's victory. Instead, it adds to the institution's credibility by ensuring that the decision is based on evidence, not on the parties' stories. Feminists in law back this up by advocating a process of justice that is not determined by the outcome but is characterized by equality.[54] A system that assumes the accused's guilt for the sake of being responsive may replicate the very epistemic injustices that feminist critiques attempt to eliminate, only this time with the direction of harm reversed.[55]

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[49] Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, No. 14 of 2013, India Code (2013).

[50] Rina Arseneault& Sue McKenzie-Mohr, *Acting as Allies to Women: Counter-Storying Sexual Violence*Canadian Association of Social Workers (CASW) (2015).

[51] Clare McGlynn, *Rape Trials and the Media*, 31 OXFORD J. LEGAL STUD. 1 (2011).

[52] *Axel Springer AG v. Germany*, 2012-II Eur. Ct. H.R. 227.

[53] *Supra* Note 40

[54] Nicola Lacey, *Unspeakable Subjects* 102–06 (1998).

[55] Miranda Fricker, *Epistemic Injustice* 20–29 (2007).

The fundamental problem with the Indian legal structure is that it lacks institutional accountability for narrative harm. The law continues to control evidence and procedure as if decision-making were done far from the media and digital platforms, where, however, reputation is now mainly determined. Neither the POSH regime nor the criminal procedure law requires institutions to handle the information, stop leaks, or counter prejudicial publicity.[56] Hence, legal findings do not determine the public opinion. Thus, both the survivors and the accused suffer from arbitrary harm as they are not protected.

This problem requires a response with multiple layers. First, confidentiality responsibilities must be viewed as institutional obligations, with the exact fault resting on employers, investigators, and officials who allow or make possible the improper disclosure. Then, confidentiality should be applied to the accused at the earliest court stages, with exceptions limited in scope and based solely on public safety or investigative necessity.[57] Moreover, judicial and quasi-judicial authorities need to be given the power to issue measures of narrative control, such as reporting restrictions, in-camera sessions, and penalties for prejudicial media misconduct. The trauma-informed and bias-aware adjudication education should include a course on digital harm and reputational justice, which acknowledges that respect for human rights, as per Article 21, remains applicable beyond the court. Ultimately, the balance of evidence, privacy, and accountability in the cases of sexual violence cannot be done without taking into consideration the fact that media and technology are no longer external distractions but rather internal elements of the modern justice system.[58] A legal system that is friendly to women should not regard narrative harm as unintentional and therefore overlookable. By incorporating international best practices and constitutional proportionality into the design of the institutions, India can take a step closer to a judicial system that protects victims, upholds the principle of innocence, and regains trust in the legal accountability itself.

VII. Conclusion

This research aimed to examine the balance between keeping evidence and protecting privacy in workplace sexual harassment and rape cases in India. The findings show that both areas face significant institutional weaknesses undermining the constitutional values of dignity, equality, and due process. The Internal Complaints Committees (ICCs), which are meant to serve as the cornerstone of the POSH Act, often function without independence, legal expertise, or trauma-sensitive methods. s shown in the Hema Committee Report and highlighted by the #MeToo movement, these issues are severe in informal industries like cinema. Survivors have few real options for justice and often turn to social media to share their experiences, even though this can lead to retaliation and stigma. Rape prosecutions show another profound inequality. While the law protects the identities of survivors, the accused undergo public scrutiny and suffer damage to their reputations, even before any charges are proven. The rise in digital evidence makes this situation even more complicated.

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[56] Law Comm'n of India, *Report No. 243* (2012).
[57] *Supra* Note 8
[58] *Supra* Note 38

While it provides powerful tools to corroborate claims, weak chains of custody, inconsistent authentication, and the misuse of private digital data have turned it into a double-edged sword—capable of strengthening and undermining justice. These insights collectively underline that privacy and evidentiary integrity should not be considered competitors for one another: both side-by-side pillars uphold a sound justice system.

Nevertheless, the study has its limitations. The analysis of data and documents relied primarily on secondary sources like committee reports, case law, and academic literature rather than on primary field data from survivors, accused persons, or ICC members. This limits the fuller ability to capture the living experiences and nuances of how the processes play out in various workplace settings. The fast pace of technological change also means that conclusions drawn about digital evidence may soon require re-evaluation as new tools, such as deepfakes or advanced surveillance, become more prevalent. Additionally, sociocultural dimensions such as entrenched patriarchy, stigma surrounding survivors, and bureaucratic inertia—though acknowledged—could not be examined in depth. These aspects undoubtedly shape reporting behavior and institutional responses and remain important areas for future research.

Despite these limitations, the study points toward clear pathways for reform. First, ICCs must be reconstituted as independent statutory bodies rather than employer-appointed committees, with members nominated by neutral authorities to eliminate conflicts of interest. Regular and required training on trauma-informed interviewing, understanding evidence, and legal procedures would improve their credibility and effectiveness. The law should strengthen and adequately fund Local Complaints Committees (LCCs) in informal or unorganized sectors. Digital platforms should be provided to make redressal easier for vulnerable workers. Another concern in India is that no clear or uniform framework is acceptable for handling digital evidence. Principles like informed consent, proportionality, and data minimization should be relevant to the collection or admissibility of evidence so that investigative processes do not invade anybody's privacy. The police, prosecutors, and judicial officers will have to be trained in digital forensics and privacy law to fill this gap in expertise. Police, prosecutors, and judicial officers need specialized training in digital forensics and privacy law to close the expertise gap.

Finally, reforms must extend to safeguarding the dignity of both survivors and accused persons. Whistleblower protection must be widened into a full umbrella to protect survivors from retaliation. Once charged with an offense, the people can be kept anonymous until a formal charge is brought against them. Media and digital platforms have a code of ethics that they would violate should they allow trial by publicity against any ongoing investigation. These changes will not weaken survivors' rights; they will strengthen justice by creating a fair process that protects all parties from secondary victimization and unnecessary damage to their reputation. The main goal of this reform is not just to fix procedural gaps. It is to change justice systems into institutions that survivors can trust and that accused individuals can face without being assumed guilty. Therefore, by embedding constitutional values of privacy, dignity, and fairness into evidentiary practices and institutional practices, we can build a highly technologically advanced justice system in India that is also morally sound. In the digital age, where the dangers of exposure and misinformation are clearly

unprecedented, the fusion of privacy and evidence is not just preferable but necessary. Only through such integration can the justice system uphold its legitimacy and deliver outcomes that are equitable, humane, and consistent with the spirit of constitutional democracy.

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Judicial Interpretations of Live-in Relationship Cases in India: The Paradox of Law and Morality

Sunil L Kalagi*

Abstract

Marriage is always considered as sacred event in India which means lifelong union rather than merely private relationships between two individuals. It is tightly tied with religion, family honour, social legitimacy, and cultural continuity. Some of the common reasons are like changing socioeconomic conditions such as urbanization, globalization, education, delayed marriages, and more about individual autonomy has led to the rise of live-in relationships in India. Indian society is bound to traditional ideals of family through marriage, and these types of relationships continue to challenge the marriage institutions. This study examines the legal, moral, and social features of live-in relationships in India and examines whether they represent growing social norms or a danger to the institution of marriage. The study examines the more significance of constitutional morality in defending individual autonomy under Article 21 of the Constitution and stressing to respect the social morality based on cultural and religious values. The article investigates the evolution of Indian jurisprudence via important judgments related to cohabitations. The paper also discusses about the 'Alienation of Affection' tort ruling which highlights the bad side of cohabitate relation involving married person. The paper concludes highlighting the problems arising out of live-in relations of couples. The study also shed a light on theories by famous legal jurisprudence personalities like Hart and Thomas Aquinas. The article pinpoints the paradox of live in relationships in Indian society by contradictory conflict between legal recognition and societal rejection. Our study recommends there is a need of comprehensive legal framework for addressing difficulties due to live-in relationships which provides balance between law and morals.

Keywords: Live-in Relationship, Indian Society, Marriage in India, Law and Morality.

I. Introduction

In country like India Marriage has long been recognized as one of most important social institutions, which is firmly ingrained in religion, culture, customs, and family traditions. In many Western nations marriage is frequently viewed as a contractual relationship between two people, while in India it is widely regarded as a sacred and permanent bond that unites not only two people but also two families.[1] Religious personal laws, customary practices, caste structures, and societal

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[1] Ritu Sharma, Friends and lovers, *The Indian Express* (Dec. 25, 2016), https://indianexpress.com/article/

expectations have long shaped the institution of marriage, making it central to social legitimacy, inheritance, lineage, and moral order. Within this traditional paradigm, partnerships outside marriage especially cohabitation without official wedlock were frequently deemed socially inappropriate and morally abnormal.[2]

It is also clear that more socioeconomic upheaval over the previous two decades has had a profound impact on interpersonal interactions in India. The important evolution of urbanization, higher education, women's economic independence, digital culture, postponed marriages, and shifting perceptions of intimacy they have all led to the rise of live-in relationships. A live-in relationship where two consenting adults coexist in a partnership which resembles like marriage, but it does not involve a formal marriage ceremony or legal registration. These types of relationships are becoming more frequent in metropolitan areas and among younger generations who value emotional compatibility, personal freedom, and financial independence before marrying.[3]

Despite of so much development, these types of de-facto relationships remain controversial in India. They conflict with the traditional marriages which are seen as the only legitimate structure for personal partnerships. The Indian society practicing of many faiths including conservative communities, does not see any morality and cultural norms in live-in relationships and they feel threatening to their cultural norms. There are worrying opinions about diminishing of marriage, volatility in family structures, failed long-term commitment, the legality of children, inheritance issues, and the abasement of cultural standards. Women in cohabitation specifically face more societal stigma because of apostolic conceptions of honour and morality. Many pairs face harassment, family pressures including honour-based violence.

Even though the society have contrasting opinions, Indian constitutional law has slowly evolved in a distinct path. The judicial rulings have increasingly stressed individual liberty which is fundamental right under Article 21 of the Indian Constitution. The legal recognition of live-in partnerships began with the case of *Payal Sharma v. Nari Niketan* (2001).[4] The Allahabad High Court decided that two consenting adults have the right to cohabit without marriage. This opinion was reinforced in the case of S. Khushboo v. Kanniammal (2010)[5], when the Apex Court of India opined that live-in relationships may be regarded immoral by some segments of society but are not unlawful. In a similar context the case of D. Velusamy v. D. Patchaiammal[6] and the case of Indra Sarma v. V.K.V. Sarma,[7] the Bench shed light on the legal status of relationships "in the nature of marriage" while providing women with certain rights under the Protection of Women from Domes-

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[2] Times of India, *Marriage vs. live-in relationship: Two different approaches to exploring love andcompanionship* (Oct 14,2019 ,20:00 IST).

[3] AnujaAgrawal , "*Law and 'Live-in' Relationships in India*", xlvii ECONOMIC & POLITICAL WEEKLY, (2012)

[4] *Payal Sharma v. NariNiketan*AIR 2001 All 254

[5] *S. Khushboo v. Kanniammal* (2010) (5 SCC 600)

[6] *D.Velusamy* v. *D. Patchaiammal* (2010) 10 SCC 469

[7] *IndraSarma v. V.K.V. Sarma* (2013) 15 SCC 755.

tic Violence Act, 2005[8]. In the recent case of *Anamika and Another v. State of Uttar Pradesh (U.P) and Others 2026*[9] highlights that morality and law must remain disconnected, and that consensual relationships between adults cannot be forbid simply because of social disapproval.[10]

This enlarging judicial recognition represents a significant constitutional change from social morality to constitutional morality. The individual liberty is more legally protected. However, the legal evolution has resulted in a conundrum. However, there are no specific laws for recognising the live-in partnerships in India and further makes complexity of the subject. There is need of statues and policy makers to draft the framework for dealing with troubles arising like maintenance, succession, property rights, among partners and children legal rights born out of this cohabitation.

Judicial rulings have mainly given judgements by interpreting cases on an individual basis, but this has resulted in legal confusion and inconsistent implementation. Recent developments, such as Uttarakhand's Uniform Civil Code, 2024, which requires the registration of live-in partnerships, have sparked concerns about privacy and state interference.[11] While courts acknowledge cohabitation of couples as a form of personal liberty, Indian society continues to oppose them for cultural, religious, and moral reasons. The law may has evolved according to the changing society demands but society recognition is still limited.

According to British Legal Positivist philosopher H.L.A. Hart the law should be based on legal validity and not morality. He stresses that there should be division between public and private law. Natural law theorists like philosopher Thomas Aquinas, assert that laws are intended to uphold morality and protect the common good, hence morality and law should not be completely separated. Marriage has always been viewed as a sacred institution in Indian civilization, with duties to family, religion, and emotions. Because of this, many people think that living together outside of marriage goes against these strong moral values and worry that it could affect family stability and social harmony. From this point of view, keeping social trust, cultural traditions, and the idea of marriage are just as vital as legal rights. This paper examines the "challenges of live-in relations in India" and tries to find whether such relationships are a valid expression of personal liberty or a threat to the institution of marriage. It scrutinizes the balance between law, morality, and cultural values.

II. Indian court decisions on cohabitations since 2000

The Indian court's ruling has evolved since 2000 in the cases dealing with live-in relationships and it began with the case of Payal Sharma v. Nari Niketan in 2002[12]. The Allahabad High Court

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[8] Wadje, Ashok, Maintenance Right of Muslim Wife: Perspective, Issues & Need for Reformation (January 7, 2013). Available at SSRN: https://ssrn.com/abstract=1266018 (last accesed on 13 June 2026).

[9] Criminal Misc. Writ Petition No. - 3799 of 2026

[10] AnamikaAnd Another vs State Of U.P. And 3 Others on 16 November, 2023, https://indiankanoon.org/doc/156681350/

[11] Tindwani, Manik. "The Uniform Civil Code of Uttarakhand: A Legal & Constitutional Analysis." LawFoyer Int'l J. Doctrinal Legal Rsch. 2 (2024): 302.

[12] *Supra* note 4

held that two consenting adults have the right to live together without marriage as these are fundamental rights given by the Constitution.[13] The Court interpreted that such relationships may be viewed as immoral by society, but they are legally valid as every individual has right to have his private life. This principle was more strengthened in the case of Lata Singh v. State of Uttar Pradesh,[14] where the Apex Court of India upheld the right of adults to choose their partners which is availed under Article 21 of the Constitution. Though the case was about inter-faith marriage, it became vital precedent for individuals' choice in relationships.[15]

In the 2008 case of Tulsa v. Durghatiya,[16] the Court gave decision that children from long-term cohabitation are legitimate and entitled to inheritance rights.[17] A major change came in S. Khushboo v. Kanniammal 2010 case[18], where the Bar clearly stated that live-in relationships may be socially unacceptable by some, but they are not illegal. This judgment made crucial observation about preference of constitutional morality over social morality. In the same year, D. Velusamy v. D. Patchaiammal case[19] answered the questions relating to "relationship in the nature of marriage." The Court laid down conditions such as legal age, voluntary cohabitation, unmarried status, and long-term commitment. Later, in Indra Sarma v. V.K.V. Sarma, the Court recognized live-in relationships under the Protection of Women from Domestic Violence Act, 2005 but denied relief where a woman knowingly entered a relationship with a married man. However, the judgment provided important guidelines for identifying valid live-in relationships. In the case of Dhannulal v. Ganeshram,[20] the Court presumed marriage after long-term cohabitation and granted inheritance rights, further protecting partners in such relationships.[21]

The Supreme Court of Indian took decision in the case of Nandakumar v. State of Kerala[22] in 2018, that even if a marriage is legally invalid, adults still have the right to live together[23]. In Kamini Devi v. State of Uttar Pradesh[24], protection was granted to consenting couples who were facing threats from their families[25]. Multiple High Courts in 2021 also reiterated that live-in relationships

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[13] Tiwari, S. K., & Mishra, P. *Changing Dimensions of Live-in-Relationship, Homosexuality and Adultery with Special Reference to Supreme Court's Judgement*KaavPublications , 2019

[14] *Lata Singh v. State of Uttar Pradesh* (2006) 5 SCC 475

[15] Prakash, Anand Singh. *Legal Conundrum of Live-in Relationship in India: A Judicial Approach*. LAW & WORLD 26 (2023): 47.

[16] *Tulsa v. Durghatiya* (2008) 4 SCC 520

[17] S.Tejaswini. *Law around Live-in Relationships in India*. 1 INDIAN JL & LEGAL RSCH. 5 (2023): 1.

[18] *S. Khushboo v. Kanniammal*, (2010) 5 SCC 600

[19] *Supra* note 6

[20] Dhannulal and Ors. vs. Ganeshram and Ors. 2015 12 SCC301

[21] Sarkar, Aritra, and HarikaTejavath. *Analysis of Property Rights concerning Live-in Relationships* 6 INT'L JL MGMT. & HUMAN 849 (2020).

[22] Nandakumar v. State Of Kerala 2018 16 scc 602

[23] Aneja, Aanandita. "*Underscoring the Legality of Live-in Relationships in India*." JUS CORPUS LJ 3 (2022): 84.

[24] Writ C No. 11108 of 2020 and Writ C No.27338 of 2023

[25] Devi, Urmila. *Legal Status of Women Under Live-In Relationship in India*. Pen and Paper Academy, 2025.

are not criminal acts. In Deepika Singh v. Central Administrative Tribunal, the Supreme Court expanded the meaning of family to include non-traditional arrangements such as live-in partnerships. A new legal development emerged in 2024 when Uttarakhand introduced registration requirements for live-in relationships under the Uniform Civil Code, Uttarakhand, 2024, sparking debates over privacy and state interference.[26]

Most recently, in the case of Anamika vs State of U.P in 2026, the Court gave decision that morality and law should be seen as separate[27]. It held that a married man living in a consensual live-in relationship with another adult does not commit a criminal offence merely because society disapproves. Overall, Indian jurisprudence shows a cautious shift towards recognition of autonomy, privacy and dignity. Family structures often involve moral scrutiny, duty bound and legal obligations.

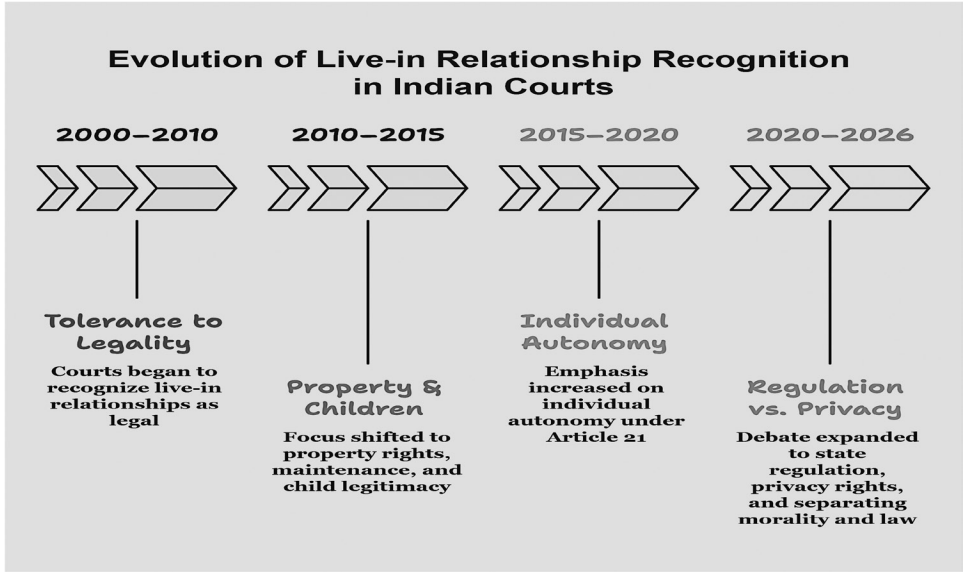

Figure 1: Key Legal Trends (2000–2026)

The above graph clearly indicates the shift in Indian courts from moral conservatism to constitutional morality since 2000 until now in 2026. It recognizes live-in partnerships or cohabitation with conditions while also maintaining marriage as a legal institution. These findings aid to determine whether live-in relationships are genuinely a 'threat' or merely a changing social reality which is slow but its real.

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[26] Megha Saini, *Live-In Relationships: Through the Lens of Indian Courts, in Live-In Relationships*:*Socio-legal aspects* 46 (Drishti Publications 2022).

[27] *Anamika vs State of U.P 2026* Available at https://www.casemine.com/judgement/in/69e34adc5aafd07d318c7da3 (last accessed on 1 July 2026)

III. Case Analysis of Shelly Mahajan vs MS Bhanushree Bahl & Anr 2025.

The Delhi High Court (HC) has made a first of its kind and interesting decision in the case of Shelly Mahajan happened in 2025. Interestingly it allowed spouses to seek civil damages from third persons who interfered with their marriage causing severe damages. The court also seen it as criminal intent to destroy the marriage institution[28]. The High Court overruled objections to the suit's maintainability and issued summons in a wife's suit seeking damages for Alienation of Affection (AoA) against her husband's alleged affair partner. The verdict reintroduced an old Anglo-American concept that had been eliminated globally, shedding light on a rarely tested legal doctrine in India. It appears to circumvent the Supreme Court's mandate in Joseph Shine v. Union of India, and it raises new problems about whether Indian civil courts can impose liability for third-party involvement in marriage.[29]

The Delhi High Court believed a spouse can sue their partner's lover and seek compensation for interfering with the marriage and causing loss of affection and camaraderie between the couple. The third individual could be viewed as a disruptor who contributed to the marriage's breakdown. According to the judiciary, infidelity may still result in civil penalties. The court brought back the liability issue around adultery. The once-settled topic of law is being reopened, though with less rigour, utilizing the civil and tort framework. The court held that abolishing the crime of adultery does not provide a 'license' to get into intimate relationships outside of marriage. A tortious reparation claim may be made against the individual accused of contributing to the breakdown of the 'sanctified bond'. The court stated that a case based on alleged activities of a spouse's lover, rather than the spouse themselves, would be civil in nature, specifically an alienation of affection claim.

A tort occurs when an act or omission violates a legal right, where the defendant had a duty of care to the plaintiff, and leads to or has a direct relationship with the legal loss or injury that the plaintiff has incurred. It could be to person, i.e., physical in nature, to property, to reputation, for example, defamation, or to other legal rights; as in the case of Ashby v. White[30], when the plaintiff's right to vote was infringed. The tort of AoA started in the case of Winsmore v. Greenbank[31] in 1745, when the defendant seduced away the plaintiff's wife, resulting in loss of consortium[32]. However, the tort still exists in a few American states.

The tort is jurisprudentially anchored in religious conservative philosophy, where breakdown of marriage is bad, and the attempt to discover the 'fault' is the underpinning idea to understand marriage failure. This wrongdoing has no place in liberal society because the distinction between a

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[28] Singh, S.S. (2025) Can a third party be liable for marital disruption? Explained. https://www.thehindu.com/news/national/can-a-third-party-be-liable-for-marital-disruption-explained/article70131034.ece. (last accessed on 21 June 2026)

[29] Shastri, S.S. and Law, L. (2025) 'Tort of Alienation of Affection (AOA): a critique,' Live Law, 11 October. https://www.livelaw.in/articles/delhi-high-court-judgment-on-alienation-of-affection-analysis-306591 (last accessed on 21 June 2026)

[30] Ashby v White is (1703) 92 ER 126

[31] *Winsmore v. Greenbank 1745 Wills 577* (581).

[32] Willes 577, 125 Eng. Rep. 1330 (Court of Common Pleas, 1745)

tort, a civil wrong, and a crime is just a matter of degree. Reducing the punishment for cohabitation to the level of tort makes no difference. Although the fundamental question is same but handling them differently could give rise to constitutional issues.

Many civil wrongs can have repercussions that go much beyond specific individuals. They have large impact on society in ways that are comparable to criminal offenses. For instance, widespread property fraud may, in some circumstances, be classified as a civil issue, but its wider effects can undermine public confidence and deter people from buying real estate in regions where fraudulent transactions are common. This highlights the fact that personal rights wrongdoings do have broader social ramifications and law should consider it cautiously. From this point it's more apparent that marriages are considered more safer under the eyes of society.

IV. Case Analysis of Anamika and Another v. State of Uttar Pradesh and Others 2026

In 2026, the court findings in Anamika and Others v. State of Uttar Pradesh shows judicial affirmation of the widening divide between law and morality in modern Indian culture. In the context of live-in relationships, they are separate. The decision reflects a broader constitutional tendency that human autonomy and liberty cannot be limited just because a relationship does not meet established moral standards. The Bench comprising Justice J.J. Munir and Justice Tarun Saxena ruled that a wedded male cohabiting with another adult woman in a consensual live-in relationship does not automatically commit a criminal offence[33]. The law court specifically held up that consensual adult relationships may be socially condemned. This disapproval cannot be translated into legal punishment unless a specific statute is broken. This represents the concept that recognised laws are important for deciding the punishment.

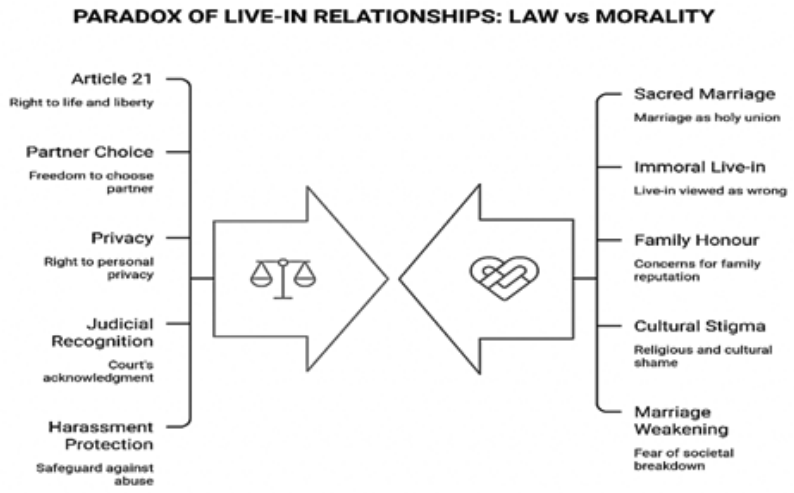

Figure 2: Paradox of Live-in Relationships

[33] The Hindu Bureau (2026c) 'Morality and law have to be kept apart': Being married does not make consensual live-in relationship a crime, says Allahabad High Court. https://www.thehindu.com/news/national/uttar-pradesh/married-man-in-live-in-relationship-not-a-crime-allahabad-high-court/article70792652.ece.

The Court's ruling that law and moral to be kept separate is especially significant in a changing society where personal relationships are evolving. Traditionally, Indian society has belief on marriage to be a sacred institution. Live-in relationships are frequently regarded as morally wrong because they disrupt traditional family structures. Relationships involving a married individual are again more complex in nature. They are often viewed as breaking cultural ideals such as fidelity, family honour, and societal discipline.

The acknowledgement of Constitutional rights by courts was seen increasingly more from the year 2000. In the case of Lata Singh[34] Apex court protected inter-caste couples from family violence, and in Shafin Jahan case[35] the Court upheld an adult woman's right to choose her partner. Similarly, in Navtej Singh Johar case the Court specifically said that constitutional morality takes precedence over societal morality. These cases highlight shifting of legal paradigm towards protecting personal liberty under Article 21 of the Constitution.

The incidents like of *Anamika case* reveals the problems arising between modern legal rights and outdated traditions. The woman statements about living with her partner voluntarily but was afraid of being threatened with violence also highlights the risk of cohabitate relationship. These cases also show how families control adult relationships by force. Personal decisions are seen as against the family honour. By providing police protection and limiting family intrusion, the Court reaffirmed the notion that the state must defend individual liberty even when society disagrees.[36]

The decision also illustrates how legislation advances quicker than societal morals. Rapidly development of Urbanization, education are changing social connections. Digital life also had played significant role in changing society. They all have contributed to a greater acceptance of nontraditional relationships among younger generations. However, conservative societal systems continue to stigmatize such agreements. As a result, courts are increasingly called upon to function as go-betweens for constitutional rights and social conservatism.

Hence the court findings in the case of Anamika in 2026 does not support the idea of moral opinions. Article 21 of the Constitution provides for individual autonomy. What society considers immoral is not necessarily prohibited under the law. The decision of the courts highlights that Indian society must shift from collective moral policing, The findings of the court encourage acceptance of individual autonomy, privacy, dignity, and freedom of choice, all features of a growing modern legal regime.

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[34] *Supra* note 14

[35] (*Hadiya* marriage case)*Shafin Jahan vs. Asokan K.M. and Ors* (2018) 16 SCC 368

[36] Abraham, J. *Contingent caste endogamy and patriarchy: Lessons for an understanding of caste*. ECONOMIC AND POLITICAL WEEKLY, 56–65(2014).

[37] Shukla, Vidyam. *Legalisation of Cohabiting Relationships*. 1 INDIAN JL & LEGAL RSCH. 5 (2023): 1.

[38] Dandona R Intimate partner violence: will India find effective solutions? The Lancet Regional Health - Southeast Asia, 2023; 10

[39] Nandini, N., Nandita Chaube, and M. S. Dahiya. *Psychological review of suicide stories of celebrities: The distress behind contentment*.INDIAN JOURNAL OF HEALTH & WELLBEING 9.2 (2018).

V. Discussion and Conclusion

Live-in relationships represent changing societal values in India. While constitutional morality increasingly supports personal liberty, social morality continues to resist such relationships. Law might greatly appreciate live-in relationships, but Society may still view them as immoral. Cultural reservations have also been expressed about the visible decline of the institution of marriage. Critics believe that live-in relationships can lead to avoiding commitment, unstable in family structures, and uncertainty about children's future.

People keeping faiths in their respective religion oppose such relationships on moral grounds and debate that they harm family values. In rural and semi-urban settings, it becomes more difficult to accept than in metropolitan places. This creates an enigma in Indian society. The law increasingly respects individual autonomy and protects live-in couples, while society continues to evaluate such relationships using old moral standards. The conflict between legal acceptance and social rejection exemplifies the conflict between modern constitutional norms and well ingrained cultural traditions in Indian culture. This contradiction between legal acceptance and social resistance creates the "paradox." From this point of view, keeping social trust, cultural traditions, and the idea of marriage are just as vital as legal rights.

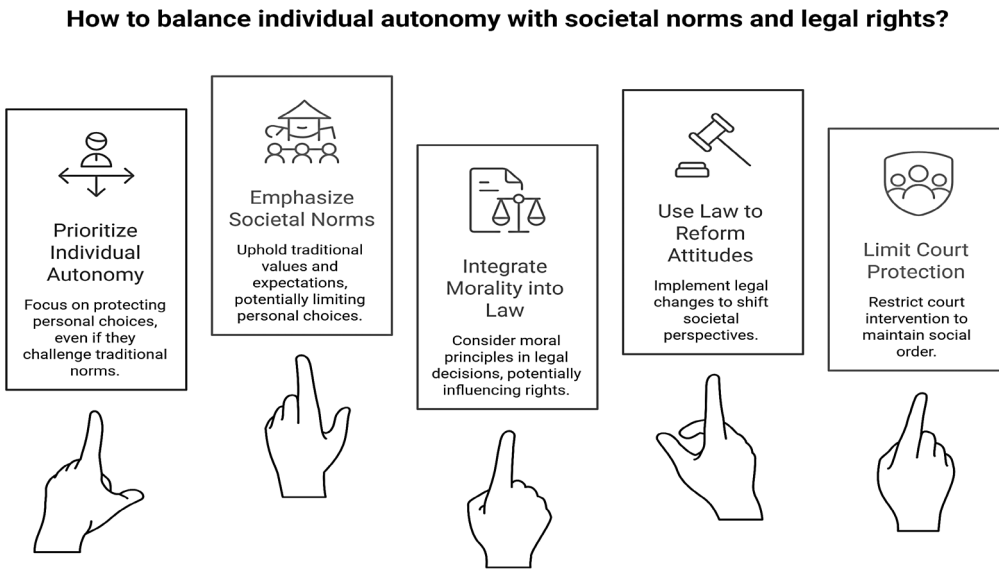

Figure 3: Balancing Individual Autonomy vs Societal Norms

Recent rulings suggest that Indian courts are increasingly prioritizing constitutional sovereignty over social morality in cases involving live-in couples. Courts support consent-

ing people' right to choose their partners, provide police protection against family intervention, protect women from fraud and exploitation, and recognize the rights of children born from such partnerships. As recent crimes like murder happened in the case of Shraddha Walkar and Aftab Poonawala in November 2022 highlights that Live in Relationships can also create more insecurity which can lead to criminal offences like murders, extortion and cheating.[37] This narrative shows how badly the systems and society failed to safeguard her[38]. Bollywood actress Jiah Khan, 25, was found dead in her Juhu, Mumbai flat on June 3, 2013. Her demise was related to her unstable relationship with an actor[39]. In another recent incident, three people have been detained in Bengaluru for the murder of a live-in partner, including an actor[40]. On April 1, 2016, television actress Pratyusha Banerjee, well known for playing Anandi in Balika Vadhu, was discovered dead in her Mumbai flat at the age of 24. Her parents claimed that Rahul Raj Singh, her boyfriend, killed her, despite the postmortem findings suggesting asphyxia was the cause of death[41]. These types of incidents are increasing irrespective of gender crimes are rising and it can be prevented by making new statutes and policies. Additionally, there is also a concerning truth that the recent ruling by the Allahabad High Court in the case of Anamika vs. State of Uttar Pradesh 2026 might set a negative precedent that could destroy the institution of marriage and cultural values.[42]

The decisions of the Indian courts never directly mentioned the Britain Legal Jurisprudence philosopher H.L.A Hart theories, but numerous judgements indirectly sought his positivist principle. According to his principle, law and morality should remain distinct. From the case of Lata Singh to Anamika case, the recent ruling by Allahabad High court shows that courts recognise cohabit relationships and they are not against laws though in the eyes of Indian society it looks immoral.

Constitutional rulings in the case of Navtej Singh Johar[43] and Justice K.S. Puttaswamy[44] case show Legal Jurisprudence personality Ronald Dworkin's rights-based approach. It stressed that courts should use dignity, privacy, equality, and constitutional morality. The law in India appreciates both theories of Philosopher Hart's separation of law

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[40] The Hindu Bureau (2026a) Actor among three arrested for murder of live-in partner in Bengaluru. https://www.thehindu.com/news/national/karnataka/actor-among-three-arrested-for-murder-of-live-in-partner-in-bengaluru/article70694858.ece. (last accessed on 21 June 2026)

[41] Online, I. (2016) 'BalikaVadhu'sAnandi aka Pratyusha Banerjee commits suicide, she was 24,' The Indian Express, 2 April. https://indianexpress.com/photos/entertainment-gallery/balika-vadhu-pratyush-banerjee-suicide/. (last accessed on 21 June 2026)

[42] Chopra, S. Massacres, majorities and money: Reparation after sectarian violence in India. Asian JOURNAL OF LAW AND SOCIETY, 4, 157–190(2017).

[43] *Navtej Singh Johar&Ors. v. Union of India* 2018 INSC 790

[44] *Justice K.S. Puttaswamy v Union of · India* 2017 10 SCC 1

and morality to Philosopher Dworkin's rights-based constitutional morality. The case of Shelly Mahajan[45] appreciates the theory of philosopher Thomas Aquinas by using the tort principle like "Alienation of Affection" (AoA). This also creates a paradox where the law protects non-marital relationships increasingly, while still upholds the moral value by bringing some of the negative effects of Married Person getting affected due to his spouse involved in Live-in Relationship.

In the past, courts mostly used statutory and purposive interpretation. Later, they started to use constitutional morality, dignity, and autonomy more. Today, High Courts use the principle 'Ratio decidendi', using earlier Supreme Court decisions to support live-in relationships. The rulings of Anamika case also set alarming precedent for Married couples who may misuse the law and can create havoc in marriage institutions. Dr. Ambedkar's vision about Equality was to provide Constitutional rights but not to create Society chaos.

There is surge in privacy life for many individuals yet there is no formal law in India that regulates cohabitation, although the Indian courts tried to strike a balance between personal freedom and marriage duties. There are still unsolved issues that are very important, such as property rights, succession, separation procedures, maintenance needs, and registration. There is a growing need for comprehensive laws that safeguard people's rights in live-in relationships, give legal certainty, and find a balance between the Law and Morality in a changing modern society. The contradiction arises from the fact that Indian society is culturally conservative while courts are becoming more legally liberal.

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[45] *Shelly Mahajan v BhanushreeBahl* CS(OS) 602/2025 & I.A. 21712-21714/2025