SCOPUS-Indexed • Open-Access Journal • Peer-Reviewed

GNLU Journal of Law & Economics

Volume VI (II) Jul-Dec 2023 ISSN 2582-2667





ADVISORY BOARD OF THE GNLU JOURNAL FOR LAW AND ECONOMICS

DR. JUSTICE D.Y. CHANDRACHUD, HON'BLE CHIEF JUSTICE OF INDIA, SUPREME COURT OF INDIA.

MR. JUSTICE A.K. SIKRI, FORMER JUDGE, SUPREME COURT OF INDIA.

PROF. (DR.) S. SHANTHAKUMAR, DIRECTOR, GUJARAT NATIONAL LAW UNIVERSITY.

PROF. (DR.) BIMAL N. PATEL, VICE-CHANCELLOR, RASHTRIYA RAKSHA UNIVERSITY & FORMER DIRECTOR, GNLU.

PROF. (DR.) ARIEL PORAT, ALAIN POHER PROFESSOR OF LAW AT TEL AVIV UNIVERSITY & FISCHEL-NEIL DISTINGUISHED VISITING PROFESSOR OF LAW AT UNIVERSITY OF CHICAGO.

PROF. (DR.) HANS-BERND SCHAFER, PROFESSOR EMERITUS, BUCERIUS LAW SCHOOL, UNIVERSITY OF HAMBURG.

PROF. (DR.) THOMAS ULEN, SWANLUND CHAIR PROFESSOR EMERITUS, ILLINOIS COLLEGE OF LAW.

PROF. (DR.) JAIVIR SINGH, PROFESSOR OF ECONOMICS AND DIRECTOR OF CENTRE FOR THE STUDY OF LAW & GOVERNANCE, JAWAHARLAL NEHRU UNIVERSITY.

PROF. (DR.) RAM SINGH, PROFESSOR OF ECONOMICS, DELHI SCHOOL OF ECONOMICS, UNIVERSITY OF DELHI.

PROF. (DR.) TOM GINSBURG, LEO SPITZ PROFESSOR OF INTERNATIONAL LAW, LUDWIG AND HILDE WOLF RESEARCH SCHOLAR, PROFESSOR OF POLITICAL SCIENCE AT UNIVERSITY OF CHICAGO LAW SCHOOL.

PROF. (DR.) HENRIK LANDO, PROFESSOR OF LAW & ECONOMICS, COPENHAGEN BUSINESS SCHOOL.

PROF. (DR.) AJIT MISHRA, SENIOR LECTURER, DEPARTMENT OF ECONOMICS, UNIVERSITY OF BATH.

PROF. (DR.) SAUL LEVMORE, WILLIAM B. GRAHAM DISTINGUISHED SERVICE PROFESSOR OF LAW, UNIVERSITY OF CHICAGO LAW SCHOOL.

EDITORIAL BOARD OF THE GNLU JOURNAL FOR LAW AND ECONOMICS

EDITOR-IN-CHIEF

PROF. (DR.) RANITA NAGAR

FACULTY EDITORS

DR. HITESHKUMAR THAKKAR (EXECUTIVE EDITOR)

PROF. (DR.) NUNO GAROUPA

STUDENT EDITORS

KRISHNA AGARWAL	VEDIK BAIRWA	ABHIMANYU VYAS
MANSI SUBRAMANIAM	GAURAVI TALWAR	SIYA MATHUR
YASHVI BHAGAT	SARANSH SOOD	VANSH GAINT
NIHARIKA AGARWAL	SUDARSHANA MAHANTA	VANSHIKA SHARMA

EDITORIAL NOTE

- *Editors*

Every contemporary event, movement or development presents an opportunity to examine the same from a Law and Economics view point. As we delve into the forthcoming edition of the Journal of Law and Economics, we are presented with an array of research papers that illuminate the intersection of law and economics with the contemporary dynamics of our society. The given issue for Volume VI presents a set of 6 papers which seek to give a fresh perspective on a gamut of contemporary legal and social issues across the spectrum. These areas include taxation, mental health, criminal justice, data protection and judicial governance, through the lens of Law and Economics. These selected papers also look into welfare economics and assess the socio-economic efficacies of various measures taken by the government using both macro and microeconomics tools. It also moves into the statutory laws and legal system of India to reach more objective and scientific solutions.

The first paper, titled **"Economic Analysis of Cyber Risk for Financial Institutions",** authored by Dr. Chitra Saruparia, Dr. Arun Kumar Giri, and Avisha Gupta presents a multi-sectoral approach to dealing with cyber risk for financial institutions by studying multi-sectoral cyberattack patterns. The paper further delves into formulating a robust insurance model and standardization of associated risks and definitions. The paper further offers a quantitative assessment with an aim to develop a industry-level cyber security risk index. Concluding with recommendations for faster response and recovery.

The paper titled **"Economic Analysis of Community-Based Interventions in India's Mental Health Laws and Policy Frameworks: Resources Allocation and the Efficiency"** authored by Sarah, presents a discourse on community-based mental health interventions underscores the integral role of socio-economic factors in shaping public health outcomes. As we confront the challenges of resource allocation and policy implementation, it is imperative to recognize the profound impact of legal frameworks on mental health services. Through a comprehensive analysis, this paper offers valuable insights into harnessing the potential of community interventions to achieve efficient outcomes.

The next paper, titled **"Taxation of Cryptocurrencies: The Indian Faux Pas"**, authored by Vedika Chawla and Vasushrava Mahipal, presents an analysis of the taxation of cryptocurrencies on the intricacies of data protection legislation; each paper encapsulates the profound impact that legal decisions have on economic outcomes, and vice versa. The depth

of analysis presented within these pages reflects a profound understanding of the challenges and opportunities inherent in navigating the legal and economic landscape of India. The examination of India's tax policy on cryptocurrencies underscores the delicate balance required to foster innovation while ensuring regulatory compliance. As the digital economy continues to expand, policymakers face the daunting task of crafting tax policies that encourage growth without stifling market potential. Through rigorous analysis and thoughtful recommendations, this paper offers valuable insights into achieving such equilibrium.

Furthermore, the paper titled **"Justice Delayed, Prosperity Denied: An In-Depth Economic Analysis of Judicial Backlogs in India"**, authored by Nileena Banerjee, examines India's judicial system and highlights the far-reaching consequences of judicial delays on economic growth and societal well-being. As case backlogs persist, the urgency of systemic reforms becomes increasingly apparent. This paper serves as a clarion call for decisive action to ensure swift and efficient justice delivery, thereby fostering an environment conducive to economic progress.

The fifth paper, titled **"Data Protection in India: Privacy, Personal Data, and The Saga of a Legislative and Economical Approach"**, authored by Acharaj Kaur Tuteja and Digvijay Singh, scrutinizes India's Data Protection Bill, 2022, sheds light on the critical importance of safeguarding privacy rights in an increasingly digitized world. As data becomes a cornerstone of economic activity, the need for robust legislative frameworks that uphold individual liberties is paramount. This paper calls attention to the gaps in current legislation and advocates for stronger data protection measures to preserve societal trust and confidence.

Finally, the paper titled **"The Empirical Analysis of the Applicability of Becker's Model of Crime: A Case Study of Rape, Traffic Violations and Corruption in India"** authored by Chinmayee Hegde and Anuradha S Pai explores crime through the lenses of economic theory andbehavioural economics challenges conventional wisdom, urging us to reconsider our understanding of criminal behaviour. By acknowledging the influence of emotional and societal factors, this paper enriches our comprehension of the complex motivations behind criminal acts, paving the way for more nuanced policy interventions.

In conclusion, the papers featured in this edition of the Journal of Law and Economics offer a compelling narrative of the symbiotic relationship between law and economics in India. As we navigate the complexities of a rapidly changing world, may these insights serve as a guiding beacon for policymakers, scholars, and practitioners alike.

TABLE OF CONTENTS

Economic Analysis of Cyber Risk for Financial Institutions by *Dr. Chitra Saruparia, Dr. Arun Kumar Giri, Avisha Gupta*

https://doi.org/10.69893/gjle.2023.000058 *Pg 08- 32*

Economic Analysis of Community-Based Interventions in India's Mental Health Laws and Policy Frameworks: Resource Allocation and The Efficiency by *Sarah*

https://doi.org/10.69893/gjle.2023.000057 *Pg 33-44*

Taxation of Cryptocurrency: The Indian Faux Pas by *Vedika Chawla and Vasushrava Mahipal*

https://doi.org/10.69893/gjle.2023.000056 *Pg 45-63*

Justice Delayed, Prosperity Denied: An In-Depth Economic Analysis of Judicial Backlogs in India by *Nileena Banerjee*

https://doi.org/10.69893/gjle.2023.000055 *Pg 64-91*

Data Protection in India: Privacy, Personal Data, and the Saga of a Legislative and Economic Approach by *Achraj Kaur Tuteja and Digvijay Singh*

https://doi.org/10.69893/gjle.2023.000054 *Pg 92-110*

An Empirical Analysis of The Applicability of Becker's Model of Crime: A Case Study of Rape, Traffic Violations and Corruption In India by Chinmayee Hegde and Anuradha S Pai

https://doi.org/10.69893/gjle.2023.000053 *Pg 111-134*