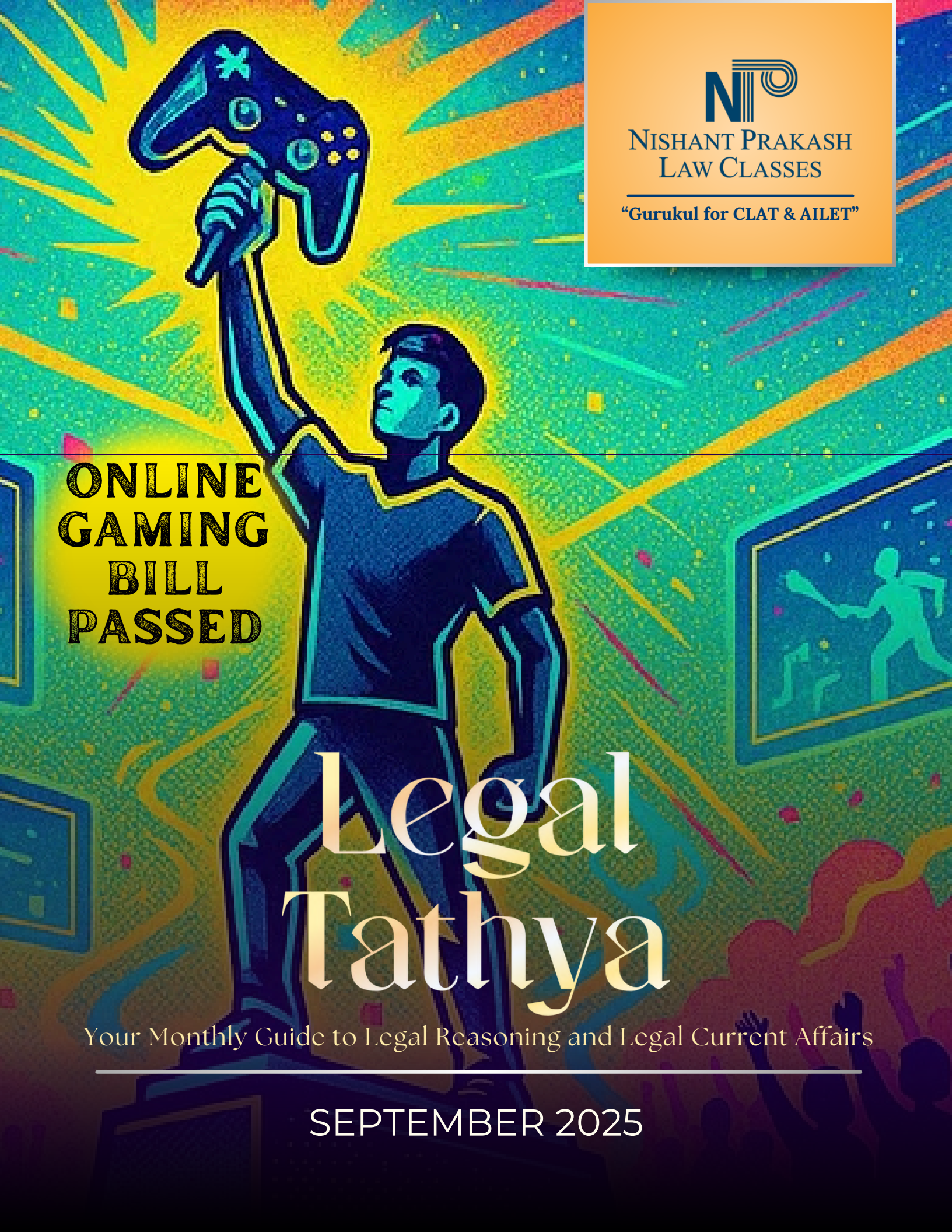

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Legal Tathya

Your Monthly Guide to Legal Reasoning and Legal Current Affairs

SEPTEMBER 2025

NPLC's TOP 10 GLORY 2025

A salute to our five toppers who turned pressure into purpose — their journey fuels the ambition of every student aiming for the top.

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CLAT

Daiwik Agarwala

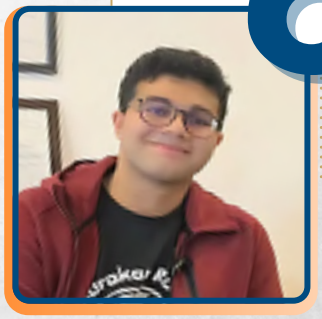
AIR 2
AILET

Chaitanya Ghosh

AIR 4
CLAT

Aditya Gautam Ankhad

AIR 6
AILET



Dhruv Kamath

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YE POSTER NAHI, PROOF HAI!

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Nishant Prakash, founder and chief mentor at NPLC, is a nationally recognized legal educator and policy advisor. An alumnus of one of India's premier National Law Schools, Nishant left a thriving corporate law career to dedicate himself fully to teaching and mentoring the next generation of legal leaders. For over 13 years, he has built an unparalleled reputation as a transformational teacher, guiding students with precision, compassion, and personal accountability.

He has been associated with some of the country's top-tier law firms, including Luthra & Luthra, and holds expertise in Intellectual Property, Insurance, and Trade Law, with over 30 national and international publications to his credit.

A firm believer in long-term academic mentorship, Nishant combines academic rigour with real-world legal insights to prepare students for top law schools and successful careers. His work consistently bridges the gap between textbook learning and practical application, equipping students with a clear understanding of how law operates in the real world.

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For parents looking for a mentor who truly takes ownership, and for students seeking more than just lectures—Nishant Prakash is the mentor who stays with you, every step of the way.

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NISHANT PRAKASH LAW CLASSES

"Gurukul for CLAT & AILET"

SUPREME COURT | Landmark Judgements

1 Test for Abetment Of Suicide

SECTION 306 IPC

Background

The case arose from the suicide of Mohanbhai Sanjibhai Delkar, a sitting Member of Parliament from Dadra & Nagar Haveli, in February 2021. Following his death, his son, Abhinav Mohan Delkar, lodged a complaint against the Union Territory's Administrator and several senior officials, alleging that they had harassed and humiliated his father, driving him to take his own life.

The police registered an FIR under Section 306 IPC (abetment of suicide) read with Section 107 IPC (abetment defined) against the accused officials. The Bombay High Court later quashed the proceedings, holding that the allegations did not disclose the necessary ingredients to sustain charges under Section 306 IPC. The complainant appealed to the Supreme Court.

Issue Before the Court

Whether allegations of continuous harassment without a direct and proximate link to the act of suicide are sufficient to constitute the offence of abetment of suicide under Section 306 IPC.

Judgment of the Court

The Supreme Court upheld the Bombay High Court's decision to quash the criminal proceedings against the accused officials. The Court clarified that:

- Mere harassment, even if alleged to be continuous or prolonged, does not automatically amount to abetment of suicide.

Case Details

Case Title: Abhinav Mohan Delkar v. The State of Maharashtra & Ors.

Citation: 2025 Livelaw (SC) 812

Judgment Date: August 18, 2025

Bench

CJI B.R. Gavai

- To attract Section 306 IPC, there must be a direct or proximate act by the accused that leads the victim to commit suicide.
- The "real intention" of the accused must be examined, and the test is whether the accused intended by his action to drive the victim to commit suicide, or at least had the knowledge that his conduct was likely to push the victim to that extreme.

Significance of the Judgment

- The ruling reinforces the principle that abetment of suicide cannot be presumed from general allegations of harassment.
- The prosecution must show a clear nexus between the accused's conduct and the suicide.
- The judgment provides clarity on the mental element required under Section 306 IPC, emphasising intention or knowledge as the critical factors.

Key Takeaway for CLAT Aspirant

- **Section 306 of the Indian Penal Code – Abetment of Suicide**

Section 306 of the IPC makes it a criminal offence to abet the act of suicide. The law says that if a person commits suicide, and it is proven that another individual has abetted this act, then that individual will be punished with imprisonment which may extend up to ten years along with a fine. The section, therefore, is not directed at the act of suicide itself (since suicide is not punishable after the decriminalisation under Section 115 of the Mental Healthcare Act, 2017), but rather at those who intentionally encourage or help in causing such death.

To sustain a charge under Section 306 IPC, the prosecution must prove three things: first, that the victim actually committed suicide; second, that the accused played some role in instigating or facilitating it; and third, that there was a mental element—known as mens rea—which means that the accused either intended or at least knew that their actions could push the victim toward suicide.

- **Section 107 of the Indian Penal Code – Definition of Abetment**

Section 107 provides the definition of "abetment" and is crucial for understanding Section 306. According to this section, a person abets the doing of a thing in three ways. The first is instigation, which means provoking, urging, or encouraging another person to do something. For example, if someone repeatedly tells another to take their life, that is instigation. The second is conspiracy, where two or more people agree together to make a person commit an act, and some act is done in pursuance of that agreement. The third is intentional aiding, where a person helps another to commit an act, either by supplying means or by deliberately failing to prevent it when they have a duty to do so.

This section, therefore, shows that not every form of harassment or quarrel amounts to abetment. The prosecution has to prove that the accused's behaviour clearly fits one of these three categories.

- **Mens Rea – The Requirement of a Guilty Mind**

The principle of mens rea, which means "guilty mind," is central to criminal law. It is not enough that

the accused behaved badly or even cruelly toward the victim. What is required is proof that the accused intended to drive the victim to suicide, or that they had knowledge that their conduct was likely to push the victim to that extreme. Without such intention or knowledge, mere cruelty or harassment will not satisfy the ingredients of Section 306.

The courts have repeatedly emphasised this requirement. For example, in Madan Mohan Singh v. State of Gujarat (2010), the Supreme Court quashed charges under Section 306, observing that there was no evidence that the accused had the mental intention to push the victim to commit suicide.

- **Proximate Cause – Requirement of a Close Link**

Another important legal concept is that of proximate cause. The law does not punish distant or indirect acts. The prosecution must prove that there was a direct and immediate connection between the accused's conduct and the victim's act of suicide. Continuous harassment over a long period may not be sufficient unless there is a specific act that directly triggered the suicide and can be clearly connected to it.

This principle was emphasised in cases such as Amalendu Pal v. State of West Bengal (2010), where the Court held that there must be a clear link between the conduct of the accused and the suicide, and in K.V. Prakash Babu v. State of Karnataka (2016), where the Court clarified that mere allegations of harassment are not enough without proof of instigation or intention.

- **The Combined Reading of Sections 306 and 107 IPC**

Section 306 IPC cannot be applied in isolation; it has to be read together with Section 107 IPC. This means that to convict someone for abetment of suicide, the prosecution must show that the accused either instigated, conspired, or intentionally aided the act of suicide, and that they did so with a guilty mind and with a direct link to the actual act. Courts insist on this strict standard because of the seriousness of the offence and the stigma it attaches to the accused.

Practice Questions

1. Ramesh was a senior officer in a government department. His subordinate, Suresh, often felt that Ramesh was harsh and critical of his work. Over two years, Ramesh scolded Suresh frequently in front of colleagues for late submissions and careless mistakes. Suresh complained to friends that he was under "constant harassment" at work. One evening, after being reprimanded yet again for missing a deadline, Suresh left the office visibly upset. A few hours later, he was found dead by suicide. In his note, he wrote: "Ramesh always insults me. I cannot bear this humiliation any longer." Suresh's family filed a case against Ramesh under Section 306 IPC (abetment of suicide). Based on the principles laid down by the Supreme Court, will the charge succeed?
(a) Yes, because Ramesh's continuous scolding over two years created mental harassment which led to Suresh's suicide.
(b) Yes, because Suresh specifically named Ramesh in his suicide note, which proves his guilt.
(c) No, because harassment and a suicide note are not enough; there must be a direct and proximate act showing intention to drive Suresh to suicide.
(d) No, because only physical violence and threats can constitute abetment of suicide under Section 306 IPC.

2. Ravi and Mohan were close friends. Mohan had been struggling with debt and often told Ravi that he felt hopeless. One day, Ravi, annoyed with Mohan's constant complaints, said to him in anger: "If you really feel so useless, why don't you just end your life?" A few days later, Mohan died by suicide. Mohan's family alleged that Ravi abetted the suicide and filed a case against him under Section 306 IPC. Based on Section 107 IPC, can Ravi be held guilty of abetment?
(a) Yes, because Ravi's words directly provoked Mohan to commit suicide, which amounts to instigation under Section 107 IPC.
(b) No, because a single angry remark cannot amount to instigation unless there is a clear intention to drive Mohan to suicide.
(c) Yes, because mentioning suicide, even once, is enough to constitute abetment under the IPC.
(d) No, because abetment can only occur through conspiracy or aiding, not by words.

3. Ravi and Mohan are close friends. Ravi often complains that his business partner, Sanjay, cheats him and wishes that Sanjay would die. One day, Ravi and Mohan together discuss ways to make Sanjay end his life. They agree that constant humiliation might push him toward suicide. A few days later, Mohan sends anonymous threatening letters to Sanjay, while Ravi openly mocks Sanjay in front of colleagues. Deeply distressed, Sanjay later commits suicide. The prosecution charges Ravi and Mohan under Section 306 IPC, arguing that their conduct amounts to abetment. Which of the following most accurately applies the principle of conspiracy under Section 107 IPC to this case?
(a) Ravi and Mohan cannot be guilty since humiliation and threats are insufficient unless physical violence is used to compel suicide.
(b) Ravi and Mohan are guilty because they jointly agreed to make Sanjay commit an act of suicide, and acts were carried out in furtherance of that agreement.
(c) Only Mohan is guilty, since he alone performed the overt act by sending threatening letters, while

Ravi's mocking was too trivial to amount to abetment.
(d) Neither Ravi nor Mohan are guilty because Sanjay's choice to commit suicide was his own independent act, unconnected to their discussions.

4. Ravi had frequent quarrels with his wife Anjali over household expenses. For years, Anjali complained that Ravi's words were "harsh and insulting." One evening, after another routine quarrel, Anjali consumed poison and died. The prosecution charged Ravi under Section 306 of the IPC, arguing that his continuous harsh treatment amounted to abetment. Can Ravi be convicted under Section 306?
(a) Yes, because continuous quarrels and insults over time are enough to prove abetment of suicide.
(b) No, because proximate cause requires a clear and direct act that triggered the suicide.
(c) Yes, because in matrimonial relationships, long-term mental harassment is always sufficient for conviction.
(d) No, because unless there is proof of instigation or intention, allegations of quarrels do not meet the legal standard.

5. Arjun often criticised his younger brother Sameer for being unemployed, calling him "a burden on the family." Sameer, depressed, eventually took his own life, leaving behind a note stating, "Arjun's constant taunts made me feel worthless." The prosecution charged Arjun under Section 306 IPC. Can Arjun be convicted for abetment to suicide?
(a) Yes, because constant taunts over time are sufficient to show mens rea for abetment.
(b) No, because mens rea requires proof of intention to drive the victim to suicide.
(c) Yes, because naming Arjun in the suicide note establishes direct criminal liability.
(d) No, because cruelty or harassment without instigation or guilty mind does not amount to abetment.

SUPREME COURT | Landmark Judgements

2 SC Modifies Stray Dog Order, Bans Street Feeding

ABC RULES 2023

Background

The case arose from a Suo Motu writ petition initiated by the Supreme Court following a July 2025 news report highlighting increasing incidents of stray dog attacks in Delhi NCR, which had resulted in serious injuries to children and elderly persons. On August 11, 2025, a two-Judge Bench had directed that all stray dogs in Delhi NCR be picked up by municipal authorities and placed in shelters or pounds without being released back onto the streets. This order created widespread concern among animal welfare organisations, who argued that it contradicted the Animal Birth Control (ABC) Rules, 2023, which specifically provide for release of sterilised and vaccinated dogs into the same locality. There were also practical objections, such as the lack of infrastructure for housing thousands of stray dogs permanently. In response, the matter was referred to a three-Judge Bench of the Supreme Court, which reconsidered the issue and delivered a modified order on August 22, 2025.

Issue Before the Court

The central issue before the Court was whether stray dogs could be permanently removed from public spaces and confined in shelters, or whether they must be released back after sterilisation and vaccination in accordance with the ABC Rules, 2023.

A connected issue was whether public feeding of stray dogs should be permitted on streets and public places, or whether it required regulation to balance animal welfare with public safety.

Case Details

Case Title: IN RE: "CITY HOUNDED BY STRAYS, KIDS PAY PRICE"

Citation: Suo Moto Writ Petition

Judgment Date: August 22, 2025

Bench

Justices Vikram Nath

Justice Sandeep Mehta

Judgment of the Court

The Supreme Court modified its earlier August 11 order and issued the following directions:

- Release of Sterilised and Vaccinated Dogs: Dogs that are sterilised, immunised, and dewormed must be released back into the same locality from which they were picked up, in accordance with Rule 11(19) of the ABC Rules, 2023. However, dogs that are rabid, suspected to be rabid, or exhibiting aggressive behaviour are to be kept in shelters or pounds after appropriate treatment and immunisation.
- Street Feeding Ban and Designated Feeding Zones: Feeding of stray dogs on roads, streets, and other public spaces is prohibited. Instead, municipal authorities are required to create designated feeding zones in each municipal ward where citizens and animal welfare groups may feed stray dogs. Boards and gantries must be erected to indicate that feeding is permitted only in such zones.
- Nationwide Extension: The Court extended the scope of its directions to all States and Union Territories, requiring uniform compliance with the ABC Rules, 2023, across the country.
- Infrastructure and Affidavits" Municipal bodies are required to file affidavits detailing the infrastructure available for stray dog management, including shelters, staff, veterinarians, and transport facilities.
- Adoption and Tagging: Citizens and NGOs may adopt stray dogs through municipal authorities, provided that adopted dogs are tagged and kept off the streets permanently.
- Financial Contribution by Petitioners: Individual petitioners in the case are directed to deposit ₹25,000, and NGOs are required to deposit ₹2,00,000, with the Registry of the Court within seven days. These funds will be used to strengthen infrastructure for stray dog management.

Significance of the Judgement

The judgment re-established the principle that the ABC Rules, 2023, form the governing framework for stray dog management, and that sterilised and vaccinated dogs must not be permanently confined but must be released back into their locality. At the same time, it addressed public safety concerns by prohibiting street feeding and creating regulated feeding zones. The judgment balanced constitutional values of compassion for animals with the fundamental right to safety of citizens, thereby creating a framework that is humane, practical, and enforceable.

Key Takeaway for CLAT Aspirant

The Prevention of Cruelty to Animals Act, 1960

- The Prevention of Cruelty to Animals Act, 1960 (PCA Act) is the parent legislation that governs the welfare and protection of animals in India. It lays down duties, defines cruelty, and empowers the Central and State Governments to frame rules for the care and management of animals.
- Section 3 imposes a duty on all persons who are in charge of animals to take reasonable care of their well-being and to prevent unnecessary pain or suffering.
- Section 11 defines various forms of cruelty, including beating, kicking, overloading, or abandoning animals in conditions where they are likely to suffer. However, exceptions

- are made for lawful acts done in the interest of public health and safety.
- Under Section 38, the Central Government has the power to make rules to carry out the purposes of the Act. It is under this provision that the Animal Birth Control (ABC) Rules, 2023 were notified.
- The Act strikes a balance between preventing cruelty to animals and allowing the State to regulate animal populations in the interest of human health and safety.

The Animal Birth Control Rules, 2023

- The Animal Birth Control Rules, 2023, issued under Section 38 of the PCA Act, provide the legal framework for managing stray dog populations in India.
- Rule 11(19) states that once stray dogs are sterilised, vaccinated, and dewormed, they must be released back into the same locality from which they were captured. Permanent relocation or sheltering is not permitted except in cases of rabid or aggressive dogs.
- Rule 10 requires that rabid or suspected rabid dogs, as well as aggressive dogs, must be quarantined, treated, and kept in shelters or pounds until safe.
- The Rules also provide guidelines for humane catching, transportation, sterilisation, and aftercare of stray dogs.
- The 2025 Supreme Court judgment directly relied on these Rules to hold that sterilised and vaccinated dogs cannot be permanently confined, and must instead be released into their local areas, thereby aligning judicial directions with statutory rules.

The Bhartiya Nyaya Sanhita, 2023

- The Bhartiya Nyaya Sanhita, 2023 (BNS) replaced the Indian Penal Code, 1860, and retains provisions relevant to animal protection.
- Section 356 of the BNS, 2023 criminalises mischief by killing, poisoning, maiming, or rendering useless any animal valued at ₹500 or more. The punishment is imprisonment of up to five years or fine or both.
- Section 357 of the BNS, 2023 extends this protection specifically to animals used for agricultural or other essential purposes, punishing those who intentionally cause harm to such animals.
- These provisions ensure that stray dogs, though not domesticated, cannot be unlawfully killed or maimed by individuals or authorities. Any municipal or private action outside the framework of the PCA Act and ABC Rules could potentially invite liability under the BNS.
- Thus, criminal liability under the BNS complements welfare obligations under the PCA Act.

The Wildlife (Protection) Act, 1972

- The Wildlife (Protection) Act, 1972 (WLPA) was enacted to protect wild animals, birds, and plants, and to ensure the ecological security of the country.

- Section 9 prohibits hunting of any wild animal listed in Schedules I to IV of the Act.
- Sections 29 and 35 prohibit the destruction of wildlife or their habitat in sanctuaries and national parks without prior permission of the Chief Wildlife Warden or State Government.
- Stray dogs, although not protected species under the Act, often enter eco-sensitive areas and attack endangered wildlife such as Olive Ridley turtles or ground-nesting birds. In such contexts, the WLPA empowers authorities to take preventive measures to protect wildlife populations.
- The Supreme Court's framework for vaccination, sterilisation, tagging, and regulated feeding indirectly supports the objectives of the WLPA by ensuring that stray dog populations are managed in a manner that reduces risks to wildlife.

Constitutional Law Dimensions

Article 21 guarantees the right to life and safety, which includes freedom from hazards like rabies and dog attacks. Article 48A imposes a duty on the State to protect the environment and wildlife, while Article 51A(g) requires citizens to show compassion to living creatures. The Court's ruling illustrates the balancing of these rights and duties: compassion for animals is not absolute and must be regulated to protect human safety.

Judicial Doctrines

- The Doctrine of Proportionality was applied when the Court banned street feeding but simultaneously created regulated feeding zones, striking a balance between public safety and compassion.
- The Precautionary Principle of environmental law was reflected in the treatment of rabid or aggressive dogs, which may be confined even before they cause harm.
- The Parens Patriae Doctrine explains the role of the State as guardian of both vulnerable citizens and animals.
- The Public Trust Doctrine underlies the responsibility of the State to manage natural resources and ecological balance, which includes regulating stray populations.

Case Law

- In **Animal Welfare Board of India v. A. Nagaraja (2014),** the Supreme Court recognised the right of animals to life and dignity under Article 21, emphasising humane treatment.
- In P**eople for Elimination of Stray Dogs v. State of Kerala (2006),** the Kerala High Court considered culling measures, highlighting tensions between human safety and animal rights.
- In **State of Gujarat v. Mirzapur Moti Kureshi Kassab Jamat (2005),** the Supreme Court upheld a ban on cow slaughter, reinforcing the importance of compassion towards animals as a constitutional value.

Practice Questions

1. The Municipal Corporation of City X began a large sterilisation and vaccination drive for stray dogs after several incidents of dog bites. After completing the procedures, the civic authorities decided to permanently shift all sterilised dogs to a newly built shelter on the outskirts of the city to "maintain public cleanliness." A group of animal welfare activists filed a petition claiming that this practice violated the law. The Corporation argued that because the dogs had already been sterilised and vaccinated, their relocation to the shelter did not cause harm and would benefit citizens. Is the action of the Municipal Corporation lawful?
(a) Yes, because once sterilised, the dogs may be placed in shelters for administrative convenience and public safety.
(b) No, because the law clearly requires sterilised and vaccinated dogs to be released back into the same locality from which they were captured.
(c) Yes, because the Corporation has the discretion to decide whether dogs should be sheltered or released after sterilisation.
(d) No, because the sterilisation programme itself is unlawful, and dogs cannot be captured under any circumstance.

2. Ravi, a farmer, became angry when his neighbour's goat strayed into his field and damaged some crops. In retaliation, Ravi struck the goat with a heavy stick, breaking its leg. The goat survived but could no longer walk properly, reducing its market value. The neighbour filed a complaint under Section 356 of the BNS, 2023. Ravi argued that the goat was not killed and that its market value was less than ₹500, so his act could not amount to an offence under this provision. Is Ravi guilty under Section 356 of the BNS, 2023?
(a) Yes, because intentionally maiming or rendering an animal useless constitutes an offence if its value is at least ₹500.
(b) No, because the goat was not killed, and Section 356 applies only to killing or poisoning animals.
(c) Yes, because striking the goat and reducing its ability to walk amounts to rendering it useless within the meaning of the provision.
(d) No, because if the goat's value is below ₹500, the offence under Section 356 cannot be made out against Ravi.

3. Arvind owns a transport company that uses horses to carry goods across rural areas. In the peak summer heat, he ordered his workers to keep the horses tied to carts on a roadside for the entire day without water or proper shade, as he did not want them wandering away. By evening, two horses collapsed from dehydration, and one suffered permanent weakness. When prosecuted under the Prevention of Cruelty to Animals Act, 1960, Arvind argued that he never beat or struck the animals, and therefore, his conduct should not be considered cruelty under law. Is Arvind liable under Section 3 of the PCA Act?
(a) No, because the horses were not permanently abandoned, and the owner remained in charge of them during the entire period.

(b) No, because cruelty under the law requires a physical act such as beating, striking, or violently injuring the animals.
(c) Yes, because Section 3 creates a positive duty of care, and failure to act to protect animals' well-being is sufficient for liability.
(d) Yes, because failing to provide water and shade amounts to neglect of care, which directly results in unnecessary suffering of the animals.

4. The Municipal Corporation of City Y issued an order banning all forms of street feeding of stray dogs, citing rising cases of dog bites and traffic obstructions caused by feeding gatherings. Several animal welfare groups challenged the order in court, arguing that feeding strays is part of showing compassion under Article 51A(g) of the Constitution. The High Court upheld the Corporation's ban but directed the creation of designated feeding zones in parks and vacant municipal lands where sterilised dogs could be fed at specific times. Some citizens argued that the Court should have either allowed full street feeding or imposed a complete ban without exceptions. Which doctrine best explains the Court's approach?
(a) The Court applied the Precautionary Principle, taking preventive steps against possible harm caused by stray feeding in public spaces.
(b) The Court applied the Parens Patriae Doctrine, showing its role as guardian of both vulnerable citizens and stray animals.
(c) The Court applied the Doctrine of Proportionality, balancing the interest of public safety with the duty of compassion toward animals.
(d) The Court applied the Public Trust Doctrine, ensuring that the State manages feeding areas as part of its ecological responsibility.

5. In City Z, several stray dogs were suspected of rabies after attacking two residents. Lab results were still pending, but municipal authorities immediately captured the suspected dogs and placed them in quarantine shelters, preventing their release until they were declared safe. Animal welfare organisations objected, saying confinement without proof of rabies violates animal rights. The city defended its action, stating that waiting for test results could endanger citizens and preventive measures were necessary. Which legal doctrine best supports the municipal authorities' action?
(a) The authorities acted under the Precautionary Principle, preventing possible harm by confining suspected rabid dogs before confirmation.
(b) The authorities acted under the Doctrine of Proportionality, balancing the rights of stray dogs with the safety of the public.
(c) The authorities acted under the Public Trust Doctrine, managing dogs as part of the ecological balance in society.
(d) The authorities acted under the Parens Patriae Doctrine, exercising their guardianship role toward both citizens and stray animals.

SUPREME COURT | Landmark Judgements

3 Art. 32 & Reconsideration of Final Death Sentence

DEATH PENALTY

Background

Vasanta Sampat Dupare was convicted for the abduction, rape, and murder of a four-year-old girl in Nagpur, Maharashtra, in 2008. His conviction and death sentence were upheld by the trial court, confirmed by the Bombay High Court in 2012, and further affirmed by the Supreme Court in 2015. Subsequently, his review petition and curative petition were dismissed. His mercy petition before the President of India was also rejected.

After exhausting all available legal remedies, including Article 136 (Special Leave to Appeal), review jurisdiction, and curative jurisdiction, the petitioner invoked Article 32 of the Constitution, filing a writ petition directly before the Supreme Court to challenge the constitutionality of his continued detention and to seek reconsideration of his death sentence. The petition raised the question of whether Article 32 could be used to reopen matters that had already attained finality through multiple judicial and executive processes.

Issue Before the Court

Whether Article 32, which guarantees the right to constitutional remedies, can be invoked as a means to reconsider or reopen a death sentence that has already attained finality after dismissal of review, curative, and mercy petitions.

Judgement

The Supreme Court dismissed the writ petition, holding that:

Case Details

Case Title: Vasanta Sampat Dupare v Union Of India & Ors

Citation: 2025 INSC 1043

Judgment Date: August 12, 2025

Bench

Justices Vikram Nath

Justice Sanjay Karol

- **Finality of Judicial Proceedings:** Once the conviction and sentence have been affirmed through appeal, review, curative jurisdiction, and after rejection of a mercy petition, the judicial process reaches finality. Article 32 cannot be invoked to re-litigate or re-argue matters that have already been conclusively decided.
- **Limited Scope of Article 32 in Death Penalty Cases:** Article 32 is not a mechanism to reopen final judgments but is available only when there is a fresh violation of fundamental rights arising out of subsequent circumstances (e.g., delay in execution, procedural irregularities, or new evidence). In this case, no fresh ground or violation was demonstrated.
- **Balance between Fundamental Rights and Judicial Certainty:** While Article 21 protects the right to life and personal liberty, it is not absolute and must be read with the doctrine of finality of judgments. Repeated challenges after exhausting all remedies would undermine judicial discipline and erode public confidence in the justice system.
- **No Substantive Grounds for Interference:** The Court found no new facts, evidence, or extraordinary circumstances warranting reconsideration of the sentence. The petition was therefore dismissed, upholding the finality of the death sentence.

Significance of the Judgement

- The judgment reinforces the doctrine of finality in criminal proceedings, particularly in cases involving the death penalty. It limits the use of Article 32 to exceptional cases where there is a fresh violation of fundamental rights, not as a substitute for appeal or review.
- It provides clarity on the scope of judicial review after all statutory, constitutional, and executive remedies have been exhausted. The decision strengthens the balance between individual rights under Article 21 and the need for certainty in criminal justice administration.

Key Takeaway for CLAT Aspirant

Article 32 – Right to Constitutional Remedies

Article 32 of the Constitution guarantees every individual the right to move the Supreme Court directly for the enforcement of their fundamental rights. **Dr. B.R. Ambedkar** famously described it as the **"heart and soul of the Constitution" because it makes fundamental rights directly enforceable.**

- However, the Supreme Court in this case clarified that Article 32 is not meant to be used as an additional layer of appeal after all judicial remedies (appeal, review, curative petition) and executive remedies (mercy petitions under Articles 72 and 161) have been exhausted.
- The Court explained that Article 32 can be invoked only when there is a fresh violation of fundamental rights, such as prolonged solitary confinement, inordinate delay in deciding a mercy petition, or procedural irregularities in the execution process.
- Thus, Article 32 acts as a safeguard against fresh injustice but cannot be used to endlessly reopen cases that have already reached finality.

Article 21 – Right to Life and Personal Liberty

- Article 21 guarantees that no person shall be deprived of his life or personal liberty except according to a procedure established by law. The Supreme Court has interpreted "procedure established by law" to mean a fair, just, and reasonable procedure (Maneka Gandhi v. Union of India, 1978).
- In death penalty jurisprudence, Article 21 is central because the execution of a death sentence amounts to deprivation of life. In **Bachan Singh v. State of Punjab (1980),** the Court upheld the constitutionality of the death penalty but restricted its use to the "rarest of rare" cases where no alternative punishment would suffice.
- In Vasanta Dupare, the Court reaffirmed that once a person has gone through all levels of judicial scrutiny, including review and curative petitions, and once the President has rejected the mercy petition under Article 72, the execution of the death sentence satisfies the test of a fair procedure under Article 21.

Articles 72 and 161 – Mercy Jurisdiction

- The President of India under Article 72, and the Governor of a State under Article 161, have the power to grant pardons, reprieves, and remissions. This is often described as the "last constitutional safeguard" in death penalty cases.
- In Vasanta Dupare, the petitioner's mercy petition had already been rejected by the President. The Court held that once the executive has exercised its constitutional power of clemency, and there is no allegation of mala fides or gross procedural irregularity, the judicial process should not be reopened under Article 32.
- This illustrates that the mercy jurisdiction under Articles 72 and 161 is meant to be final, subject only to limited judicial review on grounds such as arbitrariness, mala fides, or non-application of mind (Epuru Sudhakar v. Government of A.P., 2006).

Doctrine of Finality of Judgments

- The doctrine of finality of judgments is an essential principle of criminal jurisprudence. It ensures that litigation comes to an end after due process has been followed through trial, appeal, review, curative petitions, and mercy petitions.
- Endless reopening of cases would undermine public confidence in the criminal justice system and delay justice for victims. The Supreme Court in this case reaffirmed that the rule of finality must apply with equal force to death penalty cases, except where a new violation of fundamental rights is demonstrated.
- This doctrine is critical for CLAT aspirants to understand because it balances the right to remedies with the need for certainty in law.

Curative Petitions and Limited Reopenings

- The concept of a curative petition, evolved in **Rupa Ashok Hurra v. Ashok Hurra (2002**), allows the Court to reopen a matter to prevent miscarriage of justice even after a review petition has been dismissed. However, once a curative petition itself has been dismissed

the scope for reopening a case becomes extremely narrow. The Court in Vasanta Dupare clarified that Article 32 cannot be used to bypass the curative stage or to seek a second curative review. For CLAT purposes, this shows that while Indian jurisprudence recognises rare exceptions to the principle of finality, those exceptions are carefully limited.

Death Penalty Jurisprudence and Procedural Safeguards

- The Supreme Court's death penalty jurisprudence has developed strong procedural safeguards. In Shatrughan Chauhan v. Union of India (2014), the Court held that undue delay in deciding mercy petitions could be a ground for commuting a death sentence to life imprisonment. In Yakub Memon v. State of Maharashtra (2015), the Court emphasised that last-minute petitions should not be used to obstruct the execution process when all remedies have been fairly exhausted.
- In Vasanta Dupare, the Court reinforced these principles by ruling that no fresh ground was shown, and therefore execution could proceed without further judicial interference. This illustrates how the Court ensures that procedural fairness is respected while maintaining judicial discipline.

Comparative Precedents

Bachan Singh v. State of Punjab (1980): In this landmark case, the Supreme Court upheld the constitutionality of the death penalty under Section 302 of the IPC (now replaced by the Bhartiya Nyaya Sanhita, 2023), but restricted its use by evolving the "rarest of rare" doctrine. The Court held that the death penalty should not be imposed as a routine punishment but only in cases where life imprisonment is unquestionably inadequate and where the crime shocks the collective conscience of society. It also stressed that mitigating factors, such as the possibility of reformation, age, and circumstances of the crime, must be considered before awarding the death sentence.

Machhi Singh v. State of Punjab (1983): This case elaborated and applied the principles laid down in Bachan Singh. The Court identified categories of cases that could fall under the "rarest of rare" category, such as murders committed in extremely brutal, grotesque, or heinous manner; murders of a large number of people; murders of innocent children or helpless women; or murders that shock the community at large. By creating these categories, the Court provided guidance to judges on when the death penalty may be justified, thereby operationalising the doctrine of Bachan Singh.

Shatrughan Chauhan v. Union of India (2014): In this case, the Supreme Court dealt with the rights of death row convicts after the judicial process has ended. The Court commuted several death sentences to life imprisonment on the ground that there was inordinate delay in the disposal of mercy petitions. The Court held that delay in deciding mercy petitions,

prolonged solitary confinement, and mental suffering caused thereby constitute a violation of Article 21, which guarantees the right to life and dignity. This case showed that even after final judicial confirmation of the death penalty, the convict retains fundamental rights that can be enforced under Article 32.

Yakub Memon v. State of Maharashtra (2015): This case arose from the conviction of Yakub Memon for his role in the 1993 Bombay blasts. His execution was challenged through multiple petitions even after his review and curative petitions were dismissed and his mercy plea was rejected. The Supreme Court, in the early hours of the day of execution, dismissed his last-minute petition and emphasised the importance of the doctrine of finality in criminal proceedings. The Court held that repeated petitions after due process has been followed amount to an abuse of process and undermine the justice system. This case underlined that judicial discipline requires closure, especially in death penalty matters.

Practice Questions

1. Raghav was convicted of multiple murders and sentenced to death. His conviction was upheld by the High Court, the Supreme Court (appeal), and again in review and curative petitions. His mercy petition under Article 72 was also rejected by the President. Raghav then filed a petition under Article 32, arguing that the trial court wrongly evaluated evidence and that he should be acquitted. He did not claim any new violation like prolonged delay, solitary confinement, or irregularities in the execution process. Can Raghav's petition under Article 32 succeed?
(a) Yes, because Article 32 gives every person the right to directly approach the Supreme Court.
(b) No, because Article 32 is not meant to reopen cases that have already reached finality.
(c) Yes, because the Supreme Court has wide powers under Article 32 to re-examine criminal cases.
(d) No, because Article 32 can be used only when there is a fresh violation of fundamental rights.

2. Meena was convicted of a brutal murder and sentenced to death. The conviction was confirmed by the High Court, the Supreme Court (appeal), and again in review and curative petitions. She filed a mercy petition to the President under Article 72, which was rejected after full consideration. Meena then approached the Supreme Court under Article 32, arguing that rejection of her mercy petition violated her Article 21 rights, but she did not allege mala fides, arbitrariness, or any procedural lapses. Should the Supreme Court reopen Meena's case under Article 32?
(a) Yes, because Article 21 requires re-examination of every death penalty case at all stages.
(b) No, because Article 21 is satisfied once the judicial process and mercy petition are completed fairly.
(c) Yes, because Article 32 empowers the Court to review all constitutional safeguards without limitation.
(d) No, because Article 21 applies only before the mercy petition, not after its rejection.

3. Dev, convicted of a terrorist attack, was sentenced to death. His appeals, review, and curative petitions were dismissed by the Supreme Court. He then filed a mercy petition before the President, which remained pending for eleven years. During this period, Dev was kept in solitary confinement with minimal interaction, leading to severe psychological trauma. Just before his execution, Dev's lawyer approached the Supreme Court under Article 32, arguing that the delay and solitary confinement violated his Article 21 rights and that his sentence should be commuted to life imprisonment. The State argued that since all judicial and executive remedies were complete, no further relief could be given. Should Dev's death sentence be commuted?
(a) Yes, because prolonged delay and solitary confinement amount to violation of the right to life and dignity under Article 21.
(b) No, because once all appeals and mercy petitions are completed, the death sentence must be executed without further delay.
(c) Yes, because the convict retains fundamental rights even after final judicial confirmation of the death penalty.
(d) No, because after the judicial process ends, no further claims can be made under Article 32 of the Constitution.

4. Rizwan was convicted for involvement in a large-scale bomb blast and sentenced to death. His conviction was upheld by the Supreme Court on appeal, and his review and curative petitions were also dismissed. Later, his mercy petition before the President was rejected. On the night before his scheduled execution, Rizwan filed another petition under Article 32, claiming that he deserved more time to prepare his legal defense and seek further mercy. The State opposed this, arguing that entertaining repeated petitions at the last minute would undermine finality and delay justice indefinitely. Should Rizwan's last-minute petition be allowed?

(a) Yes, because Article 32 guarantees every individual the right to approach the Supreme Court for enforcement of fundamental rights.

(b) No, because repeated petitions after completion of all judicial and executive remedies amount to abuse of process.

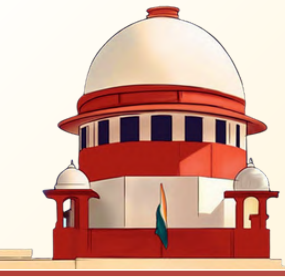
(c) Yes, because the right to life under Article 21 requires continuous judicial re-examination until the execution is carried out.

(d) No, because the doctrine of finality requires closure once all stages of judicial and mercy review are exhausted.

5. Which of the following principles emerge from the Supreme Court's jurisprudence on the death penalty?

1. The death penalty should be awarded only in the "rarest of rare" cases where life imprisonment is inadequate.
2. Murders of innocent children, helpless women, or multiple persons may fall into the "rarest of rare" category.
3. Even after judicial confirmation, a convict retains fundamental rights under Article 32 against delay and solitary confinement.
4. Repeated last-minute petitions after all remedies are exhausted amount to abuse of process and must be rejected.
5. A curative petition may be filed after dismissal of a review petition, but only on limited grounds such as violation of natural justice or bias.

(a) 1, 2, 3 and 5 (b) 1, 3, 4 and 5 (c) 2, 3, 4 and 5 (d) 1, 2, 3, 4 and 5



SUPREME COURT | Landmark Judgements

4 Attending Non-Banned Organisations Not Offence under UAPA

UAPA ACT

Background

On 10 January 2020, an FIR (Crime No. 10 / 2020) was registered at the Suddanguntepalaya Police Station, Bengaluru, naming 17 accused, including Saleem Khan (Accused No. 11) and Mohd. Zaid (Accused No. 20), under multiple laws: the Unlawful Activities Prevention Act, 1967 (UAPA), the Arms Act, and the Indian Penal Code (IPC). The National Investigating Agency (NIA) later took over the case. Accused No. 11 (Saleem Khan) was arrested on 20 January 2020; Accused No. 20 (Zaid) later under warrant.

The charges include several sections of UAPA (Sections 18, 18A, 18B, 20, 38, 39) along with Section 120-B IPC and Arms Act provisions. Among the allegations was that Khan attended meetings of an organisation named Al-Hind, which the prosecution claimed to have extremist / jihadi leanings. Both accused applied for bail under CrPC Section 439. The Special Court rejected their applications. The Karnataka High Court (in Criminal Appeal No. 130 of 2021) granted bail to Saleem Khan (Accused No. 11) but rejected Zaid's bail. The Union of India appealed the grant of bail to Saleem Khan; Zaid appealed the denial of bail. These appeals came before the Supreme Court.

Issue Before the Court

- Whether merely attending meetings of an organisation that is not banned under UAPA can constitute a prima facie offence under UAPA, sufficient to deny bail.
- Whether the High Court's grant of bail to Saleem Khan was justified given the long period of pre-

Case Details

Case Title: Union of India v. Saleem Khan

Citation: 2025 INSC 1008

Judgment Date: August 20, 2025

Bench

Justices Vikram Nath

Justice KV Vishwanathan

- -trial custody and delay in framing charges / commencement of trial.
- Conversely, whether the denial of bail to Mohd. Zaid was justified based on alleged involvement with banned terrorist organisations, use of dark web, etc.

Judgment of the Court

The Supreme Court upheld the Karnataka High Court's order in part, and made the following key holdings:

- **Non-Banned Organisation / Mere Attendance Not Enough:** The Court observed that Al-Hind is not a banned organisation under the schedule to UAPA. Attendance at meetings of such a non-banned organisation, even if alleged to have "jihadi" character (in prosecution's narrative), does not prima facie amount to an offence under UAPA. There must be more – such as overt acts, membership, conspiracy, or support with banned organisation.
- **Grant of Bail for Saleem Khan:** Given that the charge-sheet has not yet framed charges, trial has not commenced despite 5½ years of custody, and that he has been in custody for a long period, the Court held that granting bail to Saleem Khan was justified. The Court declined to interfere with the High Court's grant of bail to him.
- **Denial of Bail for Mohd. Zaid:** For the other accused, Zaid, the allegations included involvement with banned terrorist organisations, active operations on the dark web, and assisting members of banned organisations. These allegations, as reflected in the charge-sheet, were enough to justify continued detention and denial of bail in his case.
- **Speedy Trial and Fairness:** The Supreme Court noted that no accused should languish in custody indefinitely without trial. It directed that trial in the case shall be concluded within two years given that there are over 100 witnesses to be examined. The Court also made clear that Saleem Khan's bail could be subject to cancellation if he delays the trial.
- **Appeals Dismissed:** The Supreme Court dismissed both appeals (Union of India's appeal against bail for Khan, and Zaid's appeal against denial of bail) as there was no reason to interfere with the High Court's decisions in either case.

Key Takeaway for CLAT Aspirant

1. **Bail Under the Unlawful Activities (Prevention) Act, 1967 (UAPA)**
   - The Unlawful Activities (Prevention) Act, 1967 is India's most stringent anti-terror law, and it contains special bail provisions that override ordinary criminal procedure. The object of the Act is to prevent unlawful associations and terrorist activities that threaten the sovereignty, integrity, and security of India.
   - The most important bail provision is Section 43D(5) UAPA, which places an extraordinary restriction on courts. It states that if, on a perusal of the case diary or charge-sheet, the Court believes there are "reasonable grounds for believing that the accusation against the accused is prima facie true," then bail cannot be granted. This reverses the usual principle that "bail is the rule and jail is the exception."
   - In NIA v. Zahoor Ahmad Shah Watali (2019), the Supreme Court interpreted Section

- 43D(5) strictly, holding that at the bail stage the Court must not evaluate the credibility of the evidence as if in a trial. Instead, it must accept prosecution material at face value to determine if there is a prima facie case. This ruling made securing bail under UAPA extremely difficult.
- However, the Court in Union of India v. K.A. Najeeb (2021) introduced a constitutional limitation: if there is excessive pre-trial incarceration and the trial is unlikely to conclude within a reasonable time, then bail may be granted even under UAPA. This reflects Article 21's guarantee of liberty and the right to a speedy trial.
- In Saleem Khan (2025), the Court applied these principles. It held that since the organisation (Al-Hind) was not a banned group under UAPA, mere attendance at its meetings could not establish a prima facie offence. Further, given the prolonged custody without trial, bail was justified.

2. Preventive Detention Laws and Article 22 of the Constitution

- The Indian Constitution, under Article 22, explicitly recognises preventive detention — a feature unusual in democratic constitutions. Preventive detention refers to detaining a person not for what they have done, but for what they might do in the future if released. It is precautionary rather than punitive.
- Article 22(1)–(2) provide ordinary safeguards for arrested persons: the right to be informed of reasons for arrest, to consult a legal practitioner, and to be produced before a magistrate within 24 hours. However, Article 22(3)–(7) carve out exceptions for preventive detention.
- Under these clauses, a person can be preventively detained for up to three months without the opinion of an Advisory Board. If the Advisory Board approves, detention can extend to 12 months or longer if Parliament provides by law.
- Preventive detention laws in India include:
  - **The National Security Act, 1980 (NSA) –** permits detention up to 12 months to prevent threats to national security or public order.
  - **The Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (COFEPOSA) –** aimed at smuggling and foreign exchange violations.
  - State-specific preventive detention laws covering bootlegging, land grabbing, or dangerous activities.
- Preventive detention has always been controversial, as it conflicts with the presumption of innocence. Yet, the Supreme Court has upheld its constitutionality while insisting on procedural safeguards.

Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS)

- The BNSS, 2023 replaced the Code of Criminal Procedure, 1973, but largely retained the framework of bail with some changes in numbering. It provides the ordinary law of bail applicable in most criminal cases.

- Bailable offences (Section 480 BNSS): In such cases, bail is a matter of right. The accused must be released upon furnishing bail, and the police officer or magistrate has no discretion to refuse.
- Non-bailable offences (Section 481 BNSS): Bail is discretionary. Courts may grant bail after considering factors such as the nature of the accusation, severity of punishment, risk of absconding, and tampering with evidence. However, bail is usually denied if there are reasonable grounds to believe the accused committed an offence punishable with death or life imprisonment.
- Anticipatory bail (Section 482 BNSS): This provision allows a person to apply to the Sessions Court or High Court for bail in anticipation of arrest for a non-bailable offence. This protects liberty in sensitive or politically motivated cases.
- The guiding principle of bail under BNSS is the presumption of innocence. In Gudikanti Narasimhulu v. Public Prosecutor (1978), Justice Krishna Iyer famously held that "bail is the rule, jail is the exception." This philosophy continues under BNSS.

Constitutional Safeguards in Bail Jurisprudence

- Article 21 of the Constitution guarantees the right to life and personal liberty, which cannot be taken away except by a procedure established by law. After Maneka Gandhi v. Union of India (1978), this procedure must be "just, fair, and reasonable."
- The right to speedy trial is part of Article 21. In Hussainara Khatoon v. State of Bihar (1979), the Supreme Court recognised that keeping undertrial prisoners in custody for years violated their fundamental rights. This principle has guided bail jurisprudence ever since.
- Article 22 supplements this by providing safeguards to arrested persons: the right to be informed of reasons for arrest, to consult a lawyer, and to be produced before a magistrate within 24 hours. These rights continue to apply in UAPA cases as well, except to the limited extent overridden by preventive detention provisions.
- In Saleem Khan, the Court balanced Article 21 and UAPA's strict bail regime. It held that liberty cannot be curtailed indefinitely, especially when there is no clear prima facie case and the trial is indefinitely delayed.
- The judgment demonstrates how constitutional rights serve as a check against the harshness of special laws. Even when Parliament enacts laws like UAPA with severe bail restrictions, the judiciary ensures that fundamental rights are not eroded.

Practice Questions

1. Which of the following correctly reflect the constitutional and legal framework of preventive detention in India?

1. Preventive detention refers to detaining a person for acts they have already committed, as a form of punishment under criminal law.
2. Article 22(3)–(7) permit preventive detention and allow detention up to three months without the opinion of an Advisory Board.
3. Under the National Security Act, 1980, preventive detention can extend up to 12 months to protect public order and national security.
4. The Supreme Court has upheld the constitutionality of preventive detention but insists on strict procedural safeguards.

(a) 1, 2 and 3 (b) 2, 3 and 4 (c) 1, 3 and 4 (d) 1, 2 and 4

2. Farhan, a student activist, was arrested under UAPA for attending meetings of an organisation called "Justice Forum." The police alleged that some members later joined a banned terrorist group. However, Justice Forum itself was not a banned group under UAPA. Farhan has been in custody for five years without his trial beginning, as charges have not been framed. He applies for bail, arguing that his liberty under Article 21 is being violated. The prosecution insists that bail must be denied because the case diary shows his participation in Justice Forum meetings. Should the Court grant bail to Farhan?

(a) No, because once charged under UAPA, bail can never be granted until the trial is concluded.
(b) No, because attending meetings is enough to establish prima facie involvement under Section 43D(5).
(c) Yes, because at the bail stage the Court must evaluate the credibility of evidence and acquit the accused if weak.
(d) Yes, because prolonged incarceration without trial violates Article 21 and justifies bail even under UAPA.

3. Rekha, a political activist, was distributing pamphlets against a government policy. The police arrested her under the National Security Act (NSA), claiming her speeches might disturb public order. She has not yet been charged with any offence in court. Rekha challenges the detention, arguing that she cannot be detained without a criminal trial, as it violates the presumption of innocence. The State argues that preventive detention is constitutional under Article 22 and does not require trial if there is a threat to public order. Is Rekha's preventive detention valid?

(a) Yes, because Article 22(3)–(7) permit preventive detention, even without a criminal trial, if public order is threatened.
(b) No, because preventive detention is unconstitutional as it violates the presumption of innocence under criminal law.
(c) Yes, because preventive detention is punitive in nature and is imposed after an inquiry into guilt.
(d) No, because preventive detention laws can only apply to foreign nationals, not Indian citizens.

4. Arjun was arrested for cheating under Section 417 BNS, which is classified as a bailable offence. He applied for bail before the magistrate, but the magistrate refused, citing the risk that Arjun might tamper with evidence. A week later, Ramesh was arrested for murder under Section 101 BNS, a non-bailable offence punishable with death or life imprisonment. He applied for bail, arguing that his family would face hardship if he remained in custody. How should the Court decide these bail applications?
(a) Arjun must be released on bail as of right, while Ramesh may be refused bail due to the gravity of the charge.
(b) Both Arjun and Ramesh must be released on bail since the presumption of innocence protects all accused.
(c) Arjun's bail may be refused for risk of tampering, while Ramesh's bail must be allowed for family hardship.
(d) Neither Arjun nor Ramesh should be released on bail since both are accused of serious criminal offences.

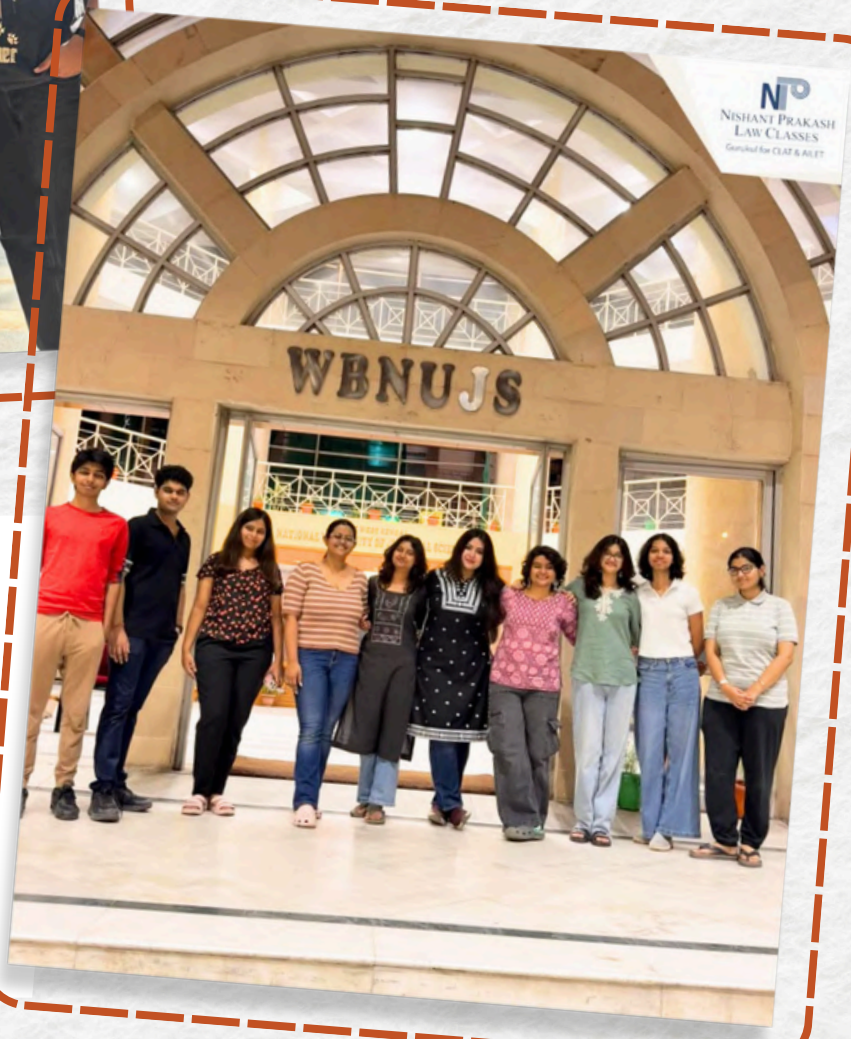
5. Meera, a social activist, was informed that police planned to arrest her for allegedly giving inflammatory speeches at a rally. The offence alleged was non-bailable, but there was no violent act, and Meera had no prior criminal record. She applied for anticipatory bail before the Sessions Court, arguing the case was politically motivated. The prosecution opposed, saying anticipatory bail could not be granted because the offence was non-bailable. Should the Court grant anticipatory bail to Meera?
(a) No, because anticipatory bail can only be granted after arrest and production before the magistrate.
(b) No, because anticipatory bail cannot be granted whenever the offence alleged is a non-bailable offence.
(c) Yes, because anticipatory bail is available to all persons regardless of the seriousness of the accusation.
(d) Yes, because anticipatory bail may be granted when accusations appear politically motivated and no prior record exists.

Their Next Chapter

NLSIU - Bengaluru

(Left to Right)

Dainik Agarwala
Daksh Balakrishnan
Dhruv Kamath
Aditya Ankhad

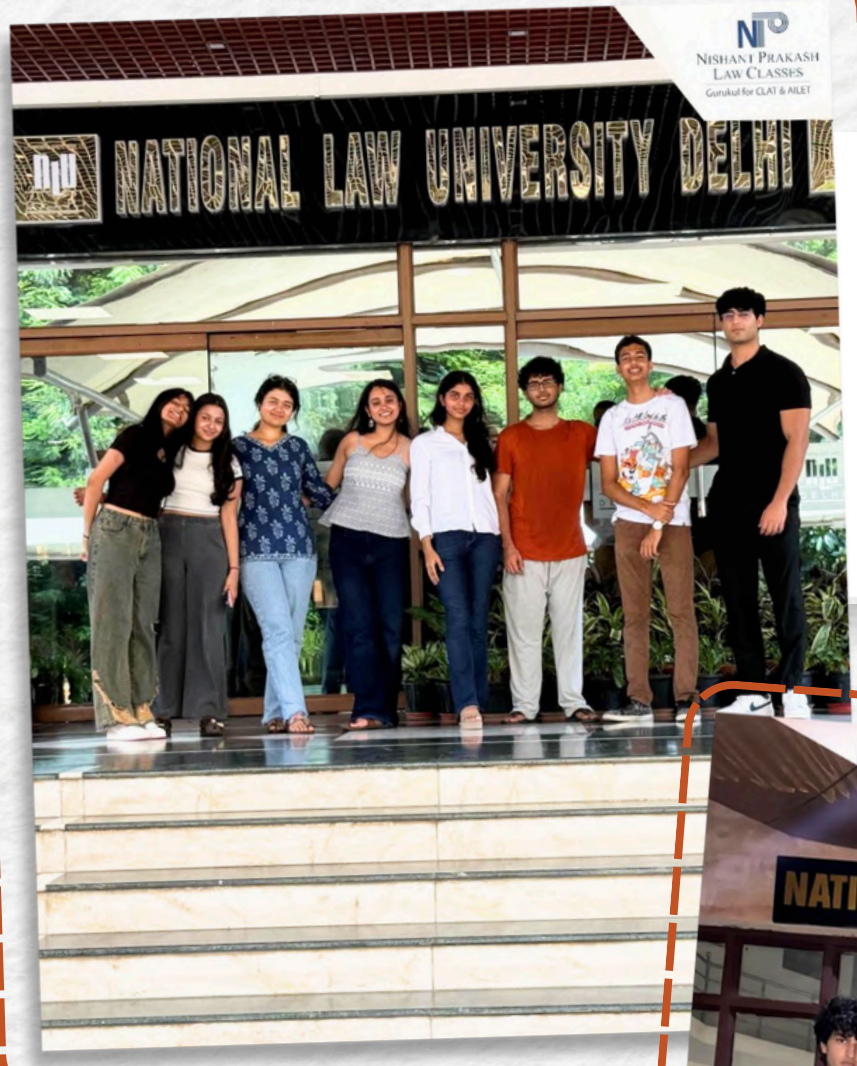


WBNUJS - Kolkata

(Left to Right)

Reyhaan Aryan, Shashwat Singh, Aanya Arora, Shivakshi Dixit, Dhara Mittal, Vaishali Bhatra, Labonyo Banerjee, Yutika Kumar, Janani Murugan, Megha Malhotra

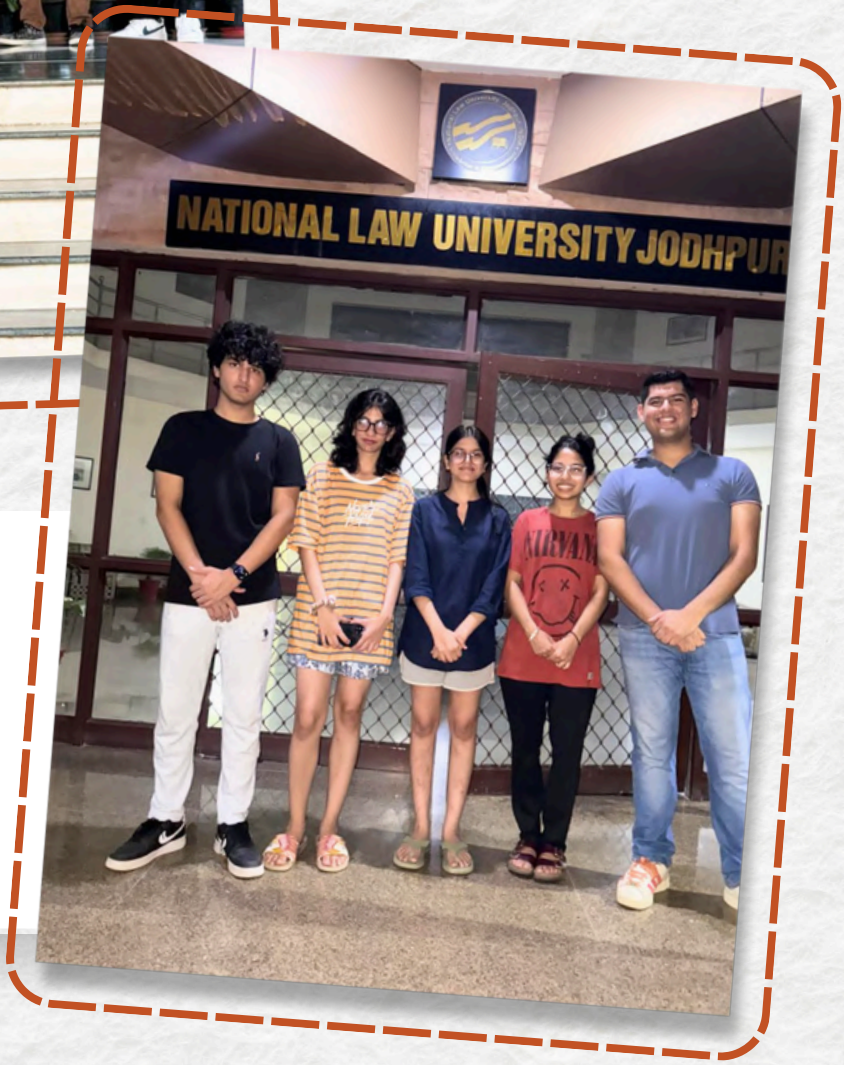
Their Next Chapter



NLU - Delhi

(Left to Right)

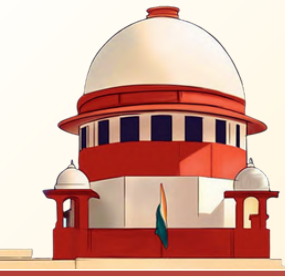
Ananya Prakash, Amoolya Kapani, Vidisha Singh, Goohika Joshi, Masirah Hussain, Krish Walia, Chaitanya Ghosh, Aditya Mehta



NLU - Jodhpur

(Left to Right)

Vivaan Mehta
Khushi Gaur
Maahi Yadav
Shefali Talwar
Kaushtubh Anand



SUPREME COURT | Landmark Judgements

5 No Retrospective Harsher Penalties Allowed: SC

CONSTITUTION

Background

On May 20, 2019, the appellant, Satauram Mandavi, lured a five-year-old girl to his house and committed rape. An FIR was registered on June 26, 2019. The Trial Court framed charges under Section 376AB of the Indian Penal Code (IPC) and Section 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012, and convicted him, sentencing him to life imprisonment "for the remainder of his natural life", together with a fine. The Chhattisgarh High Court in September 2023 affirmed the conviction and that sentence. However, the appellant challenged the application of the POCSO (Amendment) Act, 2019, which came into force on August 16, 2019, to impose the harsher sentence, arguing that since the offence occurred on May 20, 2019, before amendment, applying the harsher sentence would violate constitutional guarantees.

Issue Before the Court

- Whether the harsher punishment introduced by the Amendment to Section 6 of POCSO Act, 2019—which defines "life imprisonment" to mean imprisonment for remainder of natural life, and increases minimum sentence—could lawfully be applied to an offence committed before the amendment came into force.
- In other words, does applying the enhanced penalty violate Article 20(1) of the Constitution, which protects against retrospective imposition of criminal penalties greater than those prescribed at time of offence?

Case Details

Case Title: Satauram Mandavi v. State of Chhattisgarh

Citation: 2025 INSC 892

Judgment Date: July 25, 2025

Bench

Justices Vikram Nath

Judgment of the Court

- The Supreme Court upheld the conviction of the appellant under Section 376AB IPC and Section 6 POCSO Act. It held, however, that the sentence imposed—life imprisonment "for the remainder of natural life" under the amended statute was unconstitutional when applied to an offence committed prior to the amendment. That version of "life imprisonment till remainder of natural life" did not exist in law at the date of the offence.
- The Court accordingly modified the sentence. Instead of imprisonment for the remainder of natural life, it substituted rigorous imprisonment for life as per the unamended Section 6 (POCSO Act) that was in force on the date of the offence. The fine imposed earlier (₹10,000) was maintained.

Key Takeaway for CLAT Aspirant

Article 20(1) of the Constitution

- Article 20(1) provides that "No person shall be convicted of any offence except for violation of a law in force at the time of the commission of the act charged as an offence, nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence."
- This means two things: (a) the law under which the accused is tried must have been in force when the act was committed; and (b) the punishment imposed cannot exceed what was prescribed under that law at the time.

Statutory Law: POCSO Act & Its 2019 Amendment

- The Protection of Children from Sexual Offences (POCSO) Act, 2012, under Section 6, dealt with aggravated penetrative sexual assault.
- Under its original (pre-amendment) version, the minimum sentence was rigorous imprisonment not less than ten years, extendable up to life, along with the possibility of fine.
- The Amendment Act of 2019, effective August 16, 2019, introduced enhanced penalties: minimum 20 years, possibility of death, and redefined "life imprisonment" to mean imprisonment for the remainder of natural life (i.e., till death) under certain circumstances. Since Mandavi's offence predated the amendment, those enhanced provisions could not validly apply to him.

Doctrine of Legality / Nulla Poena Sine Lege:

- The doctrine of legality is a fundamental principle of criminal jurisprudence, expressed in the Latin maxim nulla poena sine lege, which means "no penalty without a law."
- This principle ensures that no one can be punished except in accordance with a law that was validly enacted and in force at the time the offence was committed. It prevents arbitrary punishment and gives individuals fair notice of the consequences of their actions.

- Article 20(1) of the Indian Constitution directly embodies this principle. It bars both:
  a. **Ex post facto criminalisation –** i.e., no person can be convicted for an act that was not an offence when committed.
  b. **Ex post facto enhancement of punishment –** i.e., no person can be given a penalty harsher than what the law provided at the time of the offence.
- This principle promotes legal certainty and fairness. Citizens must know beforehand what conduct is criminal and what the punishment will be. Without this safeguard, legislatures could arbitrarily criminalise past behaviour or impose harsher punishments retrospectively.
- In Satauram Mandavi, this doctrine was crucial because the Court refused to apply the amended POCSO Act provisions (providing "life imprisonment till remainder of natural life") to an offence committed before the amendment, holding that such retrospective use would directly violate Article 20(1).

Precedents / Related Case Law:

- **Rattan Lal v. State of Punjab (1965) –** The Court held that a beneficial change in law (like a lighter punishment or a chance for reformation) could be applied retrospectively, but a harsher penalty cannot.
- **Mithu v. State of Punjab (1983) –** Though focused on mandatory death penalty under Section 303 IPC, it reinforced the idea that punishment must conform to constitutional fairness and cannot be arbitrary or excessive.
- **State of Maharashtra v. Krishna Murari (2002) –** Reaffirmed that Article 20(1) absolutely bars retrospective penal laws that impose harsher punishment.
- **Kedar Nath v. State of West Bengal (1953) –** One of the early cases recognising the principle that ex post facto laws which make punishment heavier are unconstitutional under Article 20(1).

Distinction Between Conviction vs Sentence

- A conviction refers to the judicial finding that the accused is guilty of the offence charged, based on evidence and legal provisions in force at the time of the offence.
- A sentence refers to the quantum of punishment imposed upon the convicted person. While the conviction establishes liability, the sentence determines the consequence.
- This distinction is important because sometimes the conviction may be valid under the law in force, but the sentence may be unlawful if it applies a punishment retrospectively or exceeds what the law then allowed.
- In Satauram Mandavi, the conviction for rape under Section 376AB IPC and Section 6 POCSO Act was valid because those provisions existed at the time of offence. However, the sentence of "life imprisonment for remainder of natural life" was unconstitutional because that form of punishment was introduced only later by the 2019 amendment. The Supreme Court therefore upheld the conviction but modified the sentence to "rigorous imprisonment for life" under the pre-amendment law.

Practice Questions

1. In 2018, Neeraj was convicted of an offence carrying a minimum punishment of 7 years' imprisonment. While his appeal was pending in 2022, Parliament amended the law to reduce the minimum punishment for that offence to 3 years, emphasising reformation. At the same time, another amendment in 2022 increased the maximum punishment for a different category of offenders to life imprisonment. Neeraj argued that since the law had changed, his sentence should be reduced to 3 years. The State opposed, saying the Court must apply the harsher 2022 provisions since the appeal was pending. How should the Court decide Neeraj's plea?
(a) Neeraj may benefit from the lighter 2022 provision, but he cannot be subjected to the harsher 2022 penalty.
(b) Neeraj must face the new 2022 penalties since the appeal was pending and law has changed.
(c) Neeraj cannot benefit from the 2022 reduction because only future offenders can claim lesser punishment.
(d) Neeraj must be punished under the law in force in 2018, without benefit or burden of later changes.

2. Ravi, a convict serving a life sentence for murder, attacked a prison guard in 2024. A special law passed in 2023 mandated that any prisoner already serving life imprisonment who commits murder in custody must automatically face the death penalty without judicial discretion. The trial court, applying this 2023 law, sentenced Ravi to death, saying it had no power to consider mitigating factors. Ravi challenged this before the Supreme Court under Articles 20 and 21. Is Ravi's death sentence constitutionally valid?
(a) No, because courts may increase punishments retrospectively if the offence involves prison violence.
(b) Yes, because the 2023 law validly applied to offences committed after its enactment in 2024.
(c) No, because mandatory death penalties without judicial discretion violate fairness under Article 21.
(d) Yes, because prisoners serving life terms have fewer constitutional protections under Article 20.

3. In March 2018, Dev was accused of aggravated penetrative sexual assault under Section 6 of the POCSO Act, 2012. At that time, the punishment was a minimum of 10 years' rigorous imprisonment, extendable up to life. His trial was delayed, and in August 2019 the POCSO Amendment came into force. The amendment made two key changes:

1. It increased the minimum punishment for his offence to 20 years, with the possibility of "life imprisonment till the remainder of natural life" or even death.
2. It introduced a provision that allowed remission after 14 years if the convict showed evidence of reformation and rehabilitation, a possibility not clearly available under the earlier framework.

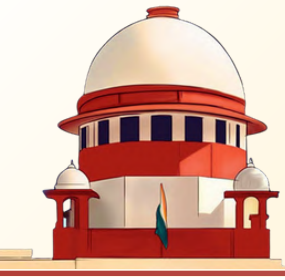
In 2021, Dev was convicted. The prosecution argued that the harsher 2019 punishment must apply since judgment was delivered after the amendment. Dev's lawyer argued that
(a) the harsher provisions could not apply retrospectively, and
(b) he was entitled to the benefit of remission under the new reformative clause.
How should the Court apply the 2019 Amendment to Dev's case?

(a) Dev must face the harsher minimum of 20 years since judgment was after the amendment, but remission may also apply.
(b) Dev cannot face the harsher 20-year minimum retrospectively, but he may claim the benefit of the remission clause.
(c) Dev must be punished strictly under the 2012 law, without the benefit or burden of any 2019 changes.
(d) Dev may be punished under the 2019 law in its entirety, since ongoing cases are always governed by current statutes.

4. In June 2017, Kabir committed an offence under Section 6 of the POCSO Act. At that time, "life imprisonment" under the law was generally interpreted as imprisonment for 14 years, subject to remission. In 2019, Parliament amended the POCSO Act, redefining "life imprisonment" to mean imprisonment till the remainder of the natural life of the convict. When Kabir's trial concluded in 2021, the prosecution argued that this amendment was only a clarification of the meaning of "life imprisonment," and therefore it must apply retrospectively to Kabir's case. Kabir's counsel opposed, arguing that this was not a clarification but a substantive increase in punishment that violated Article 20(1). Should the amended definition of "life imprisonment" apply to Kabir's 2017 offence?
(a) Yes, because punishment at the stage of sentencing must always follow the current law, not the past law.
(b) Yes, because clarificatory amendments are always retrospective, regardless of their effect on punishment.
(c) No, because Article 20(1) bars retrospective enhancement, even if Parliament labels it as a clarification.
(d) No, because redefining life imprisonment as till natural death is a substantive enhancement, not a clarification.

5. Which of the following principles regarding retrospective criminal laws have been upheld by the Supreme Court?
1. A beneficial change in law such as lighter punishment may apply retrospectively to pending cases.
2. A law prescribing a harsher punishment cannot be applied to acts committed before its enactment.
3. Courts may impose punishments heavier than those prescribed at the time of the offence if justified by circumstances.
4. Article 20(1) absolutely prohibits ex post facto criminal laws that impose greater penalties.

(a) 1, 2 and 3 (b) 1, 2 and 4 (c) 2, 3 and 4 (d) 1, 3 and 4



SUPREME COURT | Landmark Judgements

6 SC Clarifies Bail Procedure, Rejects Undertaking Basis

BNSS

Background

The appellant, Gajanan Dattatray Gore, was accused of economic offences including criminal breach of trust, cheating, forgery, and criminal intimidation under multiple sections of the Indian Penal Code. The alleged misappropriation was around ₹1.6 crores from his employer. After being denied regular bail by the Trial Court, Gore moved the Bombay High Court. The High Court granted him regular bail on April 1, 2024, subject to a monetary undertaking: he voluntarily submitted an affidavit that he would deposit ₹25,00,000 in the trial court within five months, and also undertake not to use the complainant's brand name or logo. Gore failed to comply with this undertaking. The complainant moved the High Court seeking cancellation of the bail. On July 1, 2025, the High Court cancelled the bail, directing him to surrender. Gore appealed to the Supreme Court, challenging the cancellation and also the practice of granting bail based on such monetary undertakings.

Issue Before the Court

- Whether granting regular or anticipatory bail on the basis of a monetary undertaking by the accused (or his family) to deposit a certain amount is valid under law.
- Whether courts (Trial Courts and High Courts) can condition bail on such undertakings rather than deciding solely on the merits of the bail application.
- Whether such undertakings, when breached, justify cancellation, and whether the underlying

Case Details

Case Title: Gajanan Dattatray Gore v. State of Maharashtra

Citation: Criminal Appeal no.3219/2025

Judgment Date: July 28, 2025

Bench

Justice JB Pardiwala

Justice R Mahadevan

- practice is compatible with constitutional and statutory bail law.

Judgment of the Court

The Supreme Court, in a Bench of Justices J.B. Pardiwala and R. Mahadevan, made key holdings:

- **No Bail on Sole Undertaking Basis:** The Court held that no Trial Court or High Court shall grant regular bail or anticipatory bail solely on any undertaking by the accused or family member to deposit a particular amount. Bail applications must be decided strictly on merits, i.e., considering all relevant factors under law. The decision should not be made dependent on promises or statements of monetary deposit.
- **Undertaking Breached – Cancellation:** Because Gore failed to deposit the amount as per his undertaking, the High Court's cancellation of bail was upheld. The Court observed that many accused renege on such undertakings, or later claim they never made them, or that they were made under duress or by counsel without instructions. This undermines the dignity of the court and is a misuse of process.
- **Practice Must Stop:** The Court made clear that the practice of granting bail or anticipatory bail on the basis of financial undertakings must end. It directed that all applications for regular or anticipatory bail from now on must be decided on the legal merits alone. No discretion should be exercised based on willingness to deposit money.
- **Costs & Miscellaneous Directions:** The Court imposed costs of ₹50,000 on the appellant for abuse of process. It directed surrender within a stipulated period and that fresh bail applications, if any, must comply with the clarified norms.

Key Takeaway for CLAT Aspirant

1. Bail must be decided on the basis of statutory merits under the Bharatiya Nagarik Suraksha Sanhita, 2023.

- The Supreme Court clarified that bail applications must be decided strictly in accordance with the provisions of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) and the legal factors recognised under criminal procedure.
- Under Section 480 BNSS, bail in bailable offences is a matter of right, whereas under Section 481 BNSS, bail in non-bailable offences is a matter of judicial discretion based on considerations such as the gravity of the offence, the likelihood of the accused absconding, the potential for tampering with evidence, and the accused's antecedents.
- Section 482 BNSS provides for anticipatory bail, which protects against arbitrary arrest. The Court emphasised that none of these statutory provisions allow bail to be granted merely on the basis of monetary undertakings or personal promises, and therefore bail must be anchored to these statutory merits alone.

2. Article 21 requires that liberty be curtailed or restored only by a just, fair, and reasonable procedure established by law.

- The Court grounded its reasoning in Article 21 of the Constitution, which guarantees the right to life and personal liberty.

- Since Maneka Gandhi v. Union of India (1978), Article 21 has been interpreted to mean that any procedure which deprives a person of liberty must be "just, fair, and reasonable." A monetary undertaking does not amount to a legal procedure recognised by law, and therefore granting bail on such a basis violates the constitutional guarantee.
- The Court clarified that the restoration of liberty must occur only through legal procedures contemplated in statutes like the BNSS and cannot be dependent on extra-legal bargains, thereby reinforcing the doctrine of **due process of law.**

3. Article 14 prohibits arbitrariness and inequality in the grant of bail.

- The Supreme Court linked the issue of bail undertakings to Article 14 of the Constitution, which guarantees equality before law and non-arbitrariness in State action. When bail is granted on the basis of financial undertakings, it introduces arbitrariness and creates an impermissible classification between the wealthy accused, who can secure bail by promising to deposit large amounts, and the poor accused, who cannot.
- This violates the doctrine of equality and the principle that like cases must be treated alike. The Court's ruling in Gore therefore prevents wealth-based discrimination in bail jurisprudence and ensures that bail decisions remain uniform and legally grounded rather than dependent on financial capacity.

4. The presumption of innocence requires that bail be the rule and jail the exception.

- The judgment reaffirmed the doctrine of presumption of innocence, a cornerstone of criminal jurisprudence recognised under Article 21 and articulated in **Gudikanti Narasimhulu v. Public Prosecutor (1978)**, where Justice Krishna Iyer declared that "bail is the rule, jail the exception."
- The presumption of innocence means that until an accused is convicted, the law must lean toward liberty and minimise pre-trial detention unless compelling reasons justify custody. By striking down the practice of granting bail on undertakings, the Court reinforced that bail must not become contingent on extraneous promises, but must reflect this presumption of innocence through a fair assessment of statutory criteria.

5. The doctrine of abuse of process prohibits courts from legitimising practices that undermine judicial integrity.

- The Court noted that undertakings in bail matters had become a source of abuse of process. Accused persons frequently gave undertakings that they later failed to fulfil, claimed that such undertakings were made under duress or by lawyers without instructions, or used them tactically to secure liberty and then reneged.
- This practice wasted judicial time and undermined the dignity and credibility of courts. By declaring that no court shall grant bail on the basis of undertakings, the Supreme invoked the doctrine of abuse of process to prevent misuse of its procedures and to ensure that judicial authority is not compromised by such practices.

6. The standards for granting bail and cancelling bail are distinct, and legality at inception is essential.

- The Court reiterated the distinction between the standards governing the grant of bail and those governing the cancellation of bail. The grant of bail must be assessed on legal merits under the BNSS and constitutional provisions, while cancellation of bail, as clarified in Dolat Ram v. State of Haryana (1995), requires supervening circumstances such as breach of conditions, tampering with evidence, or absconding.
- In Gore, the accused's breach of undertaking justified cancellation, but the Court went further to hold that granting bail on such undertakings is itself unlawful. This doctrinally means that bail must be valid in its inception; otherwise, cancellation becomes inevitable because the foundation is unconstitutional.

7. Bail cannot be commodified because liberty is not a tradable privilege.

- The Gore judgment reinforced the principle that personal liberty is a fundamental right and cannot be commodified or treated as a tradable privilege. Granting bail on financial undertakings reduces liberty to a commodity that can be "purchased" by the wealthy, undermining both the rule of law and the moral legitimacy of the justice system.
- The Court clarified that bail is a judicial determination of liberty based on statutory and constitutional principles, not a financial arrangement. This reflects the broader doctrine against commodification of justice, ensuring that personal liberty is regulated only by law and not by bargaining power.

8. The decision is consistent with earlier precedents that insist on fairness and equality in bail jurisprudence.

- The ruling in Gore builds on a line of earlier precedents. In Hussainara Khatoon v. State of Bihar (1979), the Supreme Court recognised that undertrial prisoners cannot be indefinitely detained and that speedy trial is part of Article 21. In Gudikanti Narasimhulu (1978), the Court articulated the principle that bail should ordinarily be granted unless compelling circumstances justify detention.
- In Kundan Singh v. Superintendent of CGST & Central Excise, courts flagged the issue of using undertakings as shortcuts to liberty. Gore consolidates this jurisprudence by explicitly outlawing the practice of granting bail on undertakings, thereby ensuring that bail law remains consistent with the principles of fairness, equality, and due process.

Practice Questions

1. Rohit was arrested for a non-bailable offence under Section 481 BNSS. During the bail hearing, his lawyer offered that Rohit would deposit ₹50 lakh in Court to show his bona fides and secure release. The magistrate, impressed by the financial offer, granted bail solely on that basis, without discussing the gravity of the offence, chances of absconding, or possibility of tampering with evidence. Another co-accused, who was poor and could not offer any money, was denied bail despite having similar charges. Was the magistrate's decision constitutionally valid?
(a) No, because bail must be decided on statutory merits under BNSS and not on personal financial offers.
(b) Yes, because courts have full discretion in bail matters and may impose monetary conditions.
(c) No, because granting bail only to the wealthy creates inequality and violates Article 14 of the Constitution.
(d) Yes, because Article 21 protects liberty and courts must favour bail when money is offered as assurance.

2. Seema and Arjun were both accused in the same non-bailable offence. Seema was granted bail because she promised to donate ₹10 lakh to a local hospital, while Arjun was denied bail since he could not make a similar financial promise. Arjun challenged this before the High Court, arguing that such bail orders were arbitrary and unconstitutional. The State defended the order, claiming that financial undertakings help ensure good conduct and indirectly serve public interest. How should the Court rule on Arjun's challenge?
(a) The bail order is valid because both accused had an opportunity to offer money, and only Arjun failed to do so.
(b) The bail order is valid because courts may use financial promises as innovative conditions for release.
(c) The bail order must be struck down because Article 21 requires bail to be granted only through fair and reasonable legal procedures.
(d) The bail order must be struck down because it violates Article 14 by discriminating between rich and poor accused.

3. Vikram was arrested for a non-bailable economic offence. The trial court granted him bail on the condition that he would invest ₹2 crore into a public welfare project as a "show of good faith." A year later, it was discovered that Vikram never made the investment. The prosecution sought cancellation of bail. Vikram's lawyer argued that bail should not be cancelled because there was no allegation of tampering with evidence or absconding. How should the Court decide on cancellation of Vikram's bail?
(a) The bail must be cancelled because granting bail on financial undertakings is unconstitutional from the very beginning.
(b) The bail must continue because cancellation requires supervening factors like tampering with evidence or absconding.
(c) The bail must be cancelled because financial bargains commodify liberty and undermine constitutional equality.

(d) The bail must continue because the condition imposed was voluntary, and Vikram only failed to comply later.

4. Suresh, a wealthy businessman, was granted bail after he promised to donate ₹1 crore to a government hospital. In the same case, Ramesh, a daily wage worker, was denied bail because he could not make such a promise. Ramesh filed a writ petition before the Supreme Court, arguing that the bail order discriminated against him. The State defended the magistrate's order by saying that the donation benefited society and therefore promoted public interest. How should the Supreme Court rule on Ramesh's petition?
(a) The bail order must be struck down because bail cannot be commodified, and liberty is not a tradable privilege.
(b) The bail order may stand because courts can impose creative conditions as long as they serve the public interest.
(c) The bail order must be struck down because it violates Article 14 and treats poor and wealthy accused unequally.
(d) The bail order may stand because both accused had an equal chance to make a financial offer, but only one succeeded.

5. Amit was arrested for an economic offence involving alleged fraud of ₹50 crore. The trial had already been pending for four years with only a few witnesses examined. The trial court granted him bail, but only after he undertook to deposit ₹5 crore in the government treasury as a "condition" for liberty. Another co-accused, Ravi, in the same case was denied bail because he could not make a similar financial promise. Later, the prosecution sought cancellation of Amit's bail, arguing that economic offences are serious and bail should not have been granted at all. How should the Court decide on Amit's bail?
(a) Bail must be cancelled because economic offences are grave, and liberty should not outweigh public interest.
(b) Bail must continue because seriousness of the offence alone is insufficient, and speedy trial under Article 21 favours release.
(c) Bail must be cancelled because it was based on an unlawful financial undertaking, making it invalid at inception.
(d) Bail must continue because the financial undertaking ensured proportionality between liberty and seriousness of the offence.

SUPREME COURT | Landmark Judgements

7 SIT to Probe Reliance Foundation's 'Vantara' Centre

WILDLIFE PROTECTION

Background

- Two Public Interest Litigations (PILs) were filed, one by advocate C.R. Jaya Sukin and another by activist Dev Sharma, under Article 32 of the Constitution. The PILs raised serious allegations against a private wildlife rescue, rehabilitation, and zoological centre known as Vantara @ Greens Zoological Rescue and Rehabilitation Centre, run by the Reliance Foundation in Jamnagar, Gujarat.
- The allegations included: unlawful acquisition of animals from India and abroad (especially elephants), mistreatment of animals held in captivity, non-compliance with statutory laws (including the Wildlife (Protection) Act, rules for zoos, CITES import/export laws), financial irregularities, money laundering, improper breeding, misuse of biodiversity resources, complaints about environmental conditions (e.g. proximity to industrial zone), misuse of carbon credits and water resources, etc.
- The petitions relied largely on media reports, newspaper articles, social media posts, NGO and wildlife organisation complaints. There was criticism of the statutory authorities and past judicial or regulatory oversight allegedly being ineffective.

Issue Before the Court

- Whether the allegations, being based primarily on media reports and complaints, and lacking probative or supporting material, should be entertained or dismissed in limine.

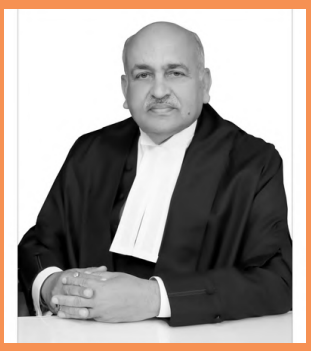
Case Details

Case Title: CR Jaya Sukin v. Union of India

Citation: 2025 SCC OnLine SC 2007

Judgment Date: 27 August, 2025

Division Bench



Justice Pankaj Mithal

Justice Prasanna B. Varale

- Whether statutory authorities (such as the Central Zoo Authority, CITES, Ministry of Environment, Forest & Climate Change, State Forest Department etc.) have complied with required laws and regulations in relation to Vantara, especially those concerning the acquisition of animals, import/export rules, animal welfare standards, and other environmental/statutory obligations.
- Whether an independent fact-verification and investigation is needed (via a Special Investigation Team) to ascertain whether any violations of law have actually occurred, in light of the seriousness of the allegations and the possibility that regulatory authorities may be unable or unwilling to adequately investigate.

Judgment / Orders of the Court

- **Constitution of Special Investigation Team (SIT):** The Supreme Court directed constitution of a SIT composed of persons of "impeccable integrity and high repute," including former Supreme Court Judge Justice Jasti Chelameswar (Chairperson), Justice Raghavendra Chauhan, Mr. Hemant Nagrale, IPS (former Commissioner of Police, Mumbai), and Mr. Anish Gupta, IRS (Additional Commissioner Customs). The SIT was tasked to undertake a fact-finding inquiry into multiple issues as alleged in the petitions. These included: acquisition of animals (India/domestic and international), compliance with the Wildlife (Protection) Act, rules for zoos, CITES obligations, animal husbandry, veterinary care, standards of animal welfare, mortalities and their causes, environmental/climatic conditions, misuse of water and carbon credits, financial compliance and allegations of money laundering, etc. Also physical inspection of the Vantara centre was mandated.
- **Time-limit and procedural safeguards:** The Court set deadlines: SIT to submit its report by 12 September 2025. Petition to be listed later (15 September) for further orders based on SIT findings. It was clarified that the Court's order did not express any opinion on the truth of allegations and should not be construed to cast doubt on statutory authorities or Vantara at the outset; it is strictly a fact-finding exercise to verify whether allegations have any legal merit.
- **Clean Chit & Closure:** After the SIT submitted the report (sealed) on 12 September, the Supreme Court reviewed it and accepted its conclusions. The Court found that Vantara was in regulatory compliance with applicable laws: acquisition of animals, including elephants, had valid permits; animal welfare and husbandry standards met or exceeded benchmarks (including Central Zoo Authority norms) and no violations of the Wildlife Protection Act, Customs Act, PMLA, or other relevant statutes. The Court directed that allegations listed in Schedule A of the summary (i.e. the same set of allegations made earlier) be closed, meaning that no further judicial/statutory/administrative forum will entertain the same complaints in future to avoid repetitive inquiries.
- **Confidentiality & Summary Publication:** The full report of the SIT (and annexures, pen drives, etc.) were ordered to be sealed and kept confidential. However, an exhaustive summary of the report (faithful to its conclusions but not sensitive in details) to be furnished to Vantara and made available. The Court left open Vantara's right to seek deletion of "offending publications" or pursue actions for defamation/falsification under law, if any publication was false. But such proceedings must be pursued in appropriate forums.

Key Takeaway for CLAT Aspirant

Article 32 and the Scope of Public Interest Litigation (PILs)

- Article 32 of the Constitution empowers any person to directly approach the Supreme Court for the enforcement of fundamental rights. This provision is regarded as the "heart and soul of the Constitution" (Dr. B.R. Ambedkar).
- Over time, the Court has expanded its ambit to include Public Interest Litigations (PILs), allowing individuals or NGOs to espouse causes affecting the environment, wildlife, and public welfare.
- While PILs have opened access to justice, the Supreme Court has cautioned against their misuse. In Subhash Kumar v. State of Bihar (1991), the Court held that although the right to a clean environment falls under Article 21, PILs filed for personal or oblique motives must be dismissed. Similarly, in Kapila Hingorani v. State of Bihar (2003), the Court emphasised that PILs must not become instruments of harassment.
- In Vantara, the Court reiterated this principle. Since the petitions relied heavily on media reports and social media posts, the Court noted that they lacked prima facie probative material. Yet, given the gravity of the subject — allegations of illegal wildlife possession and animal cruelty — the Court ordered an SIT fact-finding exercise. This reflects the doctrine that Article 32 must be exercised with caution, balancing public interest with procedural discipline.

Wildlife (Protection) Act, 1972 and the Central Zoo Authority Rules

- The Wildlife (Protection) Act, 1972 (WPA) is India's primary law for wildlife conservation. It establishes schedules of species (Schedules I–VI) with varying levels of protection. Hunting, possession, transfer, or trade of scheduled species is regulated or prohibited, and violations attract imprisonment and fines
- Section 38H WPA creates the Central Zoo Authority (CZA), empowered to recognise and regulate zoos and rescue centres. No zoo can operate without CZA recognition. The Act requires facilities to follow standards relating to animal housing, nutrition, veterinary care, mortality reporting, and scientific record-keeping.
- The Recognition of Zoo Rules, framed under WPA, provide detailed regulatory obligations. They mandate periodic inspections, audits, and compliance reports. Any violation can lead to suspension or withdrawal of recognition.
- India is also bound by CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora), which controls import and export of endangered species. Permits are mandatory for cross-border movement of wildlife.
- In Vantara, allegations of unlawful elephant acquisition and mistreatment were tested against these statutory benchmarks. The SIT confirmed that the centre held valid CZA recognition, complied with WPA standards, and had lawful CITES permits. Therefore,

- the Supreme Court closed the proceedings, reinforcing that compliance with WPA and CZA rules is the backbone of captive wildlife legality in India.

Statutory Compliance and Regulatory Permits for Wildlife Centres

- Wildlife facilities in India cannot operate in a legal vacuum; they must demonstrate continuous compliance with multiple statutory regimes. First, under the WPA, they must have recognition from the Central Zoo Authority. Second, if animals are imported, the Customs Act, 1962 and the Foreign Trade (Development and Regulation) Act, 1992 require valid import permits and adherence to CITES norms. Third, animal care must conform to the Prevention of Cruelty to Animals Act, 1960, which prohibits unnecessary pain or suffering to animals and provides minimum standards of welfare.
- The interplay of these laws ensures a holistic system: the WPA regulates legality of possession; CITES ensures international legality of trade; the PCA Act ensures humane treatment; and customs/foreign trade laws ensure lawful entry into India.
- In Vantara, the SIT checked these compliance layers. It found that Reliance Foundation had secured all required authorisations: CZA recognition, CITES-backed import permits, veterinary protocols, and PCA-compliant welfare measures. As a result, the Court held that the allegations did not disclose any statutory violation. For aspirants, the lesson is that regulatory permits are not formalities but substantive legal safeguards against trafficking and cruelty.

Doctrine of Prima Facie Material and Judicial Fact-Finding

- The doctrine of prima facie material requires courts to examine whether there is credible initial evidence before ordering intrusive investigations. In PILs, reliance on newspaper clippings or unverified social media posts is insufficient (Janata Dal v. H.S. Chowdhary, 1991). Yet, in matters of grave public interest, courts may still order fact-finding inquiries to ensure statutory compliance.
- Fact-finding is different from adjudication: it does not presume guilt but merely verifies whether allegations have factual or legal foundation. The Court often appoints Special Investigation Teams (SITs) or expert committees in such cases. In T.N. Godavarman Thirumulpad v. Union of India (1996 onwards), the Court used continuing mandamus and expert committees to oversee forest protection.
- In Vantara, although the petitions lacked strong prima facie evidence, the Court considered the seriousness of the allegations — illegal elephant acquisition, misuse of biodiversity resources, and financial irregularities — and constituted a high-level SIT headed by former judges and officials. Once the SIT reported that statutory compliance was complete, the Court accepted the report and barred repetitive litigation. This illustrates how prima facie material is essential, but in exceptional cases, judicial fact-finding serves as a safeguard against both negligence and frivolity.

Practice Questions

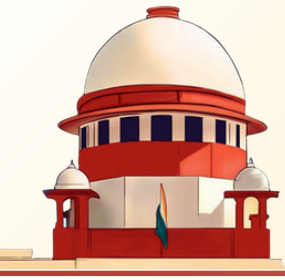
1. A wildlife NGO filed a petition against the "Green Valley Zoo," alleging that it illegally housed endangered lions and elephants. The SIT inquiry found that the zoo had been recognised by the Central Zoo Authority (CZA) under Section 38H WPA and was regularly inspected. It maintained records of animal health, nutrition, and mortality, and also held valid CITES permits for import of certain exotic species. However, the petitioners argued that because the zoo charged high entry fees, it was exploiting animals for profit and therefore its licence must be revoked. Should the zoo's recognition be withdrawn?
(a) No, because CZA recognition and compliance with WPA standards ensure legality of zoo operations.
(b) Yes, because charging entry fees commodifies wildlife and violates the purpose of the WPA.
(c) No, because CITES permits are sufficient even if CZA recognition were absent.
(d) Yes, because petitions by NGOs must be accepted whenever profit-making is shown in wildlife activities.

2. An Indian rescue centre acquired two African elephants from Thailand in 2021. Petitioners claimed the acquisition was unlawful because elephants are Schedule I animals under the WPA, and transfer for display violates the ban on hunting and trade. The centre, however, showed that it held valid CZA recognition, followed Recognition of Zoo Rules, and obtained CITES export and import permits for the elephants. The animals were examined by veterinary inspectors, and scientific records were maintained. Was the acquisition lawful under Indian wildlife law?
(a) No, because the WPA prohibits any movement of wild animals regardless of international treaties.
(b) No, because Schedule I species can never be acquired, even with CZA recognition and CITES permits.
(c) Yes, because possession is lawful whenever veterinary inspections and records are maintained.
(d) Yes, because valid CZA recognition and CITES permits satisfy the WPA framework for lawful acquisition.

3. A PIL was filed in the Supreme Court alleging that a wildlife sanctuary was secretly diverting land for a luxury resort. The petitioner relied only on unverified social media posts and a few newspaper clippings. The State denied the allegations, producing official records showing that no land had been diverted. The Court noted the weak evidence but also observed that the allegations, if true, would constitute serious violations of the Wildlife (Protection) Act and the Forest Conservation Act. What should the Court do in this situation?
(a) The Court should dismiss the PIL outright because reliance on newspaper clippings and social media posts is insufficient prima facie evidence.
(b) The Court may constitute a fact-finding committee to verify the allegations given the grave public interest involved.
(c) The Court should presume the State's denial is final and avoid any further inquiry.
(d) The Court must directly adjudicate guilt based on the materials and punish the authorities if violations are suspected.

4. PIL alleged that a zoo illegally acquired endangered species and violated biodiversity laws. The Court appointed an SIT headed by a retired High Court judge to verify compliance. After extensive inquiry, the SIT reported that the zoo had valid Central Zoo Authority recognition, maintained statutory records, and possessed lawful permits. Despite this, a second PIL was filed by another NGO repeating the same allegations, again relying only on local news reports. How should the Court deal with the second PIL?
(a) The Court should allow the new PIL because any public interest claim must always be entertained, regardless of past inquiries.
(b) The Court should ignore the SIT report and re-investigate the allegations afresh each time a new PIL is filed.
(c) The Court should dismiss the PIL because once an SIT report confirms compliance, repetitive litigation cannot be allowed.
(d) The Court should convert the second PIL into a writ petition and directly punish the zoo without further inquiry.

5. A wildlife park in Madhya Pradesh obtained exotic zebras from South Africa with valid CITES permits and Customs clearance. It also held Central Zoo Authority recognition under Section 38H of the WPA. However, during an inspection, the Animal Welfare Board reported that the zebras were kept in cramped enclosures, with insufficient veterinary staff and no proper mortality records. An NGO filed a PIL arguing that despite lawful import and recognition, the facility's operations violated the Prevention of Cruelty to Animals Act, 1960. The zoo contended that since it had all statutory permits, its operations were automatically valid. How should the Court decide?
(a) The zoo is unlawful because PCA Act compliance on humane treatment is mandatory in addition to permits.
(b) The zoo remains lawful because WPA recognition and CITES permits override welfare obligations.
(c) The zoo is lawful because recognition once granted by CZA protects it against welfare-based challenges.
(d) The zoo is unlawful only if it also lacked CITES permits for importing the zebras into India.



SUPREME COURT | Landmark Judgements

8 Non-Signatory's Presence in Arbitration Proceedings

ARBITRATION ACT

Background

- The dispute stems from a family settlement (oral in 2015) between Pawan Gupta (PG) and Kamal Gupta (KG) which was later formalised by a Memorandum of Understanding / Family Settlement Deed (MoU/FSD) dated 9 July 2019. Rahul Gupta (RG), KG's son, was not a signatory to either the oral agreement or the MoU/FSD.
- PG filed a petition under Section 11(6) of the Arbitration and Conciliation Act, 1996, asking the High Court to appoint a sole arbitrator to adjudicate disputes under the MoU/FSD. RG sought to intervene (oppose maintainability) and later to attend arbitration proceedings (observer or non-signatory participant).
- Initially, the Delhi High Court rejected RG's intervention. However, after appointment of the sole arbitrator, RG and non-signatory companies filed fresh applications asking to remain present in arbitration hearings as non-signatories or "observers." The Court permitted this presence in orders of 7 August 2024 and 12 November 2024. PG and others challenged those orders before the Supreme Court.

Issue Before the Court

1. Can a non-signatory to an arbitration agreement be permitted to remain present (personally or through counsel) in arbitration proceedings between signatory parties?
2. Once an arbitrator is appointed under Section 11(6), does the Court retain jurisdiction to entertain further intervention or directions (such as allowing non-signatories to attend or to observe)?

Case Details

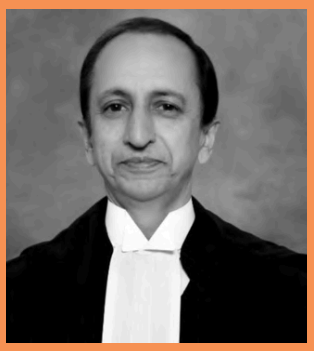
Case Title: Kamal Gupta v. L.R. Builders Pvt Ltd,

Citation: 2025 INSC 975

Judgment Date: 13 August 2025

Division Bench

Mr. Pamidighantam Sri Narasimha



Justice Atul. S. Chandurkar

Judgment of the Court

The Supreme Court, in a Bench comprising Justices P. S. Narasimha and Atul S. Chandurkar, answered both issues in the negative, and made the following holdings:

- **Non-signatory presence not permitted:** The Court held that non-signatories to an arbitration agreement have no right to attend or observe arbitration proceedings between parties, as strangers. It reaffirmed that an arbitral award binds only the parties to the arbitration agreement and persons claiming under them, under Section 35 of the Arbitration and Conciliation Act, 1996. Since RG was neither a signatory nor claiming under any signatory, he had no legal standing to seek access.
- **Confidentiality under Section 42A:** The Court observed that allowing a non-signatory to attend hearings would violate the confidentiality obligations enshrined in Section 42A, which mandates that arbitration proceedings be kept confidential unless otherwise agreed or unless required by law.
- **Functus officio & minimal court intervention:** The Court held that once the arbitrator had been appointed under Section 11(6) and Section 11(6) proceedings were disposed of (i.e., the jurisdiction under Section 11 had been exercised), the referring High Court became functus officio — meaning its power under Section 11 ceased, and it could not issue further directions or entertain new intervenor applications. The Court also emphasised that the Arbitration Act is a self-contained code, and under Section 5, judicial intervention is minimal and only in the scope provided by the Act.
- **Orders set aside & costs awarded:** The Supreme Court set aside the orders of 7 August 2024 and 12 November 2024 that permitted RG and others to observe the arbitration. It also imposed costs of ₹3,00,000 on the respondents for abuse of process.

Key Takeaway for CLAT Aspirant

- **Section 35 of the Arbitration and Conciliation Act, 1996 —** Binding Effect of Arbitral Award: Section 35 provides that an arbitral award shall be binding only on the parties to the arbitration agreement and persons claiming under them. In Kamal Gupta, since Rahul Gupta and the others were not signatories and not claiming through signatories, the Court held they could not be bound by any award, and on that ground alone had no legal basis to be present in arbitration proceedings.
- **Section 42A — Confidentiality in Arbitration**: Section 42A mandates that arbitrators, arbitral institutions, and parties involved must keep all arbitration proceedings confidential unless disclosure is required by law. The Supreme Court held that permitting a non-signatory to attend or observe arbitration proceedings would breach this confidentiality requirement. Thus, confidentiality is not just discretionary or moral; it is statutory, with legal consequences.
- **Section 11(6) — Appointment of Arbitrator & Functus Officio Doctrine:** Section 11(6) empowers a Court to appoint an arbitrator where parties fail to agree. Once the appointment is made and Section 11(6) proceedings are disposed of, the Court becomes functus officio (i.e., the power under that section ceases). In Kamal Gupta, the Supreme

- Court held that after the appointment on 22 March 2024, the referring court had no jurisdiction to entertain further intervention or directions, including allowing non-signatories to attend hearings.
- **Section 5 — Minimal Judicial Intervention, Self-Contained Code:** Section 5 stipulates that courts shall not intervene except as provided in Part I of the Arbitration Act (which includes Sections 9, 11, etc.). The SC reiterated that the Act is a self-contained code of arbitration, and what is not provided for by the Act cannot be added by courts using inherent powers. Kamal Gupta shows that turning to Section 151 CPC or other inherent powers to grant observer status to non-signatories is contrary to the statutory scheme.
- **Doctrine of Party Autonomy:** A fundamental doctrine in arbitration law is that it is consensual: only those who agree (i.e., signatories) submit to arbitration. Allowing non-signatories to intrude undermines this doctrine. Kamal Gupta reaffirms that party autonomy is preserved by ensuring non-signatories do not become participants merely by claiming interest.
- **Remedies for Non-Signatories Limited to Enforcement Stage under Section 36:** Although non-signatories cannot take part in arbitration proceedings, if an arbitral award is sought to be enforced against them, they may oppose enforcement under Section 36 of the Act. Kamal Gupta clarifies that this is their correct legal remedy, not participation in the hearing or observer status.

Comparative Precedents

- **"In Re: Interplay Between Arbitration Agreements under the A&C Act, 1996 and the Indian Stamp Act, 1899" (2023 INSC 1066) —** This Constitution Bench emphasised that the Arbitration Act is self-contained and courts must restrict their intervention to what is statutorily provided. Kamal Gupta cites this to support the principle that non-signatories cannot obtain rights not recognized in Part I of the Act.
- **Nimet Resources Inc. v. Essar Steels Ltd. (2009 SCC 313) —** Among earlier precedents holding that only signatories or those claiming through them are bound by arbitral awards; non-parties cannot be made parties to arbitration arbitrarily. Kamal Gupta applies this concept to attendance/observer rights.

Practice Questions

1. Sunrise Exports and Oceanic Traders entered into an arbitration agreement. After disputes arose, the High Court appointed an arbitrator under Section 11(6) of the Arbitration and Conciliation Act. Two months later, a third-party NGO, "Fair Business Watch," filed an application before the same High Court, seeking permission to intervene and observe the proceedings, citing "public interest." The High Court directed the arbitrator to allow the NGO's representatives to attend. Sunrise Exports appealed to the Supreme Court. Was the High Court correct in issuing such directions?
(a) Yes, because once an arbitrator is appointed, the High Court retains continuing powers to supervise arbitration.
(b) No, because the High Court became functus officio after appointing the arbitrator and could not pass further directions.
(c) Yes, because public interest groups have a right to observe contractual disputes for ensuring transparency.
(d) No, because Section 5 prohibits judicial intervention beyond what is expressly permitted in the Arbitration Act.

2. A dispute between Sunrise Shipping Ltd. and Neptune Oils Pvt. Ltd. went to arbitration under a valid agreement. During the proceedings, the High Court, on its own motion, ordered the arbitral tribunal to submit all interim orders to the court for review, claiming that this was necessary "to ensure fairness." Sunrise objected, arguing that the court had no such authority once arbitration was underway. Was the High Court correct in ordering interim review of arbitral orders?
(a) Yes, because High Courts always retain supervisory jurisdiction over arbitral proceedings.
(b) Yes, because fairness of justice allows judicial oversight over arbitral decisions.
(c) No, because the Arbitration Act is a self-contained code and courts cannot exceed its provisions.
(d) No, because arbitral awards bind only signatories and interim orders need no judicial review.

3. Global Minerals Ltd. and Bharat Steel Ltd. entered into arbitration over supply disputes. After the award was passed against Bharat Steel, a financing company, Alpha Finance Pvt. Ltd., which had earlier given loans to Bharat, filed an execution petition claiming that the arbitral award also bound it because its financial interests were linked to Bharat's liabilities. Can Alpha Finance enforce or be bound by the arbitral award?
(a) Yes, because creditors with financial stakes are indirectly affected and deserve participation rights.
(b) No, because the Arbitration Act is a self-contained code that excludes outsiders from its framework.
(c) Yes, because courts can enlarge arbitral scope if fairness demands protection of third parties.
(d) No, because arbitral awards bind only the signatories and persons claiming directly under them.

4. A dispute between AeroTech Ltd. and SkyBuild Pvt. Ltd. was referred to arbitration under a signed agreement. During the hearings, the High Court, invoking its "inherent powers" under Section 151 CPC, directed that a former director of AeroTech, who was not a party to the agreement, be permitted to attend the arbitration as an observer. SkyBuild objected, claiming that this order violated the

Practice Questions

Arbitration Act. Was the High Court correct in relying on inherent powers to grant observer rights?
(a) Yes, because courts retain inherent powers to ensure fairness and transparency in arbitration.
(b) No, because Section 5 prevents reliance on inherent powers not provided under the Arbitration Act.
(c) Yes, because courts can protect public interest by enlarging arbitration beyond the agreement.
(d) No, because party autonomy requires that only signatories participate in arbitral proceedings.

5. RiverStone Ltd. and IronForge Pvt. Ltd. concluded arbitration, resulting in an award directing RiverStone to pay large sums. At the enforcement stage, IronForge sought to recover the award amount not only from RiverStone but also from Harbour Finance Ltd., a bank that had guaranteed RiverStone's loans. Harbour Finance, not being a signatory to the arbitration agreement, objected that it could not be bound by the award. What remedy does Harbour Finance have in this scenario?
(a) Harbour Finance may oppose enforcement under Section 36 but cannot reopen arbitration proceedings.
(b) Harbour Finance must participate in arbitration as an observer since financial interests are implicated.
(c) Harbour Finance may challenge fairness of the award in court even without being a signatory.
(d) Harbour Finance must accept liability automatically as it was financially connected to the parties.

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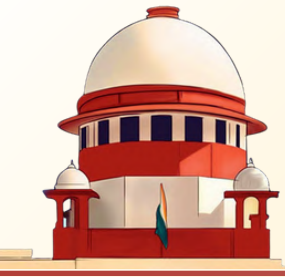


SUPREME COURT | Landmark Judgements

9 SC Reserves Verdict on Age Cap for Surrogacy

SURROGACY LAW

Background

- In 2022, infertility specialist Dr. Arun Muthuvel filed a PIL (W.P.(C) No. 756/2022) challenging various provisions of the Surrogacy (Regulation) Act, 2021 and the Assisted Reproductive Technology (Regulation) Act, 2021 (ART Act), along with relevant rules. The petitioners include intending couples and individuals who argue that some provisions are arbitrary, discriminatory or overly restrictive concerning reproductive and surrogacy rights.
- One of the major contested aspects is the upper age limits for intending couples laid down under the Surrogacy Act and Rules. The Act currently prescribes that the woman (intending mother) should be between 23-50 years of age, and the man (intending father) between 26-55 years.
- A particularly thorny issue arises in cases where couples had frozen embryos before the Surrogacy Act came into force (25 January 2022), but by the time they wish to implant, they have crossed the prescribed age limits. The petitioners contend that applying the age-caps in such cases is retrospective, unfair, and violates constitutional rights.

Issue Before the Court

- Whether couples who had frozen embryos before the Surrogacy Act came into force, and satisfying other eligibility requirements, can be permitted to proceed with surrogacy even if they cross the upper age limit prescribed in the Act.

Case Details

Case Title: Arun Muthuvel v. Union of India & connected cases

Citation: W.P.(C) No. 756/2022 & connected petitions

Judgement Date: July 29, 2025

Division Bench

Justice B.V. Nagarathna

K. V. Viswanathan

- Whether the age limits for intending couples under the Surrogacy Act (woman: max 50 years, man: max 55 years) are constitutionally valid, especially when applied to medical or biological circumstances such as frozen embryos created earlier.
- Whether the legislative scheme provides transitional or "grandfather" protection for couples caught in the process before the Act's commencement, so that their frozen embryo cases are not invalidated simply by age.
- Constitutional challenges related to these age limits: Do they violate rights to equality (Article 14), personal liberty, reproductive autonomy, privacy (Articles 21 / 21 read with privacy) by imposing arbitrary restrictions?

Current Status (Interim Orders / Reserved Verdict)

- The Supreme Court has reserved its order on this age-cap issue, particularly concerning those couples who froze embryos before the law came into effect but have since crossed the age thresholds prescribed under the new law.
- Earlier, the Court had heard arguments from both the petitioners and the government. The government (via ASG Aishwarya Bhati) defended the upper age limit citing medical/biological reasons (genetic quality of gametes, welfare of the child etc.), and the importance of aligning with natural reproductive timelines.
- The Court has noted that law is silent (i.e. does not explicitly state) what happens in "in-progress" or "frozen embryo before commencement" cases, and that this silence creates legal uncertainty.

Key Takeaway for CLAT Aspirant

1. Surrogacy (Regulation) Act, 2021 – Age Limits and Eligibility Criteria

- The Surrogacy (Regulation) Act, 2021 provides the statutory framework governing altruistic surrogacy in India. Under Section 4 read with the Rules, the Act prescribes eligibility conditions for intending couples:
  - The intending woman must be aged 23 to 50 years.
  - The intending man must be aged 26 to 55 years.
- In addition, the couple must be legally married, childless (with exceptions such as death of child or disability), and obtain a certificate of essentiality and eligibility from the appropriate authority.
- The age restrictions are justified by the State as measures to align surrogacy with natural reproductive capacity and to safeguard the welfare of the child.
- In Arun Muthuvel, the petitioners argue that applying these age limits to couples who had frozen embryos before the Act came into force is arbitrary, as their gametes/embryos were created at biologically younger ages.

2. Assisted Reproductive Technology (Regulation) Act, 2021 – ART Clinics and Frozen Embryos

- The ART Act, 2021 regulates Assisted Reproductive Technology clinics and banks, laying down standards for IVF, cryopreservation, gamete donation, and embryo transfer.

- The Act requires registration of ART clinics and prohibits sale/trafficking of gametes and embryos. It also allows cryopreservation of embryos for a limited duration, subject to regulatory norms.
- In cases like Arun Muthuvel, couples had frozen embryos before 2022, under lawful ART practices. The legal issue is whether such frozen embryos can still be used for surrogacy after the Surrogacy Act imposed new age caps.
- This creates a doctrinal question: Does the later Surrogacy Act override the earlier ART permissions, or do frozen embryos constitute vested reproductive material that couples retain rights over?

Article 21 – Right to Life, Personal Liberty, and Reproductive Autonomy

- Article 21 protects not only physical survival but also dignity, autonomy, privacy, and family life. The Supreme Court in Suchita Srivastava v. Chandigarh Administration (2009) recognised that the right to make reproductive choices is a dimension of Article 21. Similarly, in Justice K.S. Puttaswamy v. Union of India (2017), privacy was read to include decisional autonomy in matters of family, procreation, and sexuality.
- Petitioners in Arun Muthuvel invoke Article 21 to argue that age caps imposed by law cannot unduly restrict a couple's right to use their own frozen embryos, which embody their fundamental right to procreate.
- **For CLAT:** Article 21 in reproductive rights cases always requires balancing State interests (medical risk, child welfare, ethics) with individual autonomy (choice to procreate, use of technology, dignity).

Article 14 – Equality and Non-Arbitrariness

- Article 14 prohibits class legislation and arbitrary State action. Petitioners argue that the age caps under the Surrogacy Act amount to arbitrary classification:
  - They treat couples with frozen embryos before 2022 on par with those who start treatment after 2022, though their circumstances differ.
  - They ignore medical distinctions, as embryos created earlier retain biological quality regardless of the couple's current age.
- Courts have consistently held that arbitrariness is antithetical to equality **(E.P. Royappa v. State of Tamil Nadu, 1974).** If age limits fail the test of reasonable classification or proportionality, they may be struck down.

Doctrine of Vested Rights and Retrospective Application of Statutes

- The petition raises the principle of vested rights: couples who had already frozen embryos acquired a vested reproductive interest under the ART regime. Applying new age caps retrospectively deprives them of this right.
- The law is generally presumed to operate prospectively, unless expressly made retrospective. Retrospective application affecting vested rights can violate constitutional guarantees (K.S. Paripoornan v. State of Kerala, 1994).

Section 5 of the Surrogacy Act – Prohibition on Commercial Surrogacy

- The Surrogacy Act allows only altruistic surrogacy (without monetary compensation except medical expenses and insurance). Commercial surrogacy is prohibited.
- Petitioners argue that in cases involving frozen embryos, altruistic surrogacy remains intact; therefore, denying surrogacy solely on the ground of age caps is inconsistent with the broader purpose of the Act.
- This shows that in statutory interpretation, object of the Act (preventing exploitation, protecting surrogate mothers and children) may override rigid literal compliance with age provisions.

Judicial Precedents Relevant for CLAT

- **Suchita Srivastava v. Chandigarh Administration (2009) –** The Supreme Court held that reproductive autonomy is a fundamental right under Article 21, meaning that every woman has the right to choose whether to continue or terminate a pregnancy. Consent is central, and even in the case of a mentally retarded woman, unless she is proven incapable of decision-making, the State cannot force a termination in the name of "best interests." The judgment firmly embedded reproductive choice within the right to privacy, dignity, and bodily integrity.
- **Justice K.S. Puttaswamy v. Union of India (2017) –** A nine-judge bench unanimously recognised the right to privacy as a fundamental right under Articles 14, 19, and 21, holding that privacy includes decisional autonomy in intimate matters such as reproduction, procreation, and family life. The Court clarified that any restriction on such rights must pass the test of legality, necessity, and proportionality, thereby constitutionalising procreative autonomy as part of individual liberty.
- **Baby Manji Yamada v. Union of India (2008) –** The Supreme Court, in the context of a surrogacy arrangement gone complicated by the separation of the commissioning Japanese couple, upheld the validity of surrogacy arrangements and prioritised the welfare of the surrogate child. The Court facilitated the grant of travel documents for the infant and emphasised that the child's best interests must override parental disputes or technical hurdles in nationality and custody, recognising surrogacy as a legitimate reproductive option.
- **Union of India v. K.A. Najeeb (2021) –** The Supreme Court granted bail under the stringent Unlawful Activities (Prevention) Act, holding that statutory restrictions like Section 43D(5) UAPA cannot result in indefinite deprivation of liberty. The Court ruled that prolonged incarceration without likelihood of early trial violates Article 21's guarantee of speedy trial and liberty, reaffirming that constitutional rights prevail over rigid application of special statutes.

Practice Questions

1. Rajesh (56) and Meera (49) are a legally married couple with no children. In 2024, they applied for surrogacy under the Surrogacy (Regulation) Act, 2021. Their application was rejected by the appropriate authority on the ground that Rajesh exceeded the maximum age limit of 55 years for an intending man. They challenged the rejection, arguing that since they had frozen embryos created when Rajesh was 52 and Meera was 45, the statutory age limits should not apply to them because their gametes were produced at biologically younger ages. Should the authority have rejected their application?
(a) Yes, because the State has discretion to deny surrogacy whenever social and ethical concerns are involved.
(b) No, because frozen embryos created earlier reflect biological ages within the permissible statutory range.
(c) Yes, because Section 4 read with the Rules imposes absolute age limits, regardless of when gametes were created.
(d) No, because the right to parenthood overrides statutory restrictions on the age of intending couples.

2. Anita (48) and Sunil (54), a married couple, lost their only child in an accident. They wish to pursue surrogacy in 2025. Anita is within the 23–50 years bracket, and Sunil is within the 26–55 years bracket. They applied for a certificate of essentiality and eligibility. The authority refused, arguing that since they once had a biological child, they are not "childless" and therefore disqualified under the Act. Anita and Sunil challenge the decision, claiming that the exception for couples who lost a child applies to them. Are Anita and Sunil eligible to proceed with surrogacy?
(a) No, because the authority has broad discretion to refuse surrogacy based on social policy considerations.
(b) No, because once a couple has had a child, they cannot seek surrogacy even if the child has died.
(c) Yes, because the right to reproductive autonomy under Article 21 overrides restrictions of the statute.
(d) Yes, because the Act allows couples who lost a child to seek surrogacy within the statutory age limits.

3. Sunita (46) and Arjun (54) froze embryos in 2020. They applied for surrogacy in 2024 under the Surrogacy Act, 2021. Their application was rejected because Arjun exceeded the maximum age of 55 by the time of medical review. The couple challenged the rejection, arguing that their surrogacy arrangement was altruistic and did not involve commercial elements, so the object of the Act (preventing exploitation and commercialisation) would still be fulfilled. Should surrogacy be permitted despite Arjun's age?
(a) Yes, because the Act's main object is to prevent commercial surrogacy, not to exclude altruistic arrangements involving pre-existing embryos.
(b) No, because the age limits apply strictly and form part of the eligibility conditions irrespective of

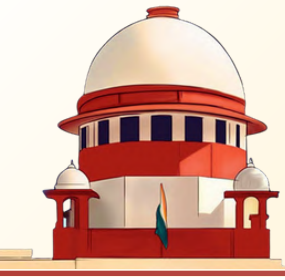
altruistic purpose.
(c) Yes, because denying surrogacy in such cases undermines the constitutional right to reproductive autonomy under Article 21.
(d) No, because even altruistic surrogacy must satisfy statutory eligibility criteria, including the fixed age requirements.

4. Couples challenged the age restrictions in the Surrogacy (Regulation) Act, 2021, under Article 14, claiming the classification was arbitrary. Consider the following statements:

1. The law treats couples who froze embryos before 2021 and those who applied after 2021 in the same way, ignoring biological differences.
2. Uniform age caps can still be justified as reasonable classification because they are linked to natural reproductive capacity.
3. Article 14 prohibits arbitrary classification, and administrative convenience alone cannot justify equality violations.
4. Proportionality requires that restrictions must further the Act's objective without causing disproportionate hardship to affected couples.

Which of the above statements correctly reflect Article 14 analysis?
(a) 1, 2 and 3 only (b) 1, 3 and 4 only (c) 2, 3 and 4 only (d) 1, 2, 3 and 4

5. Ravi (56) and Meera (52) froze embryos in 2018 and applied for surrogacy in 2023. Their application was rejected under the Surrogacy (Regulation) Act, 2021 because they exceeded the statutory age limits (23–50 for women, 26–55 for men). They challenged this rejection, arguing that the ban violates Article 14 (arbitrariness in classification) and Article 21 (reproductive autonomy). The State defended the rule as a uniform safeguard to protect child welfare and medical safety. Whose argument is stronger in this dispute?
(a) The State, because statutory age limits are reasonable restrictions linked to medical safety and child welfare.
(b) Ravi and Meera, because Article 21 protects decisional autonomy and includes the right to use their own embryos.
(c) Ravi and Meera, because denying use of pre-existing embryos is arbitrary and violates equality under Article 14.
(d) The State, because courts defer to legislative wisdom and cannot invalidate statutes fixing uniform age standards.



SUPREME COURT | Landmark Judgements

10 Speaker's Duty While Determining Disqualification Petitions

SPEAKER'S ROLE

Background

- In the 2023 Telangana Legislative Assembly elections, several MLAs from the Bharat Rashtra Samithi (BRS) party allegedly defected to the Indian National Congress (INC) between March and April 2024.
- Following these defections, petitions under Paragraph 2(1) of the Tenth Schedule (Constitution) and also under Article 191(2) of the Constitution, read with relevant Assembly disqualification rules (Members of Telangana Legislative Assembly (Disqualification on ground of Defection) Rules, 1986, specifically Rules 6(1), 6(2)) were filed before the Speaker of the Telangana Assembly seeking disqualification of the defecting MLAs.
- The Speaker did not take action on those petitions for a long period — for example, in some cases no notices were issued for over seven months.
- The petitioners (including Padi Kaushik Reddy) filed writ petitions in the Telangana High Court. A Single Judge of the High Court ordered the Secretary of the Assembly to place the petitions before the Speaker for scheduling hearings within four weeks.
- The Division Bench of the High Court set aside the Single Judge's order. Aggrieved, the appellants/writ petitioners moved the Supreme Court.

Issue Before the Court

- Whether the Speaker, acting under Paragraph 6 of the Tenth Schedule, is required to decide disqualification petitions within a "reasonable

Case Details

Case Title: Padi Kaushik Reddy v State of Telangana

Citation: 2025 INSC 912

Judgement Date: July 31, 2025

Division Bench

Justice BR Gavai

Justice Augustine George Masih

- period", and whether courts can direct an outer time-limit.
- Whether the Speaker enjoys constitutional immunity under Articles 122 or 212 from judicial review when delays occur in deciding these petitions.
- Whether the courts (High Court / Supreme Court) can interfere via writ jurisdiction (Articles 226/32) when the Speaker fails to act, including whether courts can issue directives to ensure expeditious decision-making.

Judgment of the Court

- The Supreme Court held that the Speaker of the Telangana Assembly, while acting as adjudicating authority under Paragraph 6(1) of the Tenth Schedule, functions as a tribunal and is subject to judicial review. Thus, the Speaker does not enjoy immunity under Articles 122 (Parliament) or 212 (State Legislature) simply by virtue of the legislative office.
- It directed the Speaker to conclude the pending disqualification proceedings in respect of the 10 MLAs who had defected, within three months from the date of the judgment.
- The Court quashed the High Court Division Bench's order (which had set aside the Single Judge's order) and restored, with modifications, the direction to the Speaker to proceed in an expeditious manner.
- The Court also warned that if any of the MLAs sought to protract the proceedings, the Speaker is permitted to draw adverse inference against them.

Key Takeaway for CLAT Aspirant

1. The Speaker's Role as Tribunal under Paragraph 6 of the Tenth Schedule

- Paragraph 6(1) of the Tenth Schedule provides that any question as to whether a member of a House has become subject to disqualification under the Schedule shall be referred for decision to the Chairman or, in the case of a Legislative Assembly, the Speaker. This provision makes the Speaker the adjudicating authority or tribunal for disqualification matters.
- The Supreme Court in Padi Kaushik Reddy reiterated that once a petition alleging disqualification under Paragraph 2 is filed, the Speaker cannot indefinitely postpone its consideration. The Speaker's role is not political or discretionary but judicial in nature, and failure to act within a reasonable time undermines the purpose of the anti-defection law.

2. Grounds of Disqualification under Paragraph 2 of the Tenth Schedule

- Paragraph 2(1) of the Tenth Schedule sets out two principal grounds of disqualification: first, if a member of a House voluntarily gives up the membership of the party on whose ticket they were elected; and second, if a member votes or abstains from voting in the House contrary to the direction (whip) issued by the political party without prior permission.
- In Padi Kaushik Reddy, the allegation was that several MLAs of the Bharat Rashtra Samithi had defected to the Congress, thereby voluntarily giving up their membership.

- Since the exceptions under Paragraph 4 (merger with two-thirds of members) were not satisfied, the petitioners argued that the Speaker was bound to disqualify them.

4. Judicial Review of Speaker's Decisions and Delay

- Although the Speaker is the adjudicating authority under Paragraph 6, the Supreme Court has consistently held that the Speaker's actions are subject to judicial review. Articles 122 and 212 of the Constitution provide immunity to legislative proceedings from judicial scrutiny, but this immunity does not extend to the Speaker's role under the Tenth Schedule, since the Speaker functions as a tribunal.
- In Padi Kaushik Reddy, the Court reaffirmed that High Courts under Article 226 and the Supreme Court under Article 32 can direct the Speaker to act within a fixed time when inaction threatens constitutional democracy. Thus, judicial review acts as a safeguard against misuse or delay of Speaker's powers.

5. Doctrine of Reasonable Time and Outer Limit

- The Tenth Schedule does not prescribe a fixed period within which the Speaker must decide disqualification petitions. However, the Supreme Court has evolved the principle that such petitions must be decided within a reasonable time so that the purpose of preventing defections is not frustrated.
- In this case, the Court fixed a practical benchmark by directing that the Speaker should decide the pending petitions within three months. The Court also observed that if MLAs try to deliberately prolong the process, the Speaker may draw adverse inference against them, thereby preventing procedural abuse.

6. Articles 191(2) and 193 – Constitutional Basis for Disqualification

- Article 191(2) of the Constitution states that a person shall be disqualified for being a member of the Legislative Assembly if he is so disqualified under the Tenth Schedule. Article 193 imposes a penalty if a person who is disqualified under the Tenth Schedule still sits or votes in the Legislative Assembly.
- In Padi Kaushik Reddy, the Court reminded that the Speaker's adjudicatory power is not merely procedural but is integral to enforcing Article 191(2), which prevents defectors from continuing as MLAs once they cease to represent their original party.

Practice Questions

1. Five MLAs belonging to the Progressive Front were elected in 2022. In 2023, they began openly attending meetings of the rival Democratic Alliance, issuing press statements supporting its leadership, and sitting with its members during Assembly sessions. They never submitted formal resignation letters from their original party. A disqualification petition was filed alleging that they had voluntarily given up their membership. The MLAs defended themselves by arguing that without a written resignation, they remained lawful members of their original party. Are these MLAs liable for disqualification under Paragraph 2 of the Tenth Schedule?
(a) Yes, because voluntary giving up of membership includes conduct that shows allegiance to another political party.
(b) No, because unless a written resignation is submitted, the MLA legally continues to remain in the original political party.
(c) Yes, because their public conduct indicates giving up membership and attracts disqualification under Paragraph 2.
(d) No, because they may still defend themselves by claiming merger protection if two-thirds of their group support the defection.

2. In the State of Aryavarta, twelve MLAs of the ruling People's Party suddenly announce their support for the opposition. A petition is filed before the Speaker seeking their disqualification under Paragraph 2 of the Tenth Schedule. However, even after eighteen months, the Speaker refuses to decide the matter, stating that "political stability must be preserved" and that he will act when the time is right. Meanwhile, the defecting MLAs continue to vote in the Assembly and influence crucial financial bills. Petitioners move the High Court arguing that the Speaker's prolonged inaction violates the anti-defection framework. The Speaker defends himself by claiming discretion in timing his decision. Can the Speaker lawfully delay the disqualification petition in this manner?
(a) Yes, because the Speaker has full discretion under the Tenth Schedule to decide the petition whenever he thinks appropriate.
(b) No, because the Speaker functions as a tribunal and must decide disqualification petitions within a reasonable time.
(c) Yes, because matters of defection are political in nature and courts cannot interfere with the timing of the Speaker's decisions.
(d) No, because the Speaker's role is judicial in nature and unreasonable delay defeats the very object of the anti-defection law.

3. In the State of Narmada, a disqualification petition was filed against eight MLAs of Party K who allegedly defected to Party M. The petition remained pending before the Speaker for more than fifteen months. During this time, the MLAs continued to sit, vote, and even influenced the passage of a no-confidence motion. The original party filed a writ petition before the High Court under Article 226, arguing that the Speaker's prolonged inaction violated constitutional democracy. The Speaker defended himself by claiming that under Articles 122 and 212, legislative proceedings are immune from judicial review, and therefore courts cannot intervene. Can the High Court intervene in this situation?

(a) No, because the timing of disqualification petitions is entirely a matter of procedure for the Speaker to determine.
(b) No, because Articles 122 and 212 give complete immunity to all decisions connected with legislative proceedings of the Assembly.
(c) Yes, because the Speaker functions as a tribunal while deciding disqualification petitions under the Tenth Schedule.
(d) Yes, because judicial review under Articles 32 and 226 extends to unreasonable delays by the Speaker under the Tenth Schedule.

4. Four MLAs of the Progressive Alliance voluntarily gave up their membership and joined another party in 2024. Disqualification petitions were filed, but the Speaker did not decide the matter for several months. Meanwhile, the MLAs continued to sit in the Assembly and voted on the State Budget. A citizen filed a public interest petition, claiming that their participation violated constitutional provisions governing disqualification. The Speaker argued that until he makes a decision, their actions cannot be questioned. What is the constitutional basis for disqualifying and penalising such members?
(a) Article 193 imposes penalties on disqualified members, and Article 212 protects their voting as part of legislative functioning.
(b) Article 191(2) disqualifies defectors under the Tenth Schedule, and Article 212 gives full immunity to their actions in the legislature.
(c) Article 191(2) disqualifies defectors under the Tenth Schedule, and Article 193 penalises them if they continue sitting or voting.
(d) Article 191(2) disqualifies defectors under the Tenth Schedule, and Article 226 allows courts to direct enforcement of such disqualification.

5. In the Telangana Legislative Assembly, a petition was filed in 2023 seeking the disqualification of three MLAs of Party X who allegedly defected to Party Y. The petition was duly signed by the petitioner and accompanied by documentary evidence of public statements made by the defectors. However, for more than seven months, the Speaker neither rejected the petition at the threshold nor issued notices to the members. Instead, he kept the petition pending without any action. Aggrieved, the petitioner approached the High Court, arguing that the Speaker had failed to follow the Telangana Legislative Assembly (Disqualification on Grounds of Defection) Rules, 1986. Was the Speaker's inaction consistent with the 1986 Rules?
(a) Yes, because the Speaker has complete discretion under the Rules to decide when to issue notices or reject a petition.
(b) No, because Rule 6(1) requires a valid petition with evidence, and once filed, the Speaker must act promptly under the Rules.
(c) Yes, because Rule 6(2) permits the Speaker to keep petitions pending if political circumstances demand delay.
(d) No, because Rule 7 requires the Speaker to process petitions and call for further evidence within a reasonable timeframe.

SUPREME COURT | Landmark Judgements

11 Power of Pollution Control Boards to Claim Restitutionary Damages

WATER & AIR ACT

Background

- The Delhi Pollution Control Committee (DPCC) issued Show Cause Notices (SCNs) to several real estate, residential, and commercial entities (including Lodhi Property Co.) for operating or constructing without obtaining mandatory "Consent to Establish" and "Consent to Operate" under the Water (Prevention & Control of Pollution) Act, 1974 (the Water Act) and the Air (Prevention & Control of Pollution) Act, 1981 (the Air Act).
- The SCNs demanded payment of fixed sums as environmental damages, and/or furnishing of bank guarantees, as conditions for granting consent.
- A number of writ petitions (38 according to summary sources) were filed in the Delhi High Court challenging the legality of these demands. The Single Judge and later the Division Bench of the High Court held that the Boards did not have power under Sections 33A (Water Act) and 31A (Air Act) to demand or collect such compensatory sums, considering that such monetary demands are penalties requiring the procedure of criminal adjudication laid down under Chapters VII (Water Act) or VI (Air Act). They ordered refund of amounts collected.

Issue Before the Court

Whether the State Pollution Control Boards (SPCBs) / DPCC have the power under Section 33A of the Water Act and Section 31A of the Air Act to impose and collect restitutionary or compensatory damages (fixed sums) for environmental harm (actual or imminent).

Case Details

Case Title: Delhi Pollution Control Committee v Lodhi Property Co. Ltd.

Citation: 2025 INSC 923

Judgement Date: August 4, 2025

Division Bench

Justice P. S. Narasimha

Justice Manoj Misra

- Whether SPCBs can require bank guarantees ex ante (before harm or as a preventive safeguard) under those sections.
- Whether these powers are "penalty" powers or remedial powers, and how they differ procedurally, including whether they require judicial procedure envisaged under the "penalty" or "offences" chapters, or whether administrative order under "directions" power suffices.
- Whether the procedure by which such powers are exercised must be detailed in subordinate legislation (rules/regulations), observing natural justice, transparency, non-arbitrariness.

Judgment / Holding of the Supreme Court

- The Supreme Court held that Pollution Control Boards can impose and collect restitutionary and compensatory damages (fixed sums of money), and can require furnishing of bank guarantees as an ex ante measure, under Section 33A of the Water Act and Section 31A of the Air Act.
- The Court clarified the distinction between punitive penalties (which penalize breach and are subject to criminal procedure under Chapters VII of Water Act, VI of Air Act) and remedial or compensatory/restitutionary damages (which aim to restore or prevent environmental harm, not punish). The latter do not require the criminal adjudication procedure.
- The Court emphasised that these powers are not to be exercised in every case of contravention; action under Sections 33A / 31A is warranted only when some environmental damage has been caused or is imminent, or when there has been breach of threshold requirements. It is not an automatic power in all violations.
- The Supreme Court directed that before these powers are enforced, subordinate legislation (rules or regulations) must be made to define principles and procedures: how compensation amounts are determined, how bank guarantees are assessed, ensuring transparency, notice, hearing, non-arbitrariness (principles of natural justice).
- The Court also held that certain old show cause notices from 2006, which had been quashed by earlier courts, would not be revived, and that any amounts already collected under those notices should be refunded within a specified timeframe.

Key Takeaway for CLAT Aspirant

1. Statutory Basis of Restitutionary Powers under the Water Act and the Air Act

- Section 33A of the Water (Prevention and Control of Pollution) Act, 1974 and Section 31A of the Air (Prevention and Control of Pollution) Act, 1981 empower Pollution Control Boards to issue directions, including orders to close, regulate, or prohibit any industry or operation causing pollution.
- The Supreme Court clarified that these "directions" also extend to demanding restitutionary damages and bank guarantees in cases where environmental damage is imminent or has already occurred. This establishes that the power is not limited to regulatory shutdowns but includes financial measures to ensure restoration of the environment.

2. Distinction Between Penalties and Restitutionary Damages

- The Court drew a sharp distinction between penalties under Chapters VII of the Water Act and VI of the Air Act, and restitutionary damages under Sections 33A/31A. Penalties are punitive in nature, require criminal prosecution, and can result in imprisonment or fines. Restitutionary damages, on the other hand, are compensatory or preventive, aimed at restoring environmental balance rather than punishing offenders.
- Therefore, Pollution Control Boards do not need to follow criminal trial procedures when imposing restitutionary damages, but must follow fair administrative procedures.

3. Doctrine of Polluter Pays

- The case reaffirmed the Polluter Pays principle, a cornerstone of Indian environmental jurisprudence, first emphasised in Indian Council for Enviro-Legal Action v. Union of India (1996) and Vellore Citizens Welfare Forum v. Union of India (1996).
- According to this principle, the person or entity responsible for pollution must bear the cost of remedying the damage, including the costs of clean-up, restoration, and preventive measures. The judgment integrates this principle directly into the statutory framework of the Water Act and Air Act.

4. **Requirement of Subordinate Legislation and Procedural Fairness**

- The Court directed that subordinate legislation, such as rules or regulations, must be framed to specify how restitutionary damages or bank guarantees are to be assessed. This ensures compliance with the principles of natural justice, such as notice, hearing, and non-arbitrary decision-making.
- For CLAT, this demonstrates that even when a statute grants broad powers, those powers must be exercised within a transparent and fair procedural framework to prevent misuse.

5. Preventive Measures and the Precautionary Principle

- By recognising that Pollution Control Boards can demand bank guarantees ex ante (before harm occurs), the judgment endorses the Precautionary Principle, which requires the State and regulators to take preventive measures to avoid environmental damage even where scientific certainty is lacking.
- This principle, recognised in Vellore Citizens Welfare Forum (1996), shifts the focus from post-damage penalties to anticipatory safeguards.

Practice Questions

1. A factory in Uttar Pradesh was found releasing untreated sewage into a nearby canal. The Pollution Control Board ordered it to shut down immediately and also directed it to deposit ₹20 crore for river restoration. Later, the local magistrate initiated criminal prosecution under Chapter VII of the Water Act for causing pollution. The factory argued that facing both proceedings was illegal because they amounted to "double punishment." Can the Board's restitutionary order and the magistrate's criminal prosecution both proceed simultaneously?
(a) Yes, because restitutionary damages and criminal penalties are distinct remedies with different objectives.
(b) No, because once restitutionary damages are imposed, criminal prosecution becomes barred by double jeopardy.
(c) Yes, because environmental protection laws allow parallel proceedings whenever fairness requires strict action.
(d) No, because the Water Act permits only one course of action—either prosecution or restitution, but not both.

2. An aluminium smelting unit in Odisha was asked by the State Pollution Control Board to furnish a bank guarantee of ₹100 crore within 72 hours to prevent likely environmental damage. The unit challenged the order, stating that no hearing was given and no method of calculation was explained. The Board argued that since this was not a criminal penalty, due process safeguards were unnecessary. Is the Board's argument legally valid?
(a) Yes, because once environmental harm is imminent, Boards can impose damages without following any process.
(b) Yes, because restitutionary orders are preventive, and urgency justifies bypassing procedural safeguards.
(c) No, because only courts, not Boards, can impose restitutionary damages through lawful procedures.
(d) No, because even restitutionary damages must follow fair administrative procedures like notice and hearing.

3. An iron smelting factory in Chhattisgarh was discharging toxic fumes. The Pollution Control Board ordered its operations to be suspended and additionally directed the factory to pay ₹25 crore for installing advanced air filters and compensating affected villagers. The company challenged the payment direction, claiming that the Water Act and Air Act allow only closure or regulation orders, not financial penalties. Can the Board demand such restitutionary payments under its statutory powers?
(a) No, because restitutionary damages require a separate amendment, not interpretation of existing powers.
(b) No, because monetary obligations can be imposed only by courts after full criminal trial.
(c) Yes, because regulators have inherent powers to impose any conditions in the interest of fairness.
(d) Yes, because Sections 33A and 31A empower Boards to issue wide-ranging directions, including financial measures.

Practice Questions

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(c) Yes, because regulators have inherent powers to impose any conditions in the interest of fairness.
(d) Yes, because Sections 33A and 31A empower Boards to issue wide-ranging directions, including financial measures.

4. Under the Water Act and Air Act, how do penalties and restitutionary damages differ in their nature and procedure?
(a) Penalties are preventive applied without trial, while restitutionary damages are punitive requiring full criminal procedure.
(b) Penalties are punitive requiring criminal prosecution, while restitutionary damages are compensatory requiring administrative fairness.
(c) Penalties are regulatory imposed through board directions, while restitutionary damages are criminal requiring imprisonment and fine.
(d) Penalties and restitutionary damages are identical in purpose, both requiring judicial conviction before enforcement.

5. Consider the following statements regarding environmental law principles:
1. The Polluter Pays principle requires polluters to bear costs of clean-up, restoration, and preventive measures.
2. Restitutionary damages under Sections 33A/31A are punitive in nature and require criminal conviction before enforcement.
3. Subordinate legislation is needed to frame clear procedures for calculating damages, ensuring fairness and natural justice.
4. The Precautionary Principle allows Pollution Control Boards to demand bank guarantees even before actual damage occurs.

Which of the above statements are correct?
(a) 1, 2 and 3 (b) 1, 3 and 4 (c) 2, 3 and 4 (d) 1, 2 and 4

MEDIA COVERAGE

India's Top Revolutionary Educationist: Talks About His Journey From Working In Premier Law Firm To Become The Most Sought After Educationist In Country Imparting Legal Education

Assam News

Renowned Educationist Nishant Prakash in Committee for Implementation of New Education Policy in Assam

Indian sprinter Hima Das, General Secretary of Assam Cricket Association Devajit Lon Saikia, and scientist Uddhab Bharali are also in the committee.

Super 30 of law entrance bags 5 out of top 10 in AILET and CLAT

ABHI SINGHAL ■ NEW DELHI

When your students bag three out of top 10 slots in what's unarguably India's most elite law entrance test - All India Legal Entrance Test or AILET - it speaks volumes about your passion, diligence and genius. Yet Nishant Prakash, the unassuming corporate lawyer turned teacher, will simply grin on being congratulated, showing extraordinary humility.

The AILET results on Thursday saw a burst of messages and phone calls. Just days ago, Prakash had another round of celebrations with a strike rate of over 90% by his students in the Common Law Admission Test (CLAT), for admissions to over 20 law universities across India. Out of 60 students that he provided training to, 54 ended up with a seat either in CLAT or AILET. Two of his students featured in top 10 in CLAT as well. Hailing from the small town of Muzaffarpur in Bihar, Nishant had similar aspirations like these growing up with him. "I ended up being at the National Law University at Raipur, and immensely benefited from mentorship of legal luminaries like Ram Jethmalani and KK Venugopal. After this, I was fortunate to work with Luthra & Luthra Law Offices at New Delhi with specialising in Intellectual Property Rights, Insurance and Trade Law," says Prakash.

However, despite a thriving law career, a decade ago, the passion of teaching took him to rather an unconventional path - of teaching.

"Hailing from Bihar, such dramatic shift to my career was frowned upon, for it meant compromising with fat pay checks and wading into uncertain territories. With a mild fear, I moved on, for I realised chasing passion should take primacy at some point in life," said Prakash.

In 2014, he set up Nishant Prakash Law Classes and in just 10 years, he has established a reputation owned by law aspirants nationwide, transcending the highly commercialised coaching industry to become a leader in education reform, with significant impact on legal education. Nishant takes great pride in success of his students, and lists out the "toppers" with extraordinary passion: in AILET Chaitanya Ghosh ranked all India no 2, Dhruva Kamath at no 6, Vidisha Singh at no 10, in CLAT Aditya Gautam Adkhad ranked no 4, Daiwik Agarwala no 76.

His noteworthy achievements extend beyond coaching as Niti Aayog appointed him to advise on the pivotal initiative of "Transforming Legal Education in India," positioning him as a key contributor to national legal education reform. Further solidifying his role in education reform, he is part of a high-level committee implementing the National Education Policy 2020, in the state of Assam reflecting his broader impact on the national education framework. Also, recognised as the "Super 30" of law entrance training, Nishant's commitment to education underscores his effectiveness in guiding students to secure admissions in top law

the pioneer

NEW DELHI | SATURDAY | DECEMBER

THE HINDU

CLAT candidates aggrieved over 'errors'; consortium denies laxity

Krishnadas Rajagopal
NEW DELHI

A petition challenging the correctness of the provisional answer key of the postgraduate Common Law Admission Test (CLAT) held on December 1 for admission to 24 national law universities has sparked a debate.

The Supreme Court on December 9 disposed of the petition on the ground of maintainability, orally remarking that litigation in the top court over national exams tended to delay the results. A Bench headed by Chief Justice of India Sanjiv Khanna gave the petitioners liberty to approach the jurisdictional High Court.

The petition, filed by Anam Khan and Ayush Agarwal, alleged that the provisional answer key released on December 2 contained significant errors, including incorrect answers to 12 questions.


The petition alleged that the provisional answer key had significant errors, including incorrect answers.

Persons associated with the legal representation of the Consortium of National Law Universities (CNLU), which conducts the test, said the final answer key was out by the time the case came up on December 9. The consortium advanced the release of the final answer key and results to December 7 from December 10. "The provisional answer key had mistakes which were not resolved even in the final answer key," Manasi Bhushan, advocate who appeared for the petitioners in the court, said. "There are precedents when the Supreme Court has promptly adjudicated and granted interim relief in petitions challenging pan-India exam conduct. In my opinion, it becomes easier to seek relief [like stay] from the apex court as relief is applicable all across India. Seeking relief before High Court/s may create difficulty in terms of conflicting judgments and operation of stay only for that state's jurisdiction."

A corporate lawyer-turned-CLAT mentor, Nishant Prakash, alleged that the CLAT (undergraduate) was also "conducted in an equally unprofessional manner". "Four questions of the logical reasoning section were absolutely wrong which were later retracted by the consortium in the final answer key. Three more answers in the provisional answer keys were changed later upon the grievances raised by the students. I strongly believe that the consortium cannot be absolved just by withdrawing these questions as the majority of students land up wasting time trying these questions and could not complete the paper," he said.

S. Shanthakumar, Director of the Gujarat National Law University and vice-president, CNLU Governing Body, said "extreme care is always taken to avoid mistakes". "In law, the questions and the answer options in the paper are interpreted differently by different people," he said.

An Interview With India's leading Educationist; How Important Is To Join Coaching Institute To Crack An Aptitude Based Exam Like CLAT

HIGH COURT | Landmark Judgements

12 Unborn Child's Right To Life

ABORTION LAW

Background

- A 17-year-old minor girl (a rape victim) became pregnant. Her father, acting as her natural guardian, filed writ petition (S.B. Civil Writ Petition No. 11124/2025) in the Rajasthan High Court seeking judicial permission to terminate her pregnancy. Three FIRs had been registered against the accused for rape.
- Medical examination by four doctors revealed the pregnancy was at 22 weeks and 4 days, which is under the 24-week upper limit under the Medical Termination of Pregnancy (MTP) Act, 1971 for certain categories of pregnant persons, provided other conditions are satisfied.
- The victim, through counsellor and with assistance from child welfare bodies, expressed clear unwillingness to abort the fetus. She stated that the petition for termination was filed without her consent.

Issue Before the Court

- Whether the consent of the natural guardian (father) under Section 3(4)(a) of the MTP Act allows termination of pregnancy in a minor when the minor herself opposes it.
- Whether the right to life under Article 21 of the Constitution includes not only the mother's right but also the unborn child's right to be born, particularly when the pregnancy is being advanced and medical evidence shows possibility of live birth and non-lethal fetal abnormalities.
- Whether the MTP Act's provisions, which allow

Case Details

Case Title: Victim v State of Rajasthan & Ors.
Citation: S.B. Civil Writ Petition No. 11932/2025
Judgement Date: July 31, 2025

Bench

Justice Anoop Kumar Dhand

- guardians' consent in minors, are sufficient or whether courts can override guardian consent if it conflicts with a mature minor's autonomous decision.

Judgment / Order of the High Court

- The High Court rejected the father's petition for termination of the pregnancy. It held that where a pregnant minor expresses unwillingness to terminate, her consent is paramount even if she is a minor. Parental consent under Section 3(4)(a) does not override her autonomous choice.
- The Court held that the right to life under Article 21 includes, in appropriate circumstances, the unborn child's right to be born. The court emphasized that the fetus had reached a developmental stage where a live birth was possible, medical opinion did not show lethal fetal anomalies, and there was no threat to the mother's health from continuing pregnancy.
- The Court observed that the law (MTP Act) requires guardian consent for minors but is silent on conflicting views between the minor and the guardian. It interpreted that in such conflict, the court must give considerable weight to the minor's views, especially if she is sufficiently mature.
- The Court directed the State to ensure medical care before and after safe delivery, care of the newborn child, support from Child Welfare Committee, Alwar, allow the minor to stay until majority, maintain confidentiality / privacy, and ensure funds and state services as required.

Key Takeaways for CLAT Aspirants

Provisions of the Medical Termination of Pregnancy Act, 1971

- Section 3 of the MTP Act lays out when termination of pregnancy is permissible.

Key components:

  - For pregnant women (including minors) up to 20 weeks, one registered medical practitioner (RMP) opinion suffices in most cases.
  - For pregnancies beyond 20 weeks and up to 24 weeks (for certain categories under Rule 3B of the MTP Rules, including minors, survivors of sexual assault, etc.), two RMPs must give opinion in good faith that the continuation of pregnancy poses risk to physical or mental health of the pregnant person.

- Section 3(4)(a) specifies that in the case of minors, consent of the natural guardian is required.
- Rule 3B (amended in 2021) of the MTP Rules expands categories where termination is allowed up to 24 weeks, including pregnant minors, rape survivors, change of marital status, etc.

Constitutional Principles and Doctrine

- **Article 21 – Right to Life and Personal Liberty:** Article 21 safeguards not only physical existence but also dignity, bodily integrity, and autonomy. The decision whether to terminate a pregnancy is recognized as a component of reproductive autonomy under Article 21.
- **Doctrine of Reproductive Autonomy:** Supreme Court precedents have recognized that the right to choose whether to continue or terminate a pregnancy is intrinsic to

- personal liberty. Suchita Srivastava v. Chandigarh Administration (2009) is a key precedent, holding that when a woman (even a minor) expresses her will in reproductive choice, it must be given weight.
- **Right of the Unborn / Foetus:** While legal personhood begins at birth, judicial interpretation has held that the unborn foetus, once sufficiently developed (viability, heartbeat, etc.), has a constitutional interest in being born. The rights of the unborn must be balanced with rights of the mother.
- **Doctrine of Maturity / Capacity:** Even though a person is a minor, if she demonstrates sufficient understanding of social, ethical, physical, medical consequences, her wishes are relevant. The law doesn't rigidly treat all minors as incapable of autonomy.

Judicial Precedents Relevant for CLAT

- **Suchita Srivastava v. Chandigarh Administration (2009) –** A key precedent that established reproductive autonomy under Article 21, especially that women can refuse termination, etc.
- **A (Mother of X) vs. State of Maharashtra (2024) –** A more recent precedent relied upon in this case, which holds that the MTP Act does not allow family, partner, or guardian interference in reproductive choice, especially when the pregnant person is making her own informed decision.

Practice Questions

1. Priya, a 30-year-old working professional, became pregnant unexpectedly. Her partner insisted that she terminate the pregnancy because he was not ready for the responsibility of parenthood. Priya, however, told doctors that she wished to continue the pregnancy. The partner's family filed a petition before the High Court, arguing that since Priya's decision would affect them financially and socially, they must be permitted to decide. The hospital delayed medical care pending judicial direction. How should the High Court resolve the matter?
(a) Priya's decision must prevail, as Article 21 protects reproductive autonomy and personal choice.
(b) The family's concerns are relevant, as pregnancy creates obligations that affect social circumstances.
(c) Priya's decision must prevail, as the MTP Act excludes family or partner interference in such choices.
(d) The court may override Priya's choice, as reproductive liberty is subject to family welfare and interests.

2. Shalini, a 19-year-old college student, discovered she was 18 weeks pregnant after a routine medical check-up. She decided to terminate the pregnancy and approached a government hospital. She gave her informed consent, but the doctors insisted that without her father's written permission they could not proceed. The hospital argued that as a young woman, her decision should be validated by her guardian. Shalini challenged this requirement before the High Court. Is the hospital justified in demanding guardian consent?
(a) Yes, because the MTP Act requires guardian consent for all women below the age of 21 years.
(b) No, because Section 3 allows termination within 20 weeks with only one doctor's opinion and the woman's consent.
(c) Yes, because family consent is necessary to protect social interests where the woman is unmarried.
(d) No, because Rule 3B allows minors and others to terminate pregnancy based on medical opinion without guardian approval.

3. Ritu, a 16-year-old school student, became pregnant as a result of sexual assault. When she was 22 weeks pregnant, she and her mother approached a district hospital for termination. Two registered medical practitioners examined her and opined in good faith that continuation of pregnancy would cause serious mental trauma. The hospital, however, refused, stating that since the pregnancy had crossed 20 weeks, no termination was legally allowed. Was the hospital correct in refusing termination?
(a) Yes, because pregnancies beyond 20 weeks can never be terminated under the MTP Act.
(b) No, because Section 3 and Rule 3B allow termination up to 24 weeks for minors with two doctors' opinion.
(c) Yes, because guardian consent cannot replace the prohibition on termination after 20 weeks.
(d) No, because Section 3 permits minors to terminate pregnancy without any medical opinions or guardian consent.

4. Under Section 3 of the Medical Termination of Pregnancy Act, 1971, as amended in 2021, which of the following correctly describes the requirements for termination of pregnancy between 20 and 24 weeks?
(a) Termination requires the opinion of two registered medical practitioners in good faith.
(b) Termination requires the opinion of one registered medical practitioner in good faith.
(c) Termination requires approval of a district court in addition to medical opinion.
(d) Termination requires guardian consent for all women regardless of age and status.

5. Consider the following statements regarding reproductive rights under Indian law:
1. Article 21 protects dignity, bodily integrity, and autonomy, including the choice to continue or terminate pregnancy.
2. Guardian consent is mandatory for all women seeking termination, whether minor or adult, under Section 3(4)(a) of the MTP Act.
3. Courts have held that the unborn foetus acquires constitutional interest once viability is reached, requiring a balance of rights.
4. The doctrine of maturity recognises that even minors capable of understanding consequences should have their views considered.

Which of the above statements are correct?
(a) 1, 2 and 3 only (b) 1, 3 and 4 only (c) 2, 3 and 4 only (d) 1, 2 and 4 only

HIGH COURT | Landmark Judgements

13 Private Spousal Caste Insults Not Offence

SC/ST ACT

Background

- The complainant (husband), belonging to a Scheduled Caste (Mala), married in 2014 a woman from the Kapu community (non-SC). After marriage, there were allegations from the husband that the wife (petitioner) and her family members humiliated him on caste grounds: using caste-based slurs, burning his clothes, making threatening WhatsApp messages and emails largely citing "cultural differences" tied to caste.
- A complaint was lodged under Section 504 of the IPC (intentional insult with intent to provoke breach of peace) and under Sections 3(1)(r) and 3(1)(s) of the SC/ST (Prevention of Atrocities) Amendment Act, 2015 (which make insult/intimidation/humiliation in the name of caste an offence) based on those allegations.
- A divorce was granted in 2019 under the Hindu Marriage Act. Some of the caste-based insult allegations were made well after events, and largely arose in a domestic, private setting, and via private communication (WhatsApp, email).

Issue Before the Court

- Whether caste-based insults, intimidation, or humiliation made in a private/domestic setting between spouses (or within the four walls of their home), or via private messages/emails, fall under Sections 3(1)(r) and 3(1)(s) of the SC/ST (POA) Act, 2015.
- Whether the requirement of "public view" or "witnessed by independent persons" is essential under those provisions of the POA Act.

Case Details

Case Title: X v. The State (Telangana)

Citation: Crlp NO. 3799 of 2021

Judgement Date: August 25, 2025

Bench

Justice E.V. Venugopal

- Whether continuing criminal proceedings under those sections in this fact-pattern is an abuse of process of law, in the absence of evidence of public view / independent witnesses.
- Whether delay in lodging the complaint (many months after events) affects credibility / prima facie case under those sections.

Judgment / Order of the High Court

- The Telangana High Court quashed the criminal proceedings against the woman and her father under Sections 3(1)(r) and 3(1)(s) of the SC/ST (POA) Act, as well as Section 504 IPC, on the ground that the allegations, even if accepted, did not satisfy the essential ingredients of those sections because there was no public view or witness; the acts occurred in private/domestic setting.
- The court held that the continuation of the proceedings would amount to an abuse of the process of law.
- The court emphasised that the SC/ST (POA) Act's provisions (such as 3(1)(r) & (s)) require that the caste-based insult or humiliation must occur in a place within public view or be witnessed by independent persons. Private, domestic insults without such public exposure do not satisfy that requirement.
- The court noted lack of specification in the complaint of time, place, manner, or presence of independent witnesses to show public view. Such particularity is necessary to make out a prima facie case under those sections.
- The court also considered precedents: especially Hitesh Verma v. State of Uttarakhand (2020), which held similarly that insults must be in public view to attract the POA Act under similar sections.
- In absence of public view / independent witnesses, proceeding under SC/ST Act would expand its scope beyond its intended protective purpose to cover purely private or domestic disputes, which could lead to misuse. Thus it would be abuse of process.

Key Takeaways for CLAT Aspirants

1. Requirement of Public View under the SC/ST (Prevention of Atrocities) Act, 1989

- Sections 3(1)(r) and 3(1)(s) of the SC/ST Act criminalise intentionally insulting or humiliating a member of a Scheduled Caste or Scheduled Tribe by referring to their caste name.
- However, the Court clarified that these provisions are triggered only when the insult or humiliation occurs in any place within public view. Private disputes within the home or between spouses, even if caste-based insults are used, do not meet this requirement. This ensures that the Act is applied to protect members of SC/ST communities from public humiliation and systemic discrimination, rather than extending into purely private quarrels.

2. **Application of IPC Section 504 (Intentional Insult) in Domestic Settings**

- Section 504 of the Indian Penal Code punishes intentional insult with intent to provoke a breach of peace. The Court explained that even this section requires the insult to have the potential of causing public disorder or breach of peace. Purely private

- communications like WhatsApp messages or emails between spouses, without a public audience, do not create such a risk. Therefore, not every insult within marriage can be converted into a criminal case under Section 504 IPC.

3. Role of Section 482 CrPC – Inherent Powers of the High Court

- The High Court exercised its powers under Section 482 of the Code of Criminal Procedure, 1973 (now Section 530 of the Bharatiya Nagarik Suraksha Sanhita, 2023) to quash the criminal proceedings.
- The Court reiterated that this power is to be used to prevent abuse of process and to secure the ends of justice. Where the complaint does not disclose the basic ingredients of the alleged offence, the High Court is empowered to step in and terminate vexatious prosecutions at the threshold

4. Precedent – Hitesh Verma v. State of Uttarakhand (2020)

- The Court relied on the Supreme Court's ruling in Hitesh Verma v. State of Uttarakhand (2020), where it was held that insults must be made in a public place or in public view to attract Sections 3(1)(r) and (s) of the SC/ST Act.
- The Supreme Court emphasised that mere use of caste-based language in a private setting does not constitute an offence under these sections. This precedent was applied to highlight that the allegations in this case, made within a domestic quarrel, lacked the element of public view.

5. Protection of the SC/ST Act from Misuse

- The judgment underscores that the SC/ST Act was enacted to protect vulnerable communities from systemic discrimination, atrocities, and public humiliation. However, its scope cannot be stretched to cover private marital disputes or every instance of domestic discord.
- Courts must guard against misuse of this protective legislation by ensuring that its strict requirements (such as public view and independent witnesses) are met before prosecutions are allowed to proceed.

6. Balance between Protection and Abuse of Process

- The Court stressed the importance of balancing two principles: on one hand, protecting members of SC/ST communities from genuine atrocities and systemic caste-based humiliation; and on the other hand, preventing ordinary domestic disputes from being escalated into criminal cases under special legislation.
- The doctrine of abuse of process of law was central here, ensuring that penal statutes are not misapplied to situations they were never meant to cover.

Practice Questions

1. Ramesh, belonging to a Scheduled Tribe, had a heated quarrel with his neighbour Suresh, who belongs to an upper caste. During the argument, Suresh repeatedly used caste-based abuses against Ramesh in the open courtyard of their housing society, in front of several residents. Ramesh filed a complaint under the SC/ST (Prevention of Atrocities) Act, 1989. How should the Court decide?
(a) The complaint is valid, because caste-based insults made in front of others amount to humiliation in public view.
(b) The complaint is invalid, because caste-based insults are punishable only if they are accompanied by physical assault.
(c) The complaint is valid, because any caste-based insult, even in private, attracts the SC/ST Act.
(d) The complaint is invalid, because the dispute was personal in nature and does not relate to systemic discrimination.

2. Anita and Rajesh, a married couple from different caste backgrounds, often had quarrels at home. During one such heated argument inside their living room, Rajesh used caste-based slurs against Anita. No outsiders, relatives, or neighbours were present at the time. Anita later filed a complaint under the SC/ST (Prevention of Atrocities) Act, 1989 as well as under Section 504 IPC for intentional insult. The case reached the trial court, where the question was whether either provision could validly apply to this purely private dispute.
Which of the following is the most legally accurate outcome?
(a) Both the SC/ST Act and Section 504 IPC apply, because caste-based insults always attract criminal liability regardless of whether they occur in public or private.
(b) Only the SC/ST Act applies, because caste-based insults are specifically prohibited by the Act and do not require public view in a domestic dispute.
(c) Only Section 504 IPC may apply, but only if the insult was capable of provoking a breach of peace extending beyond the private quarrel at home.
(d) Neither the SC/ST Act nor Section 504 IPC apply, because purely private quarrels within the home cannot amount to offences of intentional insult under criminal law.

3. Ravi, an employee in a private company, had a quarrel with his colleague Suresh. In the heat of the dispute, Ravi sent an email to Suresh at his official address, using caste-based slurs and abusive remarks. The email was sent only to Suresh and was not copied to any other person, nor was it made accessible to anyone else in the office. Suresh later filed a complaint under Sections 3(1)(r) and 3(1)(s) of the SC/ST (Prevention of Atrocities) Act, 1989, alleging intentional caste-based humiliation. Ravi argued that the alleged insult took place privately and therefore did not fulfil the requirement of being "in any place within public view." How should the Court decide this case?
(a) The offence is made out, because any caste-based insult, whether in private or in public, automatically attracts the provisions of the SC/ST Act.
(b) The offence is not made out, because an email sent privately to a single individual does not amount to humiliation in any place within public view.
(c) The offence is made out, because electronic communication is a modern public medium and

automatically falls within the meaning of public view under the law.
(d) The offence is not made out, because professional disputes that remain private do not fall within the scope of humiliation punishable under the SC/ST Act.

4. A journalist, Ajay, wrote a critical article in a widely circulated newspaper about a Dalit community leader. In the article, Ajay used caste-based slurs and derogatory language while referring to the leader. The newspaper was sold across the city, and thousands of people read the article. The leader filed a case under Sections 3(1)(r) and 3(1)(s) of the SC/ST Act, alleging caste-based humiliation in public. Ajay defended himself by arguing that the insult was not communicated directly to the leader and therefore should not be punishable under the Act.
How should the Court resolve this dispute?
(a) The offence is not made out, because the defamatory words were not spoken directly to the complainant and therefore lack personal communication.
(b) The offence is made out, because Article 19(2) permits reasonable restrictions on press freedom when caste-based insults result in public humiliation.
(c) The offence is not made out, because newspaper publications fall within the domain of defamation law and not within the provisions of the SC/ST Act.
(d) The offence is made out, because publication in a widely circulated newspaper amounts to humiliation in public view under the SC/ST Act.

5. Consider the following statements regarding the application of the SC/ST (Prevention of Atrocities) Act, 1989 in private disputes:

1. In Hitesh Verma v. State of Uttarakhand (2020), the Supreme Court held that caste-based insults must occur in a public place or in public view for the Act to be attracted.
2. The Act's purpose is to prevent systemic caste-based discrimination and public humiliation, not to criminalise every instance of private discord or domestic quarrel.
3. Courts have cautioned against misuse of the Act by ensuring that essential ingredients such as "public view" and presence of independent witnesses are satisfied before prosecutions proceed.
4. Once caste-based language is used in any context, whether private or public, the Act automatically applies regardless of the circumstances.

Which of the above statements are correct?
(a) 1, 2, and 3 only (b) 2, 3, and 4 only (c) 1, 3, and 4 only (d) 1, 2, 3, and 4

HIGH COURT | Landmark Judgements

14 Misrepresentation of Marital History

HINDU MARRIAGE ACT

Background

- The marriage was arranged via an online matrimonial portal ("www.shaadi.com") in which the husband/appellant represented himself as "Never Married" in his profile.
- The wife/respondent had clearly mentioned in her profile that she wanted a partner who was "never married".
- After marriage, it came to light that the husband had in fact been previously married and had a child from that marriage.
- The husband had also inflated his salary in his profile. His claimed income was much higher than what was true.
- The wife filed a petition for annulment of marriage under Section 12(1)(c) of the Hindu Marriage Act, 1955, on the basis that her consent was obtained through fraud/misrepresentation. The family court and then the High Court found in her favour.

Issue Before the Court

- Whether misrepresentation or concealment of marital history (past marriage) is a material fact such that hiding it vitiates consent for marriage under Section 12(1)(c) of the Hindu Marriage Act.
- Whether the distinction between "Never Married" and "Unmarried" is legally meaningful for consent in matrimonial law, especially if matrimonial portals provide different categories (e.g. "Divorced") and if the person misrepresents by choosing "Never Married."

Case Details

Case Title: X v. Y

Citation: 2025 LiveLaw (Del) 1010

Judgement Date: August 20, 2025

Division Bench

Justice Anil Kshetarpal

Justice Harish Vaidyanathan Shankar

- Whether misrepresentation of financial status (income) combined with the concealment of marital history can together amount to fraud which invalidates the marriage.
- Whether misrepresentations made prior to marriage (on matrimonial portal) are relevant and admissible to establish fraud in court under HMA 1955.

Judgment / Order of the High Court

- The Delhi High Court upheld the Family Court's order that annulled the marriage, concluding that the husband committed fraud by concealing the fact of his prior marriage and misrepresenting his salary.
- The Court held that representation of "Never Married" is a categorical statement meaning that the person has never undergone any marriage in his life, and that it is substantially different from simply "Unmarried," which could include someone who is divorced or widowed.
- The Court rejected the husband's plea that the profile was created by parents, and that "unmarried" was ambiguous enough; it saw the concealment as deliberate, intending to mislead the respondent.
- The Court reasoned that suppression of prior marriage (a fact known to the husband) is not a trivial omission, but a fundamental matter going to the heart of consent in marriage; it is material when the other party has expressly desired a spouse who had never been married.
- The context of matrimonial portal matters: matrimonial websites provide distinct statuses like "Divorced," "Never Married," "Unmarried," so choosing "Never Married" when not factually true shows intent to mislead, and silence about one's prior marriage when asked for status is suppression.
- Misrepresentation of income also contributes, since financial status is another material fact and influences choice of partner. Combined with marital history concealment, it demonstrates a pattern of deceit.

Key Takeaways for CLAT Aspirants

1. Section 12(1)(c) of the Hindu Marriage Act, 1955 – Fraud and Misrepresentation

- Section 12(1)(c) of the Hindu Marriage Act, 1955 provides that a marriage is voidable if the consent of one party was obtained by fraud or misrepresentation concerning a material fact or circumstance.
- The Delhi High Court clarified that concealment of a prior marriage is a material misrepresentation because it directly impacts the other party's decision to marry. The case highlights that "fraud" in matrimonial law extends beyond financial deceit and includes suppression of facts that form the foundation of marital consent.

2. Distinction Between "Never Married" and "Unmarried" in Legal Context

- The Court emphasised that matrimonial websites and legal language recognise distinct categories such as "Never Married," "Divorced," and "Widowed." A declaration of "Never Married" implies absolute absence of any past marital tie, whereas "Unmarried" may include a person who was divorced or widowed.
- Misusing these categories amounts to deliberate misrepresentation. This distinction is

- important because it shows how precise terminology has legal significance in determining whether consent was obtained validly.

3. Misrepresentation of Financial Status as Material Fraud

- The judgment also addressed misrepresentation of income and employment. Inflating salary details on matrimonial portals was held to be a material misrepresentation because financial stability often plays a central role in marital decisions. The Court held that misrepresentation of financial status, when combined with concealment of marital history, establishes fraudulent intent and makes the marriage voidable under Section 12(1)(c).

4. **Concept of Free and Informed Consent in Matrimonial Law**

- The judgment reaffirmed that consent in marriage must be free, informed, and based on truth. Fraudulent suppression of material facts such as marital status or financial position vitiates free consent.
- In matrimonial law, the concept of consent is not merely procedural but substantive, meaning that it requires full disclosure of facts that a reasonable person would consider fundamental to entering marriage.

5. Difference Between Void and Voidable Marriages

- The Court reiterated the distinction between void and voidable marriages under the Hindu Marriage Act, 1955. A void marriage is invalid from the beginning (e.g., bigamy under Section 11 HMA), while a voidable marriage remains valid until annulled by a decree of nullity.
- Fraudulent misrepresentation under Section 12(1)(c) makes a marriage voidable, meaning it is legally valid until the aggrieved party seeks annulment. This distinction ensures clarity about legal remedies available to parties.

6. Evidentiary Value of Matrimonial Portal Declarations

- The Court held that matrimonial portal profiles, representations made in applications, and categories chosen by parties have evidentiary value in proving misrepresentation. When a party explicitly selects a category such as “Never Married” and conceals contrary facts, it can be relied upon by the other party and the courts as evidence of fraudulent intent. Silence or failure to correct incorrect declarations also counts as misrepresentation.

7. Judicial Doctrine of Materiality of Facts

- The decision illustrates the judicial doctrine of materiality: not every concealment or misstatement amounts to fraud, but concealment of facts that directly impact the foundation of consent does. Marital history and financial capacity fall into this category because they determine compatibility and choice in marriage. This doctrine guides courts in distinguishing trivial omissions from material frauds that justify annulment.

Practice Questions

1. Anita registered her profile on a matrimonial website and selected the category "Never Married." However, in reality, she had been married earlier and obtained a divorce three years ago. Rahul, who entered into marriage with her on the basis of this representation, later discovered her prior marriage and filed a petition under Section 12(1)(c) of the Hindu Marriage Act, 1955, alleging fraud. How should the Court decide?
(a) The marriage is valid, because past marital history does not affect present marital consent.
(b) The marriage is voidable, because concealing a prior marriage is misrepresentation of a material fact.
(c) The marriage is valid, because Anita's divorce legally restored her to the status of unmarried.
(d) The marriage is void, because choosing "Never Married" instead of "Divorced" constitutes deliberate fraud.

2. Suresh married Kavita after she represented in legal documents that she was "Unmarried." Later, Suresh discovered that Kavita had earlier been married but her husband had passed away five years before. Kavita argued that her declaration of "Unmarried" was not fraudulent because she was not currently married. Suresh filed a petition claiming that her statement was fraudulent misrepresentation. How should the Court resolve the dispute?
(a) The declaration is not fraudulent, because "Unmarried" can reasonably include widowed persons.
(b) The declaration is fraudulent, because "Unmarried" means absolute absence of any marital tie.
(c) The declaration is not fraudulent, because only concealment of divorce affects validity of consent.
(d) The declaration is fraudulent, because "Widowed" is a distinct legal category different from "Unmarried."

3. Sunita entered into marriage with Karan, who declared that he was "financially stable and employed in a multinational company." In reality, Karan was unemployed and had misrepresented his financial status. When Sunita discovered the truth, she claimed her consent to the marriage was not free and informed, and sought annulment under Section 12(1)(c) of the Hindu Marriage Act, 1955.
How should the Court decide?
(a) The marriage is void from inception, because misrepresentation about employment renders the marriage illegal.
(b) The marriage remains legally binding, because only suppression of prior marriages can constitute material misrepresentation.
(c) The marriage is valid in law, because consent to marriage cannot be annulled on financial grounds alone.
(d) The marriage is voidable at Sunita's option, because fraudulent suppression of financial status vitiates free consent.

4. Asha married Rohan after he represented that he was a practicing Hindu, fully compliant with Hindu rites, and had never converted to another faith. Later, Asha discovered that Rohan had converted to Christianity five years earlier and had not reconverted at the time of marriage. She filed a petition

under Section 12(1)(c) of the Hindu Marriage Act, 1955, claiming that her consent was obtained by fraudulent suppression of a material fact.
How should the Court decide?
(a) The marriage is void ab initio, because concealment of religious identity amounts to bigamy under Section 11.
(b) The marriage is voidable at Asha's instance, because fraudulent suppression of religious identity vitiates free consent.
(c) The marriage is valid in law, because conversion does not affect consent unless there is simultaneous bigamy.
(d) The marriage remains binding, because only concealment of prior marriages constitutes material misrepresentation in law.

5. Consider the following statements about fraud and misrepresentation in matrimonial law under the Hindu Marriage Act, 1955, as clarified by recent judgments:
1. Misrepresentation of financial status or employment on matrimonial portals is treated as a material fraud if it influences marital decision-making.
2. A marriage obtained by fraudulent suppression of facts such as income or marital history is void from the very beginning and requires no decree of annulment.
3. Consent in marriage must be free and informed, and suppression of material facts directly vitiates such consent under Section 12(1)(c).
4. Declarations made on matrimonial portals, including categories like "Never Married" or salary disclosures, can be treated as valid evidence of misrepresentation by courts.

Which of the above statements is/are correct?
(a) 1 and 2 only (b) 2 and 3 only (c) 1, 3, and 4 only (d) 1, 2, 3, and 4

HIGH COURT | Landmark Judgements

15 Registration Certificate under Marriage Act

HINDU MARRIAGE ACT

Background

- Sunil Dubey (petitioner-husband) and Minakshi (respondent-wife) filed a mutual consent divorce petition under Section 13(B) of the Hindu Marriage Act, 1955, on 23 October 2024.
- Their marriage was solemnized on 27 June 2010, but it was not registered under Section 8 of the Hindu Marriage Act.
- During the proceedings, the Family Court at Azamgarh directed the parties to produce the marriage registration certificate by 29 July 2025.
- The petitioner filed Application Paper No. 13-Ka, seeking exemption from producing the registration certificate on the ground that the marriage was not registered and that there is no mandatory requirement for marriage registration under the Act. The respondent supported this application.
- The Family Court rejected the application on 31 July 2025, relying on Rule 3(a) of the Hindu Marriage and Divorce Rules, 1956, which requires a certified extract from the marriage register where the marriage has been registered.

Issue Before the Court

- Whether the non-registration of a Hindu marriage under Section 8 of the Hindu Marriage Act invalidates the marriage or affects validity under the Act.
- Whether in a mutual consent divorce petition under Section 13(B), the Court can insist upon filing of a marriage registration certificate when the parties admit the existence of the marriage.

Case Details

Case Title: Sunil Dubey vs. Minakshi
Citation: 2025 AHC 147955
Judgement Date: 26 August 2025

Bench

Justice Manish Kumar Nigam

- Whether Rule 3(a) of Hindu Marriage and Divorce Rules, 1956, which requires certificate where the marriage is registered, can be applied to a case where the marriage is not registered.
- Whether procedural requirements (like filing a registration certificate) should be enforced even when they create technical hurdles rather than furthering justice.

Judgment / Order of the High Court

- The Allahabad High Court set aside the Family Court order of 31 July 2025, which had refused to exempt the parties from filing the registration certificate.
- The Court held that non-registration does not invalidate a Hindu marriage under Section 8(5) of the Act, and since the marriage was admitted by both parties, requirement of registration certificate under Rule 3(a) was not applicable in this case.
- Since there was no factual dispute about the solemnisation of the marriage, and both parties supported the petition, insisting on registration certificate was seen as an unnecessary technical requirement obstructing justice.
- The Court directed the Family Court to proceed with the mutual divorce proceedings expeditiously, granting the parties fair hearing and avoiding delay.

Key Takeaways for CLAT Aspirants

1. Registration of Hindu Marriage under Section 8 of the Hindu Marriage Act, 1955

- Section 8 of the Hindu Marriage Act empowers State Governments to frame rules for the registration of Hindu marriages, but under Section 8(5) it expressly provides that non-registration does not affect the validity of the marriage.
- The Court reaffirmed that solemnisation under Section 7 (i.e., by customary rites and ceremonies like saptapadi) is sufficient to create a valid marriage in Hindu law. Registration only serves as evidence of marriage but is not constitutive of its validity. This distinction is crucial for CLAT because it reflects how substantive validity of marriage is distinguished from procedural requirements.

2. Procedural Rules versus Substantive Rights

- The Family Court had relied on Rule 3(a) of the Hindu Marriage and Divorce Rules, 1956, which requires a certified extract of the marriage register when a marriage is registered.
- The High Court clarified that this rule applies only where the marriage has in fact been registered, and it cannot be stretched to cases where the marriage was not registered. This illustrates the broader doctrine that procedural law is meant to advance justice, not to obstruct it, and that procedural requirements cannot override substantive rights created under the parent statute.

3. Mutual Consent Divorce under Section 13(B) HMA

- Section 13(B) of the Hindu Marriage Act allows a decree of divorce when both parties mutually agree that the marriage has broken down irretrievably. The Court held that when both parties admit the existence of the marriage and jointly seek annulment, the absence of a registration certificate cannot defeat their petition.

- This reinforces that in mutual consent divorces, the consent and admission of the parties is sufficient proof of marriage unless specifically challenged, and technical lapses should not be used to delay or deny relief.

4. Evidentiary Role of Marriage Registration

- While registration is not mandatory for validity, it serves an important evidentiary purpose. A certificate of registration simplifies proof in cases of inheritance, maintenance, bigamy, or criminal complaints under Section 494 of the Bhartiya Nyaya Sanhita, 2023 (replacing IPC Section 494).
- The Court underlined that failure to register does not invalidate a marriage, but it may make proving the marriage in future disputes more difficult. This teaches aspirants to distinguish between laws that are directory (advisory, non-mandatory) and mandatory (essential for validity).

5. Harmonisation with State Marriage Registration Rules

- Several States, including Uttar Pradesh through the U.P. Marriage Registration Rules, 2017, require registration of marriages for administrative purposes. However, Rule 6(2) of these Rules specifically states that marriages solemnised before the commencement of the Rules, or marriages not registered, will not be invalidated.
- The Allahabad High Court harmonised these rules with Section 8(5) HMA, ensuring that State-level registration mandates cannot override the central statutory guarantee that non-registration does not affect validity. This highlights the principle of harmonious construction of central and state laws.

6. Doctrine of Substantial Compliance in Matrimonial Law

- The judgment reflects the principle of substantial compliance, meaning that when the essential requirements of a statute (such as solemnisation of marriage under Section 7) are satisfied, non-compliance with secondary requirements (like registration under Section 8) will not vitiate the legal effect.
- Courts therefore prioritise substance over technical form, especially in matrimonial matters where personal liberty and family life are at stake.

7. Distinction Between Void and Voidable Marriages

- The case also highlights the classification under the Hindu Marriage Act between void marriages (Section 11), which are null from inception, and voidable marriages (Section 12), which remain valid until annulled by a decree.
- The failure to register a marriage falls into neither category—it does not render the marriage void or voidable, since registration is not an essential condition. Instead, it is a procedural matter that impacts only evidentiary value, not substantive validity.

Practice Questions

1. Ravi and Sneha solemnised their marriage in Delhi according to Hindu rites and ceremonies, including the ritual of saptapadi. However, they did not register their marriage under the Hindu Marriage Act, 1955. Later, during a property dispute, Ravi's relatives argued that the marriage was invalid because it was not registered under Section 8, and therefore Sneha could not claim spousal rights. Is Sneha's marriage legally valid under Hindu law despite the absence of registration?
(a) Yes, because solemnisation by customary rites under Section 7 is sufficient for a valid Hindu marriage.
(b) No, because Section 8 requires registration and without it a Hindu marriage cannot be valid.
(c) Yes, because registration only serves as evidence, but validity depends on rites and ceremonies performed.
(d) No, because Rule 3(a) of the Hindu Marriage and Divorce Rules requires a certified marriage extract for validity.

2. Meera filed a petition for restitution of conjugal rights under the Hindu Marriage Act, claiming she was validly married to Arjun through customary rites. The Family Court rejected her petition on the ground that she did not produce a certified extract from the marriage register as required under Rule 3(a) of the Hindu Marriage and Divorce Rules, 1956. Meera appealed, arguing that her marriage was never registered, so such a document could not exist.
Question: How should the High Court decide the matter?
(a) The petition must fail, because absence of registration proves that the marriage never existed in the eyes of law.
(b) The petition must succeed, because procedural rules cannot override substantive validity conferred by Section 7.
(c) The petition must fail, because non-production of a marriage certificate violates procedural requirements under the Rules.
(d) The petition must succeed, because Rule 3(a) applies only to registered marriages and not to marriages solemnised but unregistered.

3. Anita and Raj solemnised their marriage in a temple through customary Hindu rites, including the ritual of saptapadi. However, they failed to register the marriage under Section 8 of the Hindu Marriage Act, 1955. Later, during a dispute, Raj claimed that the marriage was invalid because it was never registered, and therefore Anita could not seek maintenance under matrimonial law. Anita argued that the marriage was valid since all essential ceremonies were performed. Should the marriage be treated as valid under the Hindu Marriage Act?
(a) Yes, because substantial compliance with Section 7 through customary rites makes the marriage valid in law.
(b) No, because Section 8 requires registration, and without it the marriage loses legal recognition.
(c) Yes, because registration is only evidentiary, and non-compliance with it does not affect validity of the marriage.
(d) No, because Rule 3(a) of the Hindu Marriage and Divorce Rules requires a certified registration

extract for validity.

4. Suresh married Kavita in 2020 by concealing that he was already married to another woman, still alive and not divorced. Kavita later approached the court seeking annulment on grounds of fraud and concealment. The trial court dismissed her petition, holding that non-registration of marriage meant it was void. On appeal, the High Court had to decide whether the marriage was void, voidable, or valid. How should the High Court classify the marriage?
(a) The marriage is void because bigamy under Section 11 makes it invalid from inception.
(b) The marriage is voidable because fraud or concealment of marital status allows annulment under Section 12(1)(c).
(c) The marriage is valid because absence of registration means no legal marriage was created in the first place.
(d) The marriage is valid until annulled, because concealment of prior marriage does not automatically render it void.

5. Consider the following statements regarding the registration and validity of Hindu marriages in India:
1. Failure to register a Hindu marriage under Section 8 of the Hindu Marriage Act, 1955 renders the marriage void unless it is validated later by the Family Court.
2. The Allahabad High Court has harmonised the U.P. Marriage Registration Rules, 2017 with Section 8(5) HMA, clarifying that non-registration does not affect substantive validity of marriages.
3. The doctrine of substantial compliance means that performance of essential ceremonies like saptapadi is sufficient for a valid marriage, even if secondary requirements like registration are not met.
4. Non-registration affects only evidentiary value, meaning proving marriage in disputes like inheritance or maintenance may become more difficult, but validity of marriage remains intact.

Which of the above statements are correct?
(a) 1, 2 and 3 only (b) 2, 3 and 4 only (c) 1, 3 and 4 only (d) 1, 2 and 4 only

VOICES of VICTORIES

AIR 2, CLAT 2025

DAIWIK AGARWALA

I don't think I've ever given so many tests in my life as I did at NPLC in just one year. They made me take so many mocks that I became almost mechanical before the actual exam. The course structure here is such that hard work is non-negotiable. And last, but not least, Nishant Sir would connect with your parents and keep them informed about your every day scores, which added a bit of pressure and made all of us work harder. There were times when my scores didn't meet my expectations, and I felt low, but Sir was always there to motivate me.

AIR 2, AILET 2025

CHAITANYA GHOSH

This place is not your regular coaching institute that you see around. They don't just make you work hard—they make you smart. NPLC has been my best choice for both CLAT and AILET preparation. These exams cover general topics that seemed easy to me initially, but it wasn't until I started attending classes at NPLC that I realized the major challenges I would have faced if I solely depended on self-study. The competitive environment and Sir's dedicated guidance have been key in helping me clear every law entrance exam I took. I cleared every law entrance exam I wrote.

AIR 4, CLAT 2025

ADITYA GAUTAM ANKHAD

It's all about AILET and CLAT here. Students eat, drink, and sleep law entrance preparation! I used to go to another institute in XIth, but somehow, I was just an enrollment number there. Initially, when I joined, the competition and pressure from Sir felt overwhelming, but thanks to him, everything became much easier. Here, no one calls you by batch number or enrollment ID. All of us studying together were very good friends, but we competed intensely. Since they have a limited intake, we received a lot of personalized attention. I recall most of my batchmates at NPLC making it to the top NLUs. This place is even better than you can imagine!

"At NPLC, branding isn't on T-shirts — it's in the AIRs."

VOICES of VICTORIES

AIR 6, AILET 2025

DHRUV KAMATH

I had never experienced such intense competition in any classroom before I did my first class at NPLC. It was a bit horrifying initially however it got better with time. If you can't work hard, I do not feel this is the place for you.Nishant sir is simply amazing. I never liked him till I was at the center as there was too much pressure from his side unlike my school, However, I can tell you, that I could make it to NLU Delhi, and only because of him. I recall almost everyone with me in the class who got through eitherof the top 5 NLUs.

AIR 10, AILET 2025

VIDISHA SINGH

Nishant Sir's classes are the complete package. While there's a great deal of hard work expected, he creates an environment where you can ease your way into cracking the exam. Unlike the rigid and monotonous teaching methods of many other coaching institutions, his classesare a perfect blend of learning and fun. His approach is practical, reliable, and tailored to real exam scenarios, which is reflected in his incredible track record of sending most of his students to the top 5 NLUs.Even after completing his classes, you'll find yourself wanting to go backfor more (I still do).

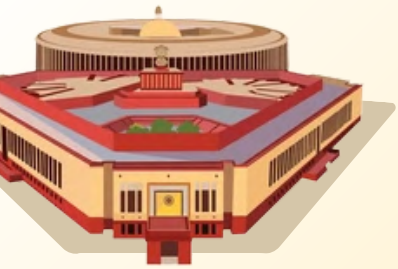
AIR 24 AILET 2025
& OXFORD

SAMYUKTHA KOVILAKATH

People often ask me how I managed to prepare for Indian law entrances and the Oxford Law entrance at the same time. My answer is simple: NPLC gave me the discipline, perspective, and clarity to handle both. Nishant Sir's classroom isn't just a place where laws are taught - it's where ambition is refined and sharpened. What stood out to me most was how the training here doesn't chase trends - it builds fundamentals. I never felt like I was preparing for just one exam - I was preparing to think like a lawyer.

This journey hasn't just taken me to AILET AIR 24—it's also taken me across continents. And for that, I credit the environment, the mentorship, and the unwavering standards at NPLC.

"Mentorship isn't a model here — it's a method."



BILLS & ACTS | Legislative Updates

16 Insolvency and Bankruptcy Code (Amendment) Bill, 2025

Introduction

- The Insolvency and Bankruptcy Code (Amendment) Bill, 2025 is the latest effort by the Government of India to strengthen the framework of the Insolvency and Bankruptcy Code, 2016 (IBC). Since its enactment, the IBC has been a landmark law in resolving corporate insolvencies and restructuring distressed assets.
- However, over the years, challenges such as prolonged delays, misuse of the process through frivolous applications, lack of clarity in liquidation procedures, and weak provisions for cross-border insolvency have slowed down its effectiveness.
- The 2025 Amendment seeks to address these gaps by introducing new creditor-driven processes, setting strict timelines for insolvency and liquidation, penalising vexatious litigation, and strengthening the institutional and procedural framework. It also takes steps to align India's insolvency regime with international best practices, particularly in cross-border matters.

Legislative Highlights of the IBC Amendment Bill, 2025

1. Creditor-Initiated Insolvency Resolution Process (CIIRP)

- The Bill introduces a new mechanism called the Creditor-Initiated Insolvency Resolution Process. Under this provision, specified financial creditors can directly initiate insolvency proceedings against a corporate debtor, provided at least 51% in value of such creditors consent.
- Before admission, the debtor must be given at least 30 days' notice to file objections or representations before the National Company Law Tribunal (NCLT). This change is aimed at preventing misuse of the insolvency process by small groups of creditors while protecting the debtor's right to be heard.

2. Liquidation Reforms and Restoration to CIRP

The Bill proposes major reforms to liquidation procedures:

- A moratorium during liquidation to prevent multiple litigations against the debtor's assets.
- The possibility of restoring a corporate debtor from liquidation back into the Corporate Insolvency Resolution Process (CIRP) in exceptional cases, provided this is completed within 120 days. Strict timelines for liquidation have been set, requiring the process to be completed within 180 days, with a maximum extension of 90 days in specified circumstances.
- These measures ensure that liquidation is not an endless process and provide a narrow but important window for reviving businesses even after liquidation has commenced.

3. Penalties for Frivolous and Vexatious Proceedings

- The Bill introduces new sections (such as Section 64A for corporates and Section 183A for individuals/partnerships) that impose penalties for initiating frivolous or vexatious insolvency and bankruptcy applications.
- This provision is designed to deter parties from filing cases only to delay proceedings, harass debtors, or misuse the insolvency process as a pressure tactic. Penalties can include fines and other sanctions imposed by the adjudicating authority.

4. Cross-Border Insolvency Provisions

- The Bill empowers the government to notify detailed rules for cross-border insolvency to safeguard the interests of both Indian and foreign creditors. These provisions are expected to be aligned with the UNCITRAL Model Law on Cross-Border Insolvency, allowing recognition of foreign proceedings, cooperation between Indian and foreign courts, and coordination of insolvency cases involving assets spread across jurisdictions. This step is crucial to enhance investor confidence in India and to facilitate smoother resolution of multinational corporations.

5. Strict Timelines for NCLT and Adjudicating Authority

The Bill strengthens accountability of adjudicating authorities by setting clear timelines:

- Applications for admission of insolvency must be decided within 14 days, and if not, reasons must be recorded in writing.
- Applications for withdrawal of cases after admission must be disposed of within 30 days. These provisions aim to curb delays at the tribunal stage, which have been one of the biggest hurdles in achieving timely resolutions under the IBC.

6. Delegated Legislation and Removal of Difficulties Clause

- The Amendment empowers the Central Government to frame rules on various procedural aspects such as conditions for initiating CIIRP, fees for objections, matters connected with liquidation and the Insolvency Fund, and safeguards in cross-border cases.
- It also inserts a new "removal of difficulties" clause which allows the government, for up to five years, to issue orders to address unforeseen implementation issues. However, such orders must be presented before Parliament, ensuring legislative oversight.

Related Concepts

Committee of Creditors (CoC) and the Creditor-in-Control Model

- The Committee of Creditors, created under Section 21 of the Insolvency and Bankruptcy Code, 2016, is the decision-making body in the Corporate Insolvency Resolution Process (CIRP). It consists of financial creditors and exercises critical powers such as approving resolution plans under Section 30(4) by a 66% majority.
- The IBC rests on the creditor-in-control model, meaning that once insolvency is admitted, control of the debtor shifts from the promoters to the creditors acting through the CoC. The 2025 Amendment Bill strengthens this framework by introducing the Creditor-Initiated Insolvency Resolution Process (CIIRP), which ensures that collective creditor action, not individual coercion, drives insolvency proceedings.

Moratorium Principle under Section 14

- The moratorium under Section 14 of the IBC suspends all suits, proceedings, and enforcement actions against the corporate debtor during the insolvency process. Its objective is to provide a "calm period" in which the resolution professional can maintain the debtor as a going concern without external disruptions.
- The Amendment Bill extends this principle into liquidation by mandating a statutory moratorium during liquidation, preventing creditors from bypassing the structured process. This ensures that claims are resolved collectively and asset value is maximised instead of being dissipated through piecemeal litigation.

Doctrine of Value Maximisation

- The doctrine of value maximisation underlies the entire IBC framework, requiring that insolvency and liquidation be conducted in a manner that preserves and enhances the economic value of assets.
- This is codified in Sections 20 and 25, which mandate the resolution professional to run the debtor as a going concern and protect its value. The Amendment Bill reinforces this doctrine by permitting revival from liquidation back to CIRP within 120 days in exceptional cases, thereby avoiding premature liquidation of potentially viable companies. The strict 180-day timeline for liquidation also ensures that asset value is not lost due to delay.

Doctrine of Abuse of Process of Law

- The doctrine of abuse of process prevents litigants from using legal procedures for improper purposes. Section 65 of the IBC already penalises fraudulent or malicious initiation of insolvency proceedings.
- The Amendment Bill strengthens this safeguard by adding specific provisions to penalise frivolous and vexatious applications. This ensures that insolvency remains a genuine resolution mechanism and not a harassment tool. For example, creditors filing applications merely to pressurise debtors for unrelated negotiations can now face penalties, preserving the integrity of the insolvency framework.

UNCITRAL Model Law on Cross-Border Insolvency

- The UNCITRAL Model Law on Cross-Border Insolvency, adopted by more than fifty jurisdictions worldwide, provides a structured framework for recognising and cooperating with foreign insolvency proceedings.
- Its key features include recognition of "foreign main proceedings," direct access for foreign representatives to domestic courts, and cooperation between courts across jurisdictions. While the IBC currently contains only limited provisions for bilateral agreements (Sections 234–235), the Amendment Bill moves towards aligning India's regime with the Model Law. This ensures better protection for both Indian creditors in foreign cases and foreign creditors in Indian insolvency cases.

Practice Questions

1. Omega Bank filed an insolvency petition against Zenith Industries on 1 January 2026. Under the law, the NCLT was required to admit or reject the petition within 14 days. However, by 20 February 2026, the tribunal had neither admitted nor rejected the application, and no written reasons were recorded for the delay. Zenith argues that the failure to act within the statutory timeline makes the petition invalid and terminates the insolvency process altogether. How should the legal position be understood?
(a) The petition becomes invalid because missing the 14-day timeline automatically ends the proceedings.
(b) The petition remains alive, but the NCLT must record written reasons for delay to satisfy the statutory duty.
(c) The petition becomes unconstitutional because delay beyond 14 days violates natural justice and Article 21 rights.
(d) The petition remains valid because NCLT has inherent powers to act at any time regardless of statutory timelines.

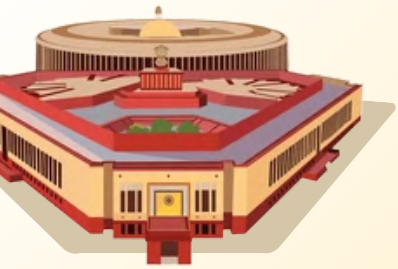
2. Two years after the amendment, the Central Government issued an order under the "removal of difficulties" clause. The order stated that creditors with claims below ₹10 crore could not file objections in liquidation proceedings, to reduce the burden on tribunals. Small creditors challenged the order, arguing it deprived them of statutory rights guaranteed under the IBC framework. Is the government's order legally sustainable?
(a) Yes, because the removal of difficulties clause permits the government to alter creditor rights for smooth implementation.
(b) Yes, because the order was presented before Parliament, ensuring oversight and accountability for its validity.
(c) No, because the removal of difficulties clause cannot override substantive provisions of the Insolvency Code.
(d) No, because removal of difficulties powers cannot be exercised beyond five years from the law's commencement.

3. Arjun Textiles Ltd. entered liquidation after its resolution plan failed to attract bidders. Four months into liquidation, a potential investor approached the creditors' committee with a viable resolution plan that promised higher recovery for creditors than liquidation. The resolution professional, citing the new amendment, suggested reviving the company from liquidation back to CIRP within the statutory 120-day window. However, one group of creditors opposed the revival, arguing that once liquidation had commenced, the process must continue until completion without reversal. How should the dispute be resolved under the IBC framework?
(a) The revival is permissible, because Sections 20 and 25 mandate running the debtor as a going concern to preserve asset value.
(b) The revival is not permissible, because liquidation once commenced must proceed until final distribution of assets is completed.

(c) The revival is permissible, because the Amendment Bill allows CIRP revival within 120 days if asset value can be maximised.
(d) The revival is not permissible, because creditors opposing revival have absolute veto power over the resolution professional.

4. Maya Finance Pvt. Ltd., a small financial creditor, repeatedly filed insolvency applications against Sunrise Motors Ltd. Each application was either withdrawn after settlement or dismissed as incomplete. Frustrated, Sunrise Motors claimed that Maya Finance was misusing the insolvency framework only to pressure the company into unrelated negotiations over a supply contract. With the new amendments in force, the adjudicating authority had to decide whether such conduct invited penalties under Section 65. How should the adjudicating authority proceed in this case?
(a) The applications are abusive, because repeated frivolous filings amount to harassment and attract penalties under Section 65.
(b) The applications are not abusive, because creditors have an absolute statutory right to file insolvency proceedings whenever dues remain unpaid.
(c) The applications are not abusive, because withdrawal or dismissal of cases does not automatically imply fraudulent or malicious intent.
(d) The applications are abusive, because the amendments penalise vexatious filings made to pressurise debtors for collateral negotiations.

5. After insolvency was admitted against Delta Electronics Pvt. Ltd., the promoters argued before the NCLT that they should retain management control until a resolution plan was approved, as they had the expertise to run the business. Meanwhile, the Committee of Creditors (CoC), consisting solely of financial creditors, resolved by a 70% vote to replace the board of directors and direct the resolution professional to run the company as a going concern. How should the dispute be resolved under the IBC framework?
(a) The promoters must retain control because their business expertise makes them best placed to manage the company during insolvency.
(b) The resolution professional must take control because the IBC transfers management to creditors once insolvency is admitted.
(c) The CoC cannot replace management because its powers are restricted to approving resolution plans under Section 30(4).
(d) The promoters and creditors must share control because both groups have legitimate interests in the company's future.



BILLS & ACTS | Legislative Updates

17 The Constitution (One Hundred and Thirtieth Amendment) Bill, 2025

Introduction

The Constitution (One Hundred and Thirtieth Amendment) Bill, 2025 was introduced in the Lok Sabha on 20 August 2025, by the Union Home Minister. Its purpose is to amend the Constitution to provide for removal (or automatic cessation) of the Prime Minister, the Chief Ministers of States, and other Ministers, including those in the government of the National Capital Territory of Delhi, if they are arrested and detained in custody for thirty consecutive days on any serious criminal offence (i.e. an offence punishable with imprisonment for a term of five years or more). The Bill also specifies that in such cases, if the relevant authority (e.g. the President, or the Governor on the advice of Chief Minister, depending on whether it is a Union or State ministry) does not act (i.e. advise for removal or cause resignation), then the office shall automatically cease to be held by that person from the 31st day of continuous custody. Reappointment after release is allowed under the proposed amendment.

Proposed Changes / Amendments

1. Amendment to Article 75 – Union Council of Ministers (Prime Minister and Ministers)

- The Bill proposes that if the Prime Minister or any Union Minister is arrested and detained in custody for thirty consecutive days in connection with a serious offence (defined as any offence punishable with imprisonment for five years or more), then such a person must be removed from office.
- Under the new provision, the President will act on the advice of the Prime Minister to remove such a Minister. However, if the Prime Minister himself is the one under detention, the President is required to act independently.
- In case the Prime Minister fails to advise the President within thirty days of detention of another Minister, the office of that Minister shall automatically cease on the thirty-first day.
- The amendment further provides that such a person may be re-appointed as Prime Minister or Minister after release from custody.

2. Amendment to Article 164 – State Council of Ministers (Chief Minister and State Ministers)

- Similar provisions are proposed at the State level. If the Chief Minister or any Minister in a State is arrested and detained for thirty consecutive days for a serious offence, the Governor must remove such a person from office.

- The Governor is expected to act on the advice of the Chief Minister, but if the Chief Minister is himself the person under detention, then the Governor acts independently.
- If no action is taken within thirty days, then the Minister concerned shall automatically cease to hold office on the thirty-first day of detention.
- Just like at the Union level, the Bill provides that a Minister or Chief Minister who ceased to hold office under this rule may be re-appointed after release from custody.

Amendment to Article 239AA – Special Provisions for the National Capital Territory of Delhi

- The Bill extends the same principle to the Government of the National Capital Territory of Delhi, which functions under Article 239AA.
- Accordingly, if a Minister in the Council of Ministers of Delhi is detained for thirty consecutive days for a serious offence, the Lieutenant Governor must remove such a Minister.
- If the Chief Minister of Delhi is the person detained, then the Lieutenant Governor will act without waiting for advice.
- As in the other cases, if the prescribed action is not taken within thirty days, then the person's office shall automatically stand vacated from the thirty-first day. A Minister or Chief Minister of Delhi may also be re-appointed after release from custody.

Definition of "Serious Offence"

- The Bill clearly defines the term "serious offence" for the purpose of these provisions. A serious offence is one that is punishable with imprisonment of five years or more under any law currently in force in India.
- This definition ensures uniformity and prevents misuse by limiting the automatic removal provision to only those cases involving grave charges.

Automatic Cessation Mechanism

- The most important change introduced by the Bill is the automatic cessation rule. If no removal action is taken by the thirty-first day of detention, the concerned office-holder (Prime Minister, Chief Minister, or Minister) shall automatically cease to hold office by operation of law. This prevents executive inaction or deliberate political delay from allowing a detained minister to continue in office indefinitely.
- The Bill makes a specific allowance that a Minister, Chief Minister, or Prime Minister who has been removed or has automatically ceased to hold office due to detention may be re-appointed once he or she is released from custody. This balances the principle of constitutional morality (that detained ministers should not continue in office) with the doctrine of presumption of innocence (since no conviction has occurred yet).

Related Concepts

1. Disqualification under the Representation of the People Act, 1951 (RPA)

- The Representation of the People Act, 1951 governs elections and qualifications for membership in Parliament and State legislatures. Section 8 of the Act disqualifies individuals from contesting or continuing as members of a legislature if they are convicted of certain offences, particularly those punishable with imprisonment of two years or more.

- The Supreme Court in Lily Thomas v. Union of India (2013) clarified that disqualification takes effect immediately upon conviction, and not after appeal. The 130th Amendment Bill departs from this approach by proposing removal based not on conviction but on arrest and detention for thirty days in cases of serious offences.
- This raises a new constitutional issue because it shifts the focus from post-conviction disqualification under the RPA to pre-conviction removal, potentially creating tension between statutory disqualification rules and constitutional office-holding rules.

2. Parliamentary Privileges under Articles 105 and 194 of the Constitution

- Articles 105 (Parliament) and 194 (State legislatures) confer privileges and immunities on members to ensure that they can discharge their duties independently. These include freedom of speech within the House and immunity from court proceedings in respect of votes or speeches made in the legislature. However, these privileges do not extend to criminal acts committed outside the House.
- The 130th Amendment Bill interacts with this principle because it mandates automatic removal of a minister who is detained for serious offences, regardless of legislative privileges. This highlights the distinction between legislative membership, which may be protected under privileges, and executive office-holding, which carries higher standards of constitutional morality.

3. Constitutional Morality and the Doctrine of Collective Responsibility

- Under Article 75(3) and Article 164(2), the Council of Ministers is collectively responsible to the legislature. This principle ensures that the executive remains accountable to the elected House.
- The 130th Amendment strengthens constitutional morality by stating that if a Prime Minister, Chief Minister, or Minister is in jail for thirty consecutive days, they cannot continue to lead or remain part of the executive.
- The logic is that prolonged detention undermines their ability to discharge constitutional duties and compromises the accountability of the government to the legislature. Thus, the amendment operationalises the doctrine of collective responsibility by preventing incapacitated ministers from holding onto power.

4. Presumption of Innocence in Criminal Law

- A foundational principle of criminal jurisprudence is the presumption of innocence, which means a person is considered innocent until proven guilty by a competent court. This principle, recognised under Article 21 of the Constitution and consistently upheld in judgments such as Kartar Singh v. State of Punjab (1994), becomes relevant because the Bill mandates removal even before conviction.
- While the amendment balances this by allowing reappointment after release, it raises questions about whether automatic cessation upon arrest is consistent with

presumption of innocence. This tension reflects the broader challenge of balancing the rights of individuals against the need to uphold public trust in constitutional offices.

5. Basic Structure Doctrine and Judicial Review of Amendments

- The Supreme Court in **Kesavananda Bharati v. State of Kerala (1973)** held that constitutional amendments cannot alter the "basic structure" of the Constitution. Features such as democracy, rule of law, and separation of powers are part of this structure. The 130th Amendment, by providing for automatic removal of Prime Ministers, Chief Ministers, and Ministers upon detention, could potentially face challenge under this doctrine.
- Opponents may argue that it undermines democratic choice by allowing executive offices to fall vacant without a conviction, while supporters may argue that it strengthens rule of law and constitutional morality. Judicial review will ultimately determine whether this amendment passes the basic structure test.

6. Disqualification vs. Removal – Conceptual Distinction

- Under existing law, disqualification (as under the RPA) affects legislative membership, while removal (as under Articles 75 and 164) affects ministerial office. The 130th Amendment Bill is unique because it does not alter legislative membership — a detained MP or MLA may still continue as a legislator — but it disqualifies them from holding ministerial office during detention.
- This distinction is crucial for understanding the scope of the Bill: it elevates the standards for being part of the executive branch, while leaving legislative membership governed by the RPA. This dual-track system shows how constitutional offices can be subjected to higher standards than legislative positions.

Practice Questions

1. Under the 130th Constitutional Amendment Bill, if a Prime Minister, Chief Minister, or Minister is detained for more than thirty days, and no formal removal action is taken, they automatically cease to hold office on the thirty-first day by operation of law. This rule was challenged on the ground that it violates separation of powers and undermines parliamentary democracy. Which interpretation is most consistent with constitutional principles?
(a) The mechanism is valid, because automatic cessation ensures that executive inaction cannot protect detained office-holders indefinitely.
(b) The mechanism is invalid, because automatic cessation denies adjudicatory safeguards and bypasses established procedures of constitutional removal.
(c) The mechanism is valid, because legislative supremacy allows Parliament to create stricter disqualification rules for high constitutional offices.
(d) The mechanism is invalid, because automatic cessation undermines stability of governance and can trigger political crises without judicial review.

2. Arvind, a Member of Parliament, was arrested for alleged involvement in organised crime and kept in judicial custody for 32 days. The Speaker declared that under the 130th Amendment Bill, Arvind stood automatically removed from the House. Arvind challenged the decision, arguing that under Section 8 of the RPA, 1951, only a conviction for an offence punishable with at least two years leads to disqualification, and therefore his mere detention could not justify removal. How should this dispute be resolved?
(a) Arvind cannot be removed, since Section 8 of the RPA requires conviction and not mere detention for disqualification.
(b) Arvind can be removed, since the 130th Amendment Bill makes detention beyond thirty days a new ground for removal.
(c) Arvind cannot be removed, since membership continues unless conviction is upheld by an appellate court after the trial.
(d) Arvind can be removed, since constitutional amendments can impose stricter rules than those found under ordinary statutes.

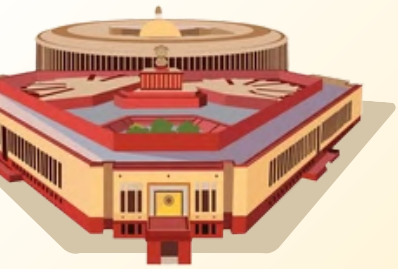
3. Ravi, a university student, was arrested under suspicion of participating in a violent protest that damaged public property. Although the trial had not yet begun, the university administration immediately expelled him, citing that his arrest alone was sufficient proof of guilt. Ravi challenged this decision, arguing that under Article 21 and the principle of presumption of innocence, he could not be punished without conviction by a competent court. How should this dispute be resolved?
(a) The university's decision is valid, since arrest by the police itself proves prima facie guilt of the accused student.
(b) The university's decision is invalid, since the presumption of innocence protects individuals until guilt is established by trial.
(c) The university's decision is valid, since administrative bodies may punish independently of judicial findings of guilt.

(d) The university's decision is invalid, since Article 21 requires that punishment follow only a just and fair legal procedure.

4. During a debate in Parliament, an MP made strong criticisms of government policy. Later, at a press conference outside Parliament, he allegedly threatened certain officials and was booked under criminal law. He claimed immunity under Article 105, arguing that as a legislator he could not face proceedings for his speech. Can the MP validly claim legislative privilege?
(a) Yes, because legislative privileges extend to all forms of speech made by members both inside and outside the House.
(b) Yes, because legislators performing public functions are immune from external scrutiny by courts in such matters.
(c) No, because privileges apply only to speeches or votes made within House proceedings and official committees.
(d) No, because privileges cannot cover criminal acts committed outside the legislature's formal deliberations.

5. Which of the following statements about legislative privileges under Articles 105 and 194 are correct?
1. Members enjoy freedom of speech inside the House, subject to constitutional restrictions and rules of procedure.
2. Members are immune from court proceedings in respect of votes or speeches made during House proceedings.
3. Members are immune from criminal liability for all acts committed outside the House in their personal capacity.
4. Privileges exist to safeguard independence of legislatures, not to grant personal immunity beyond legislative business.

(a) 1, 2, and 3 only (b) 1, 2, and 4 only (c) 2, 3, and 4 only (d) 1, 3, and 4 only



BILLS & ACTS | Legislative Updates

18 Promotion and Regulation of Online Gaming Act, 2025

Introduction

The Promotion and Regulation of Online Gaming Act, 2025 was introduced as a central law by the Parliament of India to provide a uniform framework for the regulation of the online gaming sector which includes e-sports, social gaming, educational games, and online money games. The Act aims to balance the rapid growth and potential of the gaming industry with concerns around addiction, financial losses, psychological harm, fraudulent or deceptive practices, and national security risks. It extends to all online gaming services offered within India or operated from outside India, covering cross-border/digital operations. The law introduces both prohibitions (particularly on "online money games") and promotion (for e-sports, social/educational games), sets up a regulatory authority, prescribes offences and penalties, and includes measures to protect vulnerable groups (e.g., youth) and ensure user safety, financial integrity, and transparency.

Key Provisions / Changes

- **Applicability and Territorial Scope:** The Act applies throughout India, and also to online gaming services that are operated from outside the territory of India but are accessible to Indian users. This extra-territorial rule ensures that offshore platforms cannot evade regulation simply by being based abroad.
- **Definitions and Classification of Game Categories:** The statute distinguishes among different types of games: "online money games" (games played for stakes or expectation of winnings), "social and educational games," and "e-sports." It ensures that not all online games are treated the same; games offering monetary stakes are treated very differently (being prohibited), while social/educational/e-sports games are promoted with support. "Serious harms" such as addiction, financial distress, psychological and social impact are among the criteria used to justify the distinction. The law also considers whether games operate with manipulative or addictive algorithmic features.
- **Prohibition of Online Money Games and Related Activities:** The Act prohibits offering, operating, facilitating, advertising, promoting, and conducting financial transactions (deposits/winnings) for online money games. This is a blanket ban irrespective of whether the game is said to be of skill, chance, or mixed. The Act empowers authorities (including governmental regulators and platforms) to block or disable access to platforms that violate the law under provisions drawn from, or using powers under, the Information Technology Act.

- Establishment of Regulatory Authority: A national level regulatory authority will be created (or an existing one designated) to oversee online gaming. Its functions include registering and categorising games, certifying which ones are lawful, setting norms and codes of practice, addressing user grievances, supervising compliance, and coordinating with financial systems and cybersecurity frameworks. The authority will also have power to issue rules, guidelines, and regulations necessary to implement the Act (such as rules around children's access, age verification, safe gaming features).
- **Promotion of E-sports, Social and Educational Games:** While prohibiting real-money gaming, the Act actively promotes e-sports by recognising it as a legitimate competitive sport. It mandates the government (Ministry of Youth Affairs & Sports, etc.) to develop guidelines, infrastructure, training academies, research centres, and incentives to bolster e-sports. Social and educational games are to be registered / recognised by the Authority, subject to safety, age-appropriateness, cultural value, and designed to foster digital literacy, skills, and healthy recreation.
- **Offences, Penalties, and Enforcement Measures:** The Bill (now Act) creates offences for offering, promoting, or operating prohibited real-money gaming, or for facilitating or advertising such games. Violations carry penalties including fines and imprisonment. For example, certain offences may be cognisable and non-bailable. The law also empowers authorities to block digital platforms, financial transactions, and payment gateways involved in real-money games. The enforcement regime includes mechanisms to prevent advertisements, promotions of banned games, and to compel financial service providers to comply.
- **Protection Measures for Users, Particularly Vulnerable Populations:** The Act includes provisions directed at protecting youth and other vulnerable users from harms associated with online money games — financial loss, addiction, psychological harm. Measures include prohibition of targeting them in promotions, age verification requirements, possibly self-exclusion or time-limits on usage. The Bill mandates privacy protections, transparent terms and conditions, fairness of game mechanics, disclosure of probability / odds, and other consumer-rights focused norms.

Related Concepts

- **Federal Legislative Competence – State List Entry vs Union Powers:** Under the Seventh Schedule of the Constitution, betting and gambling are entries typically under the State List (Entry 34: "betting and gambling"), meaning states have power to legislate in this domain. The Online Gaming Act, however, is a Union legislation which seeks to regulate (and ban) real-money gaming even in states that may not have prohibited certain games. This raises questions of federalism and division of powers, especially whether digital games with stakes cross state boundaries (thus giving Union a valid legislative basis).
- **Right to Trade / Article 19(1)(g)** and Reasonable Restrictions under Article 19(6): Operators of online gaming platforms may claim that providing games (including fantasy sports or skill-based games) is part of "trade, business or occupation" under Article 19(1)

- (g). The Act's prohibition of real-money games will have to be tested against whether it is a "reasonable restriction" in the interest of public order, health, morality, etc., under Article 19(6).
- **Definition of "Game of Skill" vs "Game of Chance" Precedents:** Indian case law (e.g. K.R. Lakshmanan v. State of Tamil Nadu and subsequent cases) has drawn distinctions between games of skill and games of chance, often holding that fantasy sports are games of skill. The new Act's definition that even skill games are banned if money is involved departs from that judicial tradition.
- **Consumer Protection Laws:** Consumer Protection Act, 2019 has provisions regarding unfair trade practices, deceptive advertisements, terms & condition transparency, etc. The Online Gaming Act overlaps here: banning misleading advertisements of real-money gaming; ensuring users have clear disclosures; enforcing refundability, etc., are matters also covered under consumer law.
- I**nformation Technology Act, 2000 – Intermediary Rules and Blocking Powers:** The Act relies on powers under the IT Act for blocking access to online platforms that offer or promote illegal Real Money Games, and for regulating intermediary liability, online content, and disclaimers. The interlink between IT Act powers (e.g. blocking, take-down) and the new Act is legally significant.
- **Prevention of Money Laundering / Financial Regulation Laws:** Real-money gaming platforms are often accused of washing money, using undisclosed agents etc. The new Act requires compliance with financial laws (e.g. Prevention of Money Laundering legislation, banking regulation, RBI oversight, etc.). It gives authorities power to block transactions, banks/payment gateways must refuse to process transactions related to prohibited games.
- **Constitutional Doctrines: Harm Principle and Precautionary Principle:** The law embodies the doctrine that State may restrict certain liberties (trade, advertisement etc.) when there is a risk of harm to individuals (financial, psychological) or to public order. The Precautionary Principle (often in environmental law) is being borrowed metaphorically here: banning before proven harm in many cases (i.e. "anticipatory regulation") because of societal risk.

Practice Questions

1. A Malta-based company, PlayWin Global Ltd., operates an online rummy platform. Its servers are located in Europe, and it claims compliance with Maltese gaming law. However, Indian users can easily access the platform and deposit money in Indian Rupees to participate in cash-based tournaments. When the Indian authorities order internet service providers to block PlayWin's website under the Online Gaming Act, the company challenges the order, arguing that Indian law has no jurisdiction over foreign-based companies that are licensed in their home country. Can PlayWin avoid the application of the Online Gaming Act by relying on its foreign incorporation and licensing?
(a) Yes, because foreign companies are regulated only under the law of the country where their servers are located.
(b) No, because the Act applies to all online gaming platforms that are accessible and operational for Indian users.
(c) Yes, because international licensing allows companies to operate without being restricted by Indian regulatory law.
(d) No, because the Act provides extra-territorial jurisdiction to regulate offshore platforms targeting Indian users.

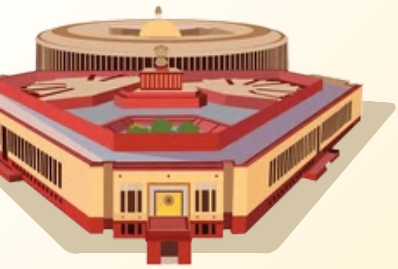
2. A Bengaluru-based start-up, LearnPlay Pvt. Ltd., launches a mobile quiz application. The app is advertised as an "educational tool" for students but requires each user to pay ₹100 to enter a quiz session. Winners of the quiz receive cash rewards deposited directly into their bank accounts. The company argues that its platform is not an "online money game" but an "educational game" under the Act, and therefore the prohibition should not apply. The State regulator investigates and finds that the monetary element is central to the functioning of the app. How should the regulator classify the LearnPlay quiz app under the Online Gaming Act?
(a) The app is lawful, because educational content places it in the social or educational category.
(b) The app is unlawful, because offering cash rewards triggers prohibition of online money games.
(c) The app is lawful, because user consent removes the harmful effect of deposit-based gaming.
(d) The app is unlawful, because monetary stakes make it an online money game irrespective of content.

3. A company, SkillPlay Pvt. Ltd., runs an online platform offering fantasy sports tournaments. They argue before the High Court that their business is protected under Article 19(1)(g) as a legitimate trade. The State defends the Online Gaming Prohibition Act, claiming that a ban on all money-based games is justified to protect public health and morality. Can SkillPlay succeed in its constitutional challenge?
(a) No, because the Act imposes a reasonable restriction under Article 19(6) in the public interest.
(b) Yes, because Article 19(1)(g) protects all business activities without exception or restriction.
(c) Yes, because fantasy sports have been recognised as games of skill by Indian courts earlier.
(d) No, because online money games are expressly prohibited regardless of their skill or chance nature.

4. EduQuiz Online Ltd. designs a trivia competition app requiring a small entry fee, with winners receiving cash prizes. They argue that their game is based on knowledge and memory, making it

a "game of skill." The government responds that the new statute prohibits all online money games irrespective of skill. How should the court address EduQuiz's argument?
(a) The app is lawful, because games of skill cannot be equated with gambling under Indian law.
(b) The app is unlawful, because the new law bans all money games regardless of skill or chance.
(c) The app is lawful, because earlier case law on skill games continues to bind even after the statute.
(d) The app is unlawful, because monetary stakes convert even skill-based contests into prohibited games.

5. NeoPlay Pvt. Ltd., an online platform, continued to advertise and host real-money card games even after the Online Gaming Regulation Act came into force. The Enforcement Authority issued a notice, warning that the company was violating the Act. Despite this, NeoPlay launched a new promotional campaign and allowed deposits through third-party payment gateways. The regulator then directed payment service providers to block all transactions linked to NeoPlay and initiated criminal proceedings against its directors. Which of the following best reflects the legal position?
(a) NeoPlay's conduct attracts liability, because the Act prohibits operating, advertising, or facilitating real-money games, with penalties including imprisonment.
(b) NeoPlay's conduct is lawful, because advertising a skill-based card game does not fall under prohibited activities under the Act.
(c) NeoPlay's conduct cannot be penalised, because enforcement powers do not extend to blocking financial service providers from handling transactions.
(d) NeoPlay's conduct is lawful, because offences under the Act require proof of actual financial loss before penalties can be imposed.



BILLS & ACTS | Legislative Updates

19 J&K LG Can Nominate MLAs Without Cabinet's Aid or Advice: MHA

Introduction

- The Jammu & Kashmir Reorganisation Act, 2019 (amended in 2023) contains Sections 15, 15A, 15B which empower the Lieutenant Governor (LG) of the Union Territory of Jammu & Kashmir to nominate five persons as members of its Legislative Assembly. These nominations are over and above the elected members. The nominated MLAs are to include: two women (if women are not adequately represented), two Kashmiri migrants, and one person displaced from Pakistan-occupied Jammu & Kashmir (PoJK). Political parties have challenged the constitutionality of these nomination powers, especially whether the LG must act on "aid and advice" of the Council of Ministers (i.e. the elected UT government) or can act independently. Ravinder Kumar Sharma filed a petition in the High Court of Jammu & Kashmir / Ladakh contesting these provisions.
- The Ministry of Home Affairs (MHA), in an affidavit to the High Court, stated that the LG's power to nominate under these sections is discretionary, statutory, and can be exercised without the aid and advice of the elected government. The LG, according to this view, acts as a distinct authority under the Reorganisation Act, not as an extension of the UT government.

Legal / Constitutional Issues

- **Statutory Authority of LG under Sections 15, 15A, 15B of Jammu & Kashmir Reorganisation Act, 2019:** These sections explicitly confer the power of nomination to the LG. Section 15 allows the LG to nominate two women if women are inadequately represented. Section 15A allows nomination of two Kashmiri migrants, and Section 15B provides for one PoJK refugee.
- **Aid & Advice Principle vs. Discretionary Powers of LG:** Normally, in a parliamentary / UT government setting, the executive (including LG where relevant) acts on the aid and advice of its Council of Ministers under Articles governing governance (like Article 154 for states, or analogous UT governance rules). The question here is whether the LG must take advice of the elected UT government for these nominations, or whether the LG can use his own discretion under these sections. The MHA says the nomination power is without aid & advice.
- **Impact on Assembly Strength and Democratic Mandate:** The nominations are over and above the 90 elected seats, potentially moving Assembly strength to 95. This raises concerns whether such nominations could tilt majorities or minority margins in legislative votes or in selecting government. Critics argue this could undermine the public mandate.
- **Basic Structure Doctrine and Representative Democracy:** Whether bypassing aid & advice, or

- enabling unelected persons to hold voting power without election, is compatible with representative democracy, which is a core component of the Constitution's basic structure.

Related Concepts

1. Aid and Advice Doctrine under the Constitution of India

- The Indian Constitution establishes the parliamentary form of government where the real executive power vests in the Council of Ministers headed by the Prime Minister at the Union level and the Chief Minister at the State/UT level. Under Article 74(1) (for the President) and Article 163(1) (for the Governor), it is mandated that the head of state must act on the aid and advice of the Council of Ministers, except in matters where the Constitution expressly grants discretion.
- The Supreme Court in **Shamsher Singh v. State of Punjab (1974)** clarified that the Governor is a constitutional head and cannot exercise powers independently unless specifically permitted by the Constitution. Thus, whenever a statute gives powers to a Governor or LG, courts must determine if the power is discretionary or bound by the aid and advice of ministers.

2. Role of the Lieutenant Governor in Union Territories

- Union Territories are governed by provisions of Article 239 and special provisions such as Article 239A (for Puducherry) and Article 239AA (for Delhi). In these cases, the LG represents the Union Government and performs functions either on the aid and advice of the elected Council of Ministers or, in certain matters, at his discretion.
- The Supreme Court in Government of NCT Delhi v. Union of India (2018, 2023) held that the LG of Delhi cannot act independently of the Council of Ministers except in matters reserved for him by the Constitution or statute. This doctrine applies analogically to Jammu & Kashmir, where the Reorganisation Act, 2019 assigns certain functions directly to the LG. The dispute is whether nominating MLAs falls within such discretionary functions.

3. Representation and Democratic Principles under Article 170 and Related Laws

- Article 170 of the Constitution requires that State Legislative Assemblies be composed of directly elected members. However, certain provisions permit the nomination of members to ensure representation of underrepresented groups. For example, Article 333 allows Governors to nominate one Anglo-Indian to a State Assembly if that community is not adequately represented.
- In such cases, the nomination is made independently by the Governor, without requiring the cabinet's advice. The provisions in the Jammu & Kashmir Reorganisation Act, 2019 (Sections 15, 15A, 15B) mirror this logic, by mandating the nomination of women, Kashmiri migrants, and PoJK refugees. Hence, the doctrine of representation without election is an exception carved out to protect inclusivity in legislative bodies.

4. Separation of Powers and Legislative Autonomy

- The doctrine of separation of powers implies that each organ of government must act within its sphere of authority. The power to nominate MLAs, when conferred by Parliament through the Reorganisation Act, is a legislative decision to balance representation.
- Once the law specifies that the LG shall nominate, the function becomes quasi-legislative rather than executive, thereby falling outside the scope of ministerial advice. This explains the MHA's stand that the LG's nomination powers are independent and not bound by cabinet consultation.

5. Parliamentary Privileges and Legislative Composition

- Articles 105 and 194 confer privileges on members of Parliament and State Legislatures. These privileges extend to nominated members once they take their oath. The controversy arises because nominated MLAs in J&K will have equal voting rights as elected MLAs, unlike in the Rajya Sabha where nominated members cannot vote in the Presidential election.
- Thus, the principle of legislative composition becomes important: while Parliament has the competence to alter the composition of a Union Territory Assembly, critics argue that unelected members wielding full voting rights can distort democratic representation.

6. Basic Structure Doctrine – Democracy as an Essential Feature

- The basic structure doctrine, evolved in Kesavananda Bharati v. State of Kerala (1973), holds that Parliament cannot amend the Constitution in a manner that destroys its essential features. Democracy and representative government are part of this basic structure.
- While Parliament may create exceptions like nominated members, the courts will examine if the discretionary power to nominate (without cabinet advice) undermines representative democracy by weakening the primacy of the elected legislature. This doctrine is thus central in testing the constitutionality of the nomination provisions in J&K.

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Practice Questions

1. After the reorganisation of Jammu & Kashmir in 2019, the LG nominated two women and two Kashmiri migrants to the Legislative Assembly under Sections 15 and 15A of the J&K Reorganisation Act. The opposition challenged these nominations, arguing that under the aid and advice principle, the LG could not act unilaterally and was bound to consult the elected government. The Union of India argued that the statute gave the LG explicit discretion, unlike Delhi's LG, and therefore no aid and advice was required. Which position is more consistent with constitutional interpretation?
(a) The LG's nominations are invalid, because the parliamentary system requires all executive powers to be exercised with ministerial advice.
(b) The LG's nominations are valid, because Sections 15 and 15A explicitly empower him to act without aid and advice of the Council of Ministers.
(c) The LG's nominations are invalid, because Article 239 applies uniformly to all Union Territories, leaving no scope for independent discretion.
(d) The LG's nominations are valid, because any statutory provision giving powers to an LG is always treated as discretionary by default.

2. The Governor of State X was given statutory authority under a new State Education Act to nominate experts to the State Education Board. Acting without consulting the Council of Ministers, the Governor nominated three individuals of his own choice. The Chief Minister challenged this, arguing that under Article 163(1), the Governor must act on the aid and advice of the Council of Ministers unless the Constitution explicitly grants discretion. How should this dispute be resolved?
(a) The Governor acted correctly, because statutory powers always confer discretion on the Governor to act independently.
(b) The Governor acted incorrectly, because Shamsher Singh (1974) clarified that Governors are bound by aid and advice unless the Constitution itself specifies discretion.
(c) The Governor acted correctly, because nomination powers under a statute are impliedly discretionary even if the Constitution is silent.
(d) The Governor acted incorrectly, because under Article 74 and Article 163, all functions of the Governor and President are ceremonial and never involve independent discretion.

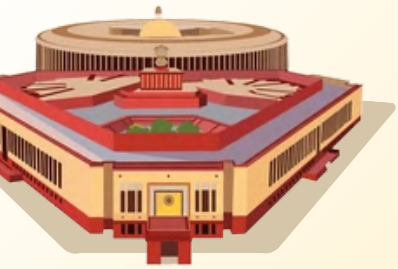
3. The Lieutenant Governor (LG) of Jammu & Kashmir, acting under Section 15 of the Reorganisation Act, nominated a well-known businessman to the Assembly, stating that "he represents the interests of economic migrants to Kashmir." Opposition leaders challenged this, arguing that Section 15 only authorises the nomination of women if they are inadequately represented. How should the Court decide?
(a) The nomination is valid, because Section 15 gives the LG wide discretion to select any person in the larger interest of public representation.
(b) The nomination is invalid, because Section 15 only permits nomination of women, and extending it to other categories is ultra vires the statute.
(c) The nomination is valid, because Article 239 makes the LG the administrator of UTs, and that gives him broad discretionary authority in governance.

(d) The nomination is invalid, because the LG cannot exercise statutory powers without ministerial advice, making the appointment constitutionally defective.

4. Parliament amends the Constitution to give itself the power to directly appoint and remove all State Governors, without involving the President or requiring the recommendation of the Union Cabinet. Critics argue that this undermines the federal structure and weakens representative democracy, since Governors are designed to function as constitutional heads of States and not as direct agents of Parliament. How should the Court address the challenge to this amendment?
(a) The Court will examine it, because federalism and democracy are part of the Constitution's basic structure.
(b) The Court will uphold it, because Parliament's power to amend the Constitution under Article 368 is plenary.
(c) The Court will decline review, because matters concerning appointment of Governors are political questions.
(d) The Court will approve it, because Parliament may redesign the executive structure of States through amendment.

5. Consider the following statements:
1. Articles 105 and 194 extend parliamentary privileges to nominated members once they take oath, giving them immunity in respect of legislative debates and votes.
2. The basic structure doctrine, as laid down in Kesavananda Bharati (1973), prevents Parliament from amending the Constitution in a manner that undermines democracy and representative government.
3. The doctrine of ultra vires requires that the LG's nomination powers under Sections 15, 15A and 15B of the J&K Reorganisation Act be exercised strictly within the categories mentioned in the statute.
4. Union Territories are centrally administered under Article 239, which means Parliament has broader powers over their Assemblies than it does over State legislatures under Article 170.

Which of the above statements is/are correct?
(a) 1, 2 and 3 only, because federal principles do not apply to Union Territories in any form.
(b) 2, 3 and 4 only, because parliamentary privileges do not extend to nominated members of legislatures.
(c) 1, 2 and 4 only, because the ultra vires doctrine applies only to judicial review of constitutional amendments.
(d) 1, 2, 3 and 4, because each of these reflects settled principles of constitutional and statutory law in India.



BILLS & ACTS | Legislative Updates

20 Uttarakhand Minority Educational Institutions Bill, 2025

Introduction

- The Uttarakhand government introduced the Minority Educational Institutions Bill, 2025 during its monsoon session (August 2025).
- Prior to this law, minority educational institution recognition in Uttarakhand was limited to Muslim madrasas, under the Uttarakhand Madrasa Education Board Act, 2016 and the Uttarakhand Non-Government Arabic and Persian Madrasa Recognition Rules, 2019.
- The new bill aims to expand minority status benefits and regulation to institutions run by all religious minority communities: Muslims, Sikhs, Jains, Christians, Buddhists, and Parsis.
- It also seeks to reform the system of recognition, oversight, curriculum standards, financial transparency, and accountability of minority educational institutions in the state.

Proposed Changes / Amendments

- The Bill expressly repeals the Uttarakhand Madrasa Education Board Act, 2016 and the Uttarakhand Non-Government Arabic and Persian Madrasa Recognition Rules, 2019, and it provides that these laws will cease to have effect from July 1, 2026.
- The Bill establishes a new statutory body called the Uttarakhand State Authority for Minority Education (USAME) which will serve as the nodal authority for recognition, regulation, and oversight of all minority educational institutions within the state.
- The Bill expands the category of institutions eligible for minority recognition beyond Muslim madrasas by including educational institutions established and administered by Sikhs, Jains, Christians, Buddhists, and Parsis, thereby bringing all religious minorities within the regulatory framework.
- The Bill mandates that a minority educational institution must be run by a legally registered society, trust, or non-profit body, and it must clearly demonstrate that its objective is to serve the interests of the minority community it represents.
- The Bill requires that all financial transactions of a minority educational institution must be conducted through bank accounts held in the name of the institution, thereby ensuring transparency and preventing financial irregularities.
- The Bill stipulates that teachers employed in minority educational institutions must meet the qualification norms prescribed by the Uttarakhand Board of School Education, thereby standardising the quality of teaching staff across institutions.

- The Bill makes it obligatory for minority educational institutions to follow the administrative, academic, and financial rules prescribed by the new Authority and the Uttarakhand Board of School Education, subjecting them to state oversight.
- The Bill explicitly prohibits any minority educational institution from compelling either students or employees to participate in religious activities, and it also forbids institutions from undertaking activities that may disturb communal or social harmony.
- The Bill requires minority educational institutions to affiliate with the Uttarakhand Board of School Education for prescribed subjects and to adopt the curriculum approved by the Authority, while retaining the freedom to teach religious or cultural subjects under prescribed standards.
- The Bill provides that recognition granted to a minority educational institution shall remain valid for three academic sessions, after which renewal will be required, and it empowers the Authority to cancel recognition in cases of financial mismanagement or violation of statutory conditions.
- The Bill mandates that within 30 days of the establishment of the new Authority, expert committees must be formed to prepare curricula for minority educational institutions, which must be finalised and vetted within six months by the Uttarakhand Board of School Education.
- The Bill includes transitional provisions whereby existing madrasas and minority institutions must apply for fresh recognition under the new Authority before the repeal of the 2016 Madrasa Act takes effect on July 1, 2026.

Related Concepts / Doctrines

- **Article 30 – Rights of Minorities to Establish and Administer Educational Institutions:** Under Article 30(1), all minorities (religious or linguistic) have the right to establish and administer educational institutions of their choice. This includes rights over management, curriculum, teacher appointments, and admissions. Any law regulating minority educational institutions must not infringe this constitutional right except under reasonable regulation. The Uttarakhand Bill engages this doctrine directly, since it imposes conditions, regulatory oversight, curriculum vetting etc., which might be challenged under Article 30 if they are seen as excessive or interfering unduly with minority administration.
- **Right to Educational Autonomy and Minority Culture:** Minority educational institutions have in past judgments been allowed curricular autonomy especially in religious subjects, methods of instruction, language etc. The autonomy is part of the minority right under Article 30 and case law. The new Bill's conditions (like conformity to state Board's standards, vetting, etc.) raise questions about balancing educational autonomy versus state interest in standardization and quality.
- **Doctrine of Reasonable Regulation:** While Article 30 protects minority institutions, courts have held that the State can impose reasonable regulations for maintaining educational standards, public interest, excellence, recognition, standard curriculum, etc. Laws such as T.M.A. Pai Foundation v. State of Karnataka (2002), P.A. Inamdar v. State of

- **Equality & Non-Discrimination under Article 14:** Minority institutions are allowed certain preferential rights (under Article 30). However, regulations must not discriminate among minorities or between minority institutions and non-minority institutions in an arbitrary way. Extending benefits to all religious minorities is more equal, but conditions applicable to them must pass the test of equality. For example, if only Muslim institutions had recognition earlier, now broadening to others removes one kind of discrimination; but uniform and fair conditions must apply.
- **State Regulatory Power vs Minority Rights:** The Constitution gives the State power to regulate education (Entry 25 of List I, Seventh Schedule: education), and SSA / Right to Education Act etc give standards for education. But minority rights under Article 30 limit the State from encroaching upon core areas of administration. The Bill's mandate of recognition, oversight, curriculum control etc. is an exercise of both regulatory power and possibly intrusion. Courts will have to balance regulation necessary for order, standard and transparency vs protecting minority rights.
- **Financial Transparency, Accountability, and Regulatory Oversight**: Related to broader principles of governance and accountability (public law doctrine). Laws and judgments requiring institutions to maintain transparent accounting, avoid misuse of funds, allow inspections, maintain professional standards. In minority institutions law, misuse of central/state funds etc is frequently litigated. This bill builds in such provisions (bank accounts, audits etc).
- **Transitional Justice and Effective Date Clauses:** Whenever old laws are repealed and new regulatory regimes introduced, transition provisions (grace periods, grandfathering current institutions, etc.) are important to avoid abrupt disruption. The Uttarakhand bill includes repeal effective July 1, 2026, allowing time for registration etc. The doctrine here is not legal doctrine per se but sound legislative practice, which courts often consider when assessing fairness.

Related Precedents:

- **T.M.A. Pai Foundation v. State of Karnataka (2002):** The Supreme Court held that minorities have the right under Article 30(1) to establish and administer educational institutions of their choice, but this right is not absolute. The Court clarified that the State can impose reasonable regulations to maintain academic standards, transparency, and excellence without interfering in the core right of administration.
- **P.A. Inamdar v. State of Maharashtra (2005)**: The Court reaffirmed T.M.A. Pai and ruled that minority institutions are free to admit students of their own community but cannot claim absolute immunity from regulatory laws. It also held that the State cannot impose its reservation policy on unaided minority institutions but may regulate admissions to prevent profiteering and ensure fairness.

- **St. Stephen's College v. University of Delhi (1992):** The Supreme Court ruled that minority institutions can give preferential treatment to students of their own community in admissions, but a certain proportion of seats must be kept open for non-minority students to maintain fairness and inclusivity. This case established the principle of balancing autonomy with the larger public interest.
- **Kerala Education Bill, 1957 (Re: Presidential Reference, 1958):** The Court examined whether provisions of the Kerala Education Bill violated Article 30. It held that minority institutions cannot claim complete immunity from State laws regulating education, and that the State may prescribe conditions for teacher qualifications, curriculum standards, and financial regularity to ensure quality and prevent maladministration.
- **Ahmedabad St. Xavier's College v. State of Gujarat (1974):** The Court ruled that minority institutions enjoy autonomy in management and administration, particularly in appointing teachers and staff. However, the State can intervene through regulatory provisions if it is necessary to ensure fairness, discipline, or to prevent maladministration, thereby striking a balance between autonomy and accountability.
- **Frank Anthony Public School Employees' Association v. Union of India (1986):** The Court held that even minority institutions cannot deny their employees protection under general laws. It upheld the application of service condition regulations to minority schools, showing that labour and employment laws apply equally, and minority status cannot be misused to escape accountability.

Practice Questions

1. The Uttarakhand Minority Educational Institutions Bill requires all such institutions to align their curriculum with the State Board standards in science and mathematics while retaining their choice in religious and language subjects. The institutions challenged this provision, claiming it violates Article 30(1) of the Constitution, which guarantees minorities the right to establish and administer educational institutions of their choice. How should this dispute be resolved?
(a) The provision is valid, because the State has a duty to maintain minimum educational standards across all institutions equally.
(b) The provision is invalid, because Article 30(1) grants minorities exclusive and absolute control over curriculum and teaching.
(c) The provision is valid, because Article 30(1) allows regulation to ensure excellence so long as core autonomy is not destroyed.
(d) The provision is invalid, because curriculum oversight eliminates minority choice and destroys their guaranteed autonomy.

2. A linguistic minority institution in Uttarakhand was directed under the new Bill to discontinue compulsory teaching of its mother tongue and instead make the State's official language mandatory as the sole medium of instruction. The school contended this violates Article 30, which safeguards the right of minorities to administer educational institutions of their choice, including language and cultural preservation. How should the Court decide?
(a) The directive is valid, because the State can enforce a single language policy for uniformity in all educational institutions.
(b) The directive is invalid, because minority institutions enjoy a constitutional right to preserve their own language in education.
(c) The directive is valid, because State education policy prevails over minority claims when uniformity is deemed necessary.
(d) The directive is invalid, because eliminating the mother tongue destroys cultural identity, exceeding permissible regulation.

3. St. Mary's Convent School, run by a linguistic minority in Kerala, was directed by the State government to appoint only teachers with a master's degree in education (M.Ed.) as per new regulations for all aided schools. The school challenged the order, claiming it violated Article 30 rights by interfering in their power to appoint teachers of their choice. How should the Court decide?
(a) The regulation is valid, because the State can prescribe minimum qualifications to maintain quality in all educational institutions.
(b) The regulation is invalid, because minority institutions have absolute control in appointments without any external interference.
(c) The regulation is valid, because ensuring trained teachers prevents maladministration and maintains fairness in education.
(d) The regulation is invalid, because teacher qualifications fall solely within the internal autonomy of minority institutions.

4. In Gujarat, a minority-run college dismissed a teacher for misconduct after an internal inquiry. The State government intervened, declaring the dismissal invalid unless it was approved by the University's Vice-Chancellor. The college argued that such a requirement violated Article 30 by curtailing its right to manage staff independently. How should the Court decide?
(a) The requirement is valid, because the State can regulate dismissals to ensure fairness and prevent arbitrary action by institutions.
(b) The requirement is invalid, because minority institutions retain full autonomy in appointments and dismissals under Article 30.
(c) The requirement is valid, because external oversight ensures discipline and safeguards the interests of teachers in minority institutions.
(d) The requirement is invalid, because compelling Vice-Chancellor approval directly intrudes into the internal management of minority colleges.

5. A linguistic minority medical college in Maharashtra admitted only students from its community but also included a 30% quota for general category students in exchange for large "donations." The State government imposed penalties and required the college to admit students based on a transparent merit list. The college challenged this under Article 30. How should the Court decide?
(a) The State action is valid, because minority institutions cannot claim immunity from regulation to prevent profiteering in admissions.
(b) The State action is invalid, because minority institutions have an absolute right to admit students exclusively from their community.
(c) The State action is valid, because admissions must be fair, transparent, and free from arbitrariness even in unaided minority institutions.
(d) The State action is invalid, because reservation and admission policies of the State can never apply to minority institutions.

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...a few among the many achievers.

Answers & Explanations

1. SC on Abetment of Suicide under Sec. 306 IPC

1. Correct Answer: (c)
Explanation: The Supreme Court has clarified three important principles while interpreting Section 306 IPC.
First, mere harassment, even if continuous or prolonged, is not enough to amount to abetment of suicide. In this case, Ramesh scolded Suresh regularly, but harassment by itself does not establish the offence unless it can be shown that the harassment was intended to make Suresh end his life.
Second, the law requires a proximate cause, meaning that there must be a direct and immediate act of the accused that pushed the victim to suicide. Here, there is no evidence that Ramesh's last reprimand was intended to provoke suicide or that he encouraged Suresh to take such a step. A general workplace reprimand cannot automatically be treated as abetment.
Third, the real intention of the accused must be examined. The test is whether the accused acted with the intention of driving the victim to suicide or at least knew that his conduct was likely to do so. In this scenario, Ramesh's scolding shows strictness as a superior but not an intention to make Suresh take his own life.
Option (A) is incorrect because continuous harassment without proof of intent is insufficient. Option (B) is also incorrect because a suicide note naming someone is not conclusive unless the other ingredients of abetment are proven. Option (D) is wrong because Section 306 IPC does not require physical violence or threats; instigation can be mental or verbal too.
Thus, the correct answer is (C): Harassment and a suicide note are not enough. There must be a direct, proximate, and intentional act that shows the accused intended or knew their actions could drive the victim to suicide.

2. Correct Answer: (b)
Explanation: To decide this case, we must apply the definition of abetment under Section 107 IPC. A person abets an act in three ways: instigation, conspiracy, or intentional aiding. Here, the allegation is that Ravi's statement instigated Mohan to commit suicide. However, the law is clear that not every quarrel, harsh word, or angry remark amounts to instigation. For a conviction, the prosecution must prove that the accused had the intention or knowledge that their act would likely push the victim to suicide. This principle flows from both Section 107 IPC and the Supreme Court's interpretation of Section 306 IPC. Option (A) is incorrect because merely using words connected to suicide does not automatically prove instigation; intention is the key. Option (C) is also incorrect for the same reason — a single reference is not enough without mens rea. Option (D) is wrong because abetment can occur through words (instigation), so it is not limited to conspiracy or aiding. Therefore, the correct answer is (B): No, because a single angry remark cannot amount to instigation unless there is clear intention to drive Mohan to suicide.

3. Correct Answer: (b)
Explanation: The principle under Section 107 IPC clarifies that "the second is conspiracy, where two or

more people agree together to make a person commit an act, and some act is done in pursuance of that agreement." This requires two ingredients: (i) an agreement between two or more persons to make another commit an act, and (ii) at least one overt act carried out in furtherance of that agreement. In this case, Ravi and Mohan agreed to humiliate Sanjay in order to push him toward suicide. Mohan acted by sending threatening letters, and Ravi acted by mocking Sanjay in public. These overt steps directly satisfy the requirement of an act in pursuance of their agreement. Therefore, the principle of conspiracy under Section 107 IPC applies, and both are liable under Section 306 IPC.

Option (a) is incorrect because the law does not require physical violence as a condition for conspiracy. The requirement is an agreement and an act in pursuance, which is satisfied here by humiliation and threatening letters.

Option (b) is correct because it directly reflects the language of the principle — Ravi and Mohan "jointly agreed to make Sanjay commit an act of suicide" and "acts were carried out in furtherance of that agreement." Both conditions of conspiracy are clearly met.

Option (c) is incorrect because conspiracy liability is not restricted to the person who carried out the overt act. Ravi was part of the agreement and actively mocked Sanjay, which also counts as an act in pursuance of the agreement.

Option (d) is incorrect because Sanjay's act of suicide cannot be considered independent when there is a clear agreement and steps taken by Ravi and Mohan that were intended to push him toward that act.

Thus, the correct answer is (b): Ravi and Mohan are guilty because they jointly agreed to make Sanjay commit an act of suicide, and acts were carried out in furtherance of that agreement.

4. Correct Answer: (b) No, because proximate cause requires a clear and direct act that triggered the suicide.

Explanation:

Option (a): Incorrect. The law demands more than continuous unpleasant conduct. General allegations of quarrels may show marital discord, but they do not automatically amount to abetment unless tied to a specific act that directly compelled the suicide. Courts insist on a proximate link, not distant or indirect causation.

- Option (b): Correct. In Amalendu Pal v. State of West Bengal (2010), the Supreme Court held that a conviction under Section 306 requires a direct and immediate nexus between the accused's conduct and the act of suicide. Here, the absence of a clearly identifiable instigating act means Ravi's conduct, while harsh, cannot be said to have caused the suicide in the legal sense.
- Option (c): Incorrect. Even in matrimonial contexts, the legal standard of instigation, aid, or intentional conduct does not change. The Court has rejected the idea that prolonged quarrels alone suffice; instead, intention or an overt act leading to suicide must be established.
- Option (d): Incorrect. While the point about intention is true, this option does not fully capture the doctrine of proximate cause. The decisive flaw in the prosecution's case is not just the absence of intent but also the lack of a specific, triggering act that connects Ravi's conduct with Anjali's death.

5. Correct Answer: (a) No, because Section 306 IPC punishes only those who abet suicide, not the person attempting it.

Explanation:

- Option (a): Incorrect. Continuous taunts may indeed be unkind, but harassment alone cannot prove the existence of a guilty mind. The law requires proof that the accused either intended the victim to commit suicide or had knowledge that such an extreme consequence was likely. Without that, Section 306 cannot be applied.
- Option (b): Correct. The principle of mens rea is at the core of criminal liability. In Madan Mohan Singh v. State of Gujarat (2010), the Court quashed abetment charges where the accused's behaviour, though harsh, did not reveal intent to provoke suicide. Unless the prosecution can show Arjun acted with intention or knowledge that Sameer would take his life, conviction under Section 306 is not sustainable.
- Option (c): Incorrect. A suicide note, while important evidence, is not conclusive by itself. Courts have repeatedly held that merely naming a person in such a note does not automatically establish instigation or mens rea; independent proof of intention or active encouragement is necessary.
- Option (d): Incorrect. This statement points in the right direction by highlighting that harassment without guilty intent is insufficient. However, it does not go far enough. The decisive requirement here is mens rea — intention or knowledge. Only (b) fully captures this standard, while (d) remains incomplete.

2. SC Modifies Stray Dog Order, Bans Street Feeding

1. Correct Answer: (b) No, because the law clearly requires sterilised and vaccinated dogs to be released back into the same locality from which they were captured.

Explanation: Rule 11(19) is categorical: sterilised and vaccinated dogs must be released back into their original locality. The purpose is to maintain territorial balance and prevent disruption of canine populations. The Corporation's permanent relocation violates this mandate.

Option (a): Incorrect. Administrative convenience cannot override a specific statutory requirement. The rule leaves no room for discretion once the dogs are sterilised and vaccinated.

Option (b): Correct. The rule is explicit. The dogs must be returned to the same locality; permanent relocation to shelters is not permissible except in cases of rabid or aggressive dogs.

Option (c): Incorrect. The Corporation does not have blanket discretion; its powers are circumscribed by the PCA Act and the ABC Rules. Discretion exists only for rabid or aggressive dogs.

Option (d): Incorrect. The sterilisation programme itself is lawful under the PCA Act. The illegality lies only in the relocation, not in the act of capturing and sterilising.

2. Correct Answer: (a) Yes, because intentionally maiming or rendering an animal useless constitutes an offence if its value is at least ₹500.

Explanation: Section 356 covers a wide range of acts: killing, poisoning, maiming, or rendering an animal useless. It does not require death; permanent injury or loss of use is sufficient. The condition is

that the animal's value must be at least ₹500.
Option (a): Correct. The goat was maimed and rendered partly useless by Ravi's deliberate act. If the goat's market value meets the ₹500 threshold, Ravi is guilty.
Option (b): Incorrect. Section 356 is not limited to killing or poisoning. Maiming or rendering useless is equally punishable.
Option (c): Incorrect. While maiming is punishable, this option ignores the statutory requirement of value being at least ₹500, which (a) correctly incorporates.
Option (d): Incorrect. If the goat's value is below ₹500, liability under Section 356 may not apply, but this defence is factual. The principle still criminalises Ravi's act where the value threshold is met, which is why (a) is the most accurate answer.

3. Correct Answer: (a) Yes, because failing to provide water and shade amounts to neglect of care, which directly results in unnecessary suffering of the animals.
Explanation: Section 3 creates an affirmative duty on persons in charge of animals. It requires them to take reasonable care to prevent unnecessary pain. This duty goes beyond prohibiting direct physical abuse — it covers situations of neglect where the animals are denied basic necessities like food, water, and shelter.
Option (a): Correct. Arvind's conduct clearly violates Section 3. Leaving animals tied in extreme heat without water or shade is a failure of the duty of care and directly results in unnecessary suffering. The fact that animals collapsed shows the actual harm caused by neglect.
Option (b): Incorrect. This narrows the meaning of cruelty too much. Section 3 does not only apply to active violence like beating or striking but also to omissions where reasonable care is not taken. Arvind's omission squarely falls within the provision.
Option (c): Incorrect, though attractive. This correctly points out the positive duty of care but frames the liability too broadly. Not every failure to act will amount to cruelty — what matters is whether the failure caused unnecessary suffering. Here, (a) explains the situation more precisely by directly connecting neglect of water/shade with suffering.
Option (d): Incorrect. Presence or absence of abandonment is not decisive. The law looks at the effect on animal well-being. Even if Arvind remained in charge, his failure to provide basic care still breached the duty.

4. Correct Answer: (c) The Court applied the Doctrine of Proportionality, balancing the interest of public safety with the duty of compassion toward animals.
Explanation: The Court struck a balance by not permitting uncontrolled street feeding but also not imposing a blanket ban. Instead, it created regulated zones. This careful balancing of competing interests is the hallmark of the Doctrine of Proportionality.
Option (a): Incorrect. The Precautionary Principle applies when there is scientific uncertainty and the State acts to prevent potential harm before it happens — for example, quarantining suspected rabid dogs. In this case, the harm (dog bites and traffic accidents) was already known, and the Court was not acting pre-emptively but balancing ongoing concerns. Thus, precaution does not fit.
Option (b): Incorrect. The Parens Patriae Doctrine makes the State a guardian for those who cannot protect themselves — children, mentally ill persons, or even animals in some cases. While the Court

does protect both animals and humans, this case was not about guardianship or protection; it was about balancing two competing interests. Therefore, proportionality is the better fit.
Option (c): Correct. The hallmark of proportionality is balance. Here, the Court did not allow unrestricted feeding (which could endanger safety), nor did it impose an absolute ban (which would violate the spirit of compassion). Instead, it struck a middle path by creating regulated zones. This compromise is a textbook example of proportionality, where rights and restrictions are adjusted to coexist.
Option (d): Incorrect. The Public Trust Doctrine deals with the State's obligation to manage and preserve shared natural resources (like forests, rivers, lakes). Feeding zones for dogs are not about ecological resources but about regulating human–animal interaction in urban spaces. Hence, it does not apply.

5. Correct Answer: (a) The authorities acted under the Precautionary Principle, preventing possible harm by confining suspected rabid dogs before confirmation.
Explanation:
Option (a): Correct. The essence of the Precautionary Principle is preventive action taken even when scientific certainty is lacking. Here, the authorities acted before lab confirmation of rabies because the risk of harm was serious and potentially irreversible. By quarantining the dogs, they acted to safeguard public health in line with this principle.
Option (b): Incorrect. Proportionality would have been relevant if the Court or authority was balancing two competing rights — say, the right of citizens to safety and the right of citizens or NGOs to feed or care for strays. But in this case, it was not a balancing exercise; it was a pre-emptive measure against possible danger.
Option (c): Incorrect. The Public Trust Doctrine applies to the State's responsibility to preserve and manage natural resources like forests, rivers, or wildlife habitats. Confinement of rabid dogs is a health and safety issue, not an ecological resource management issue. Hence, this doctrine does not fit.
Option (d): Incorrect. Parens Patriae is about guardianship — the State acting as parent for those who cannot defend themselves. While animals are vulnerable, the action here was not based on guardianship but on preventing public health risks. The reasoning fits better under precaution than guardianship.

3. Art. 32 & Reconsideration of Final Death Sentence

1. Correct Answer: (d) No, because Article 32 can be used only when there is a fresh violation of fundamental rights.
Explanations: Option (a): Incorrect. Article 32 is indeed a guaranteed right, famously called the "heart and soul of the Constitution" by Dr. Ambedkar. However, this does not mean it can be used indiscriminately. It is specifically meant for the enforcement of fundamental rights. Raghav's grievance about "wrong evaluation of evidence" has already been considered in appeals, reviews, and curatives. Since there is no new violation of rights, Article 32 cannot be used here.
Option (b): Incorrect. This seems persuasive because Article 32 is not a second round of appeals. But it is only half-correct. The Court has clarified that petitions under Article 32 are not automatically barred after finality — they remain available if a fresh violation of rights occurs. For example, inordinate delay in mercy decisions could justify reopening. Since this nuance is missing, the option is incomplete.

Option (c): Incorrect. While Article 32 does grant wide powers to the Supreme Court, these powers are not unlimited. They are confined to the enforcement of fundamental rights. The Court cannot re-examine settled criminal evidence unless there is a new violation of rights linked to execution. To treat Article 32 as an unlimited appellate jurisdiction is legally incorrect.
Option (d): Correct. This option captures the principle precisely. Article 32 remains available only for fresh violations, such as delay or irregularities in execution. Since Raghav did not allege any new violation, his petition cannot succeed. This interpretation protects the balance between the finality of judicial decisions and the safeguard of constitutional rights.

2. Correct Answer: (b) No, because Article 21 is satisfied once the judicial process and mercy petition are completed fairly.
Explanations:
Option (a): Incorrect. Article 21 guarantees life and liberty except by a fair, just, and reasonable procedure. But this does not mean endless re-examination. Once all levels of judicial scrutiny are complete, and the mercy jurisdiction has been fairly exercised, the requirements of Article 21 are satisfied. Continuous reopening would undermine the finality of judicial processes.
Option (b): Correct. This aligns directly with the principle. In Bachan Singh and Vasanta Dupare, the Court made clear that Article 21 is satisfied if the death penalty is imposed through a fair trial, appeals, review, curative petitions, and a properly decided mercy petition. Since Meena did not allege mala fides or arbitrariness in the mercy rejection, the process remains fair, and no reopening is justified.
Option (c): Incorrect. Article 32 empowers the Court to enforce rights, but not without limits. It cannot be used as a tool to endlessly review or second-guess properly concluded judicial and executive decisions. This option overstates the Court's powers.
Option (d): Incorrect. Article 21 continues to apply at every stage, including during execution. To say it ceases after mercy rejection is wrong. Even at the execution stage, Article 21 ensures fairness (e.g., humane treatment, no torture). This option is therefore legally unsound.

3. Correct Answer: (a) Yes, because prolonged delay and solitary confinement amount to violation of the right to life and dignity under Article 21.
Explanations: Option (a): Correct. This follows the rule in Shatrughan Chauhan. The Court held that inordinate delay in mercy petitions and the mental torture caused by solitary confinement violate Article 21. Even though Dev's conviction is final, the Constitution ensures dignity and fairness until the last moment of life. Commutation to life imprisonment is the proper relief.
Option (b): Incorrect. This argument reflects the doctrine of finality but ignores the principle that fundamental rights continue even after conviction. Executing Dev without considering the violation of dignity would contradict Article 21.
Option (c): Incorrect. While it is true that rights continue after judicial confirmation, this option is incomplete. It does not explain why commutation is required here — namely, the prolonged delay and solitary confinement. It is less precise than (a).
Option (d): Incorrect. Article 32 remains available to enforce fundamental rights even after the trial and appeals are over. The Supreme Court itself allowed convicts to challenge violations like delay under Article 32. This option is legally unsound.

4. Correct Answer: (d) No, because the doctrine of finality requires closure once all stages of judicial and mercy review are exhausted.
Explanations:
Option (a): Incorrect. Article 32 is a guaranteed right, but it is not unlimited. It cannot be used to endlessly reopen cases after every safeguard has been applied. Allowing this would paralyse the justice system.
Option (b): Incorrect. While correct in spirit, this option frames the issue too narrowly by only stressing "abuse of process." The doctrine of finality, as clarified in Yakub Memon, is the broader principle that governs closure after all remedies are complete.
Option (c): Incorrect. Article 21 requires fair procedure, not infinite re-examination. Once appeals, reviews, curatives, and mercy petitions are decided fairly, Article 21 is satisfied. Reopening at the last minute without fresh grounds is not required.
Option (d): Correct. This reflects the precise holding in Yakub Memon. The Supreme Court said finality is crucial in criminal law, especially in death penalty cases. Once every judicial and executive remedy is complete, last-minute repetitive petitions cannot be entertained. This prevents endless delay and upholds judicial discipline.

5. Correct Answer: (D) 1, 2, 3, 4 and 5
Explanations
Statement 1: Correct. This comes from Bachan Singh v. State of Punjab (1980), where the Court upheld the constitutionality of the death penalty but restricted its use to the "rarest of rare" cases, ensuring it is not applied as a routine punishment.
Statement 2: Correct. This is based on Machhi Singh v. State of Punjab (1983), which categorised instances such as brutal murders, murders of women or children, or killings of large groups of people as examples where death penalty may fall under "rarest of rare."
Statement 3: Correct. This principle is drawn from Shatrughan Chauhan v. Union of India (2014), where the Court commuted death sentences on the grounds of inordinate delay in mercy petitions and prolonged solitary confinement, recognising these as violations of Article 21 enforceable under Article 32.
Statement 4: Correct. This comes from Yakub Memon v. State of Maharashtra (2015), where the Court dismissed last-minute petitions filed after all remedies had been exhausted, holding that such repetitive petitions amount to abuse of process and violate the doctrine of finality.
Statement 5: Correct. This principle is from Rupa Ashok Hurra v. Ashok Hurra (2002), which introduced the curative petition as a safeguard after dismissal of a review petition, but only on narrow grounds such as violation of natural justice or bias of a judge.

4. Attending Non-Banned Organisations Not Offence under UAPA

Correct Answer: (b) 2, 3 and 4
Explanations: Statement 1: Incorrect. Preventive detention is not punitive. It is precautionary, applied to prevent future threats, unlike punitive detention which follows trial and conviction. The statement confuses the two.
Statement 2: Correct. Article 22(3)–(7) carve out exceptions to ordinary safeguards and allow preventive detention up to 3 months without Advisory Board approval, extendable further with

approval.
Statement 3: Correct. The National Security Act (NSA), 1980, expressly authorises detention up to 12 months to prevent threats to national security or public order.
Statement 4: Correct. The Supreme Court has repeatedly upheld preventive detention laws but has also required procedural safeguards like timely communication of grounds and access to Advisory Boards.
Thus, the right combination is 2, 3 and 4 → Option (B).

2. Correct Answer: (d) Yes, because prolonged incarceration without trial violates Article 21 and justifies bail even under UAPA.
Explanations: Option (a): Incorrect. Bail under UAPA is difficult, but not impossible. Courts can grant bail when constitutional rights under Article 21 are at stake, especially due to long pre-trial custody.
Option (b): Incorrect. Prima facie involvement requires more than mere attendance at meetings of a non-banned group. The Supreme Court in Saleem Khan held such facts cannot alone constitute a UAPA offence.
Option (c): Incorrect. In Watali (2019), the Court said that at bail stage, judges cannot weigh evidence as if conducting a trial. Credibility of evidence is tested at trial, not during bail.
Option (d): Correct. This reflects K.A. Najeeb (2021) and Saleem Khan (2025). Since Justice Forum is not a banned organisation and Farhan has already suffered five years of custody without trial, bail is justified under Article 21.

3. Correct Answer: (a) Yes, because Article 22(3)–(7) permit preventive detention, even without a criminal trial, if public order is threatened.
Explanations:
Option (a): Correct. Preventive detention is explicitly recognised in the Constitution under Article 22. It allows detention without trial to prevent future threats to national security or public order, subject to Advisory Board and time limits.
Option (b): Incorrect. Preventive detention is controversial because it conflicts with presumption of innocence, but the Supreme Court has upheld its constitutionality. The existence of Article 22(3)–(7) makes it valid law in India.
Option (c): Incorrect. Preventive detention is not punitive. It is precautionary, imposed not to punish past acts but to prevent potential future harm. Punitive detention happens only after conviction in trial.
Option (d): Incorrect. Preventive detention laws apply to all persons in India, including citizens. NSA, COFEPOSA, and state-specific laws regularly apply to Indian citizens as well.

4. Correct Answer: (a) Arjun must be released on bail as of right, while Ramesh may be refused bail due to the gravity of the charge.
Explanations:
Option (a): Correct. Section 480 makes bail in bailable offences an absolute right. The magistrate cannot deny bail for reasons like possible tampering. Arjun must be released once he furnishes surety. For Ramesh, murder is punishable with death or life imprisonment. Under Section 481, bail in such cases is rarely granted. Family hardship is not enough to override the seriousness of the accusation. This reasoning aligns with the statutory framework.

Option (b): Incorrect. While presumption of innocence applies in all cases, the law differentiates between bailable and non-bailable offences. Courts have discretion in non-bailable cases, especially those involving grave charges. Granting bail to both ignores the statutory bar in Section 481.
Option (c): Incorrect. In bailable offences, bail cannot be refused on grounds like risk of tampering, because the law treats bail as a matter of right. For Ramesh, family hardship is not a legal ground to override the punishment severity. This option gets both wrong.
Option (d): Incorrect. Denying bail to both contradicts the guiding principle of BNSS that "bail is the rule, jail is the exception." Arjun's case clearly entitles him to bail. Refusal in both cases would be contrary to law.
Correct Answer: (d) Yes, because anticipatory bail may be granted when accusations appear politically motivated and no prior record exists.
Explanations: Option (a): Incorrect. Anticipatory bail by definition is sought before arrest. It protects against arrest itself. Saying it can only be granted after arrest confuses anticipatory bail with regular post-arrest bail under Section 481.
Option (b): Incorrect. This misstates the law. Anticipatory bail is specifically provided for non-bailable offences. Denying it in all non-bailable cases would make Section 482 meaningless and contradict its protective purpose.
Option (c): Incorrect. Anticipatory bail is discretionary, not automatic. Courts assess the seriousness of the charge and conduct of the accused before granting it. Saying it is available regardless of seriousness is overbroad and inaccurate.
Option (d): Correct. Section 482 was designed to protect liberty in cases where accusations may be false, exaggerated, or politically motivated. Meera's clean record and the absence of violence strengthen her claim. Courts have recognised anticipatory bail as a shield against arbitrary arrest in such situations.

5. No Retrospective Harsher Penalties Allowed: SC

1. Correct Answer: (a) Neeraj may benefit from the lighter 2022 provision, but he cannot be subjected to the harsher 2022 penalty.
Explanations: Option (a): Correct. This combines two strands of law. In Rattan Lal (1965), the Court allowed retrospective application of a beneficial statute because reducing punishment furthers justice and rehabilitation. At the same time, in Kedar Nath (1953) and Krishna Murari (2002), the Court made it clear that Article 20(1) creates an absolute prohibition against imposing a heavier penalty retrospectively. Therefore, Neeraj is entitled to claim the lighter 3-year minimum sentence but cannot be subjected to the new harsher maximum of life imprisonment.
Option (b): Incorrect. The State's claim confuses pending proceedings with prospective operation of laws. Even if Neeraj's case is still under appeal, Article 20(1) bars applying harsher penalties enacted after the offence. Accepting this would allow the legislature to increase penalties mid-process, which is unconstitutional.
Option (c): Incorrect. Beneficial provisions are not limited to future offenders. Courts have repeatedly allowed their application to ongoing trials and appeals, since such application reduces, not increases, penal liability. Restricting benefits to future cases only would defeat the purpose of reform-oriented statutes.
Option (d): Incorrect. While ordinarily punishment is determined by the law in force at the time of the

offence, courts make an exception for beneficial statutes. Saying Neeraj must be punished strictly under the 2018 law overlooks the reformative principle recognised in Rattan Lal.

2. Correct Answer: (a) No, because mandatory death penalties without judicial discretion violate fairness under Article 21.
Explanations: Option (a): Incorrect. Courts cannot retrospectively increase punishment in any circumstance. In Maru Ram (1981), it was clarified that while remission and commutation are executive powers, judicial imposition of penalties must always respect the punishment prescribed at the time of the offence and constitutional fairness. The claim that "prison violence" allows an exception is legally unsound.
Option (b): Incorrect. Although the offence occurred after the 2023 law, prospective application does not cure unconstitutionality. A statute can still be invalid if it violates fundamental rights. Here, the issue is not retroactivity but the absence of judicial discretion.
Option (c): Correct. In Mithu v. State of Punjab (1983), Section 303 IPC (mandatory death penalty for life convicts who commit murder) was struck down because it eliminated judicial discretion. The Court held that such provisions are arbitrary, violate fairness, and fail to respect Article 21's requirement of "fair, just and reasonable" procedure. Ravi's death sentence suffers from the same defect, making it unconstitutional even though the law applied prospectively.
Option (d): Incorrect. Fundamental rights are not extinguished by incarceration. Even prisoners retain the protection of Articles 20 and 21. To argue otherwise misrepresents constitutional jurisprudence. Prisoners may lose certain liberties, but not the right to life and dignity.

3. Correct Answer: (b) Dev cannot face the harsher 20-year minimum retrospectively, but he may claim the benefit of the remission clause.
Explanations: Option (a): Incorrect. Article 20(1) absolutely bars retrospective enhancement of punishment. Even though Dev's trial concluded after 2019, the offence was committed in 2018. Applying the new 20-year minimum or "life till natural death" would violate the doctrine of legality (nulla poena sine lege). The remission provision, however, is beneficial and can apply retrospectively. Hence, this option wrongly allows retrospective harsher punishment.
Option (b): Correct. This option correctly distinguishes between harsher provisions and beneficial provisions. As held in Rattan Lal v. State of Punjab (1965), beneficial changes may apply retrospectively, but in Kedar Nath (1953) and Krishna Murari (2002), harsher punishment can never apply retrospectively under Article 20(1). Thus, Dev cannot be given the 20-year minimum, but he can claim the reformative remission clause.
Option (c): Incorrect. This ignores the possibility of retrospective application of beneficial provisions. Courts allow such provisions to promote fairness and reformation. Denying Dev the remission benefit would contradict the reformative thrust of Article 21 and the reasoning in Rattan Lal.
Option (d): Incorrect. While it is true that current statutes usually govern ongoing cases, constitutional limits override. Article 20(1) ensures that harsher penalties cannot apply retrospectively, no matter when the judgment is delivered. Applying the entire 2019 framework to Dev's 2018 offence would be unconstitutional.

4. Correct Answer: (d) No, because redefining life imprisonment as till natural death is a substantive

enhancement, not a clarification.
Explanations:
Option (a): Incorrect. Sentencing is tied to the law in force at the time of the offence, not the date of conviction. If current laws always applied, legislatures could retrospectively impose harsher punishments, directly violating Article 20(1).
Option (b): Incorrect. While clarificatory amendments may apply retrospectively, this rule applies only when the change explains ambiguity without altering substantive rights. Here, the amendment fundamentally increases penal liability. Labeling it as "clarificatory" cannot override Article 20(1).
Option (c): Incorrect but close. This option rightly invokes Article 20(1)'s bar but misses the nuance. The amendment is not truly clarificatory but a substantive enhancement. The stronger and more precise answer is (a), which explains why the amendment cannot be retrospective.
Option (d): Correct. The 2019 amendment changed the legal meaning of "life imprisonment" from a term with remission possibility to one lasting till natural death. This substantially increases the severity of punishment. Courts have repeatedly held (e.g., Satauram Mandavi) that such changes are not clarificatory but substantive. Applying it retrospectively would violate Article 20(1)'s prohibition against harsher punishment for past acts.

5. Correct Answer: (b) 1, 2 and 4
Explanations:
Statement 1: Correct. In Rattan Lal v. State of Punjab (1965), the Court held that a beneficial change in law, such as lighter punishment or opportunities for reform, may be applied retrospectively to cases not yet concluded. This is allowed because it furthers justice and fairness.
Statement 2: Correct. In Kedar Nath v. State of West Bengal (1953) and reaffirmed later, the Court clarified that harsher punishments cannot operate retrospectively. Applying heavier punishment for an earlier act violates Article 20(1).
Statement 3: Incorrect. Courts cannot impose punishments beyond those prescribed at the time of the offence. In Maru Ram v. Union of India (1981), it was clarified that while remission or commutation is possible, increasing punishment retrospectively is not.
Statement 4: Correct. In State of Maharashtra v. Krishna Murari (2002), the Court reaffirmed that Article 20(1) creates an absolute bar on retrospective penal laws that impose heavier punishments.

6. SC Clarifies Bail Procedure, Rejects Undertaking Basis

1. Correct Answer: (a) No, because bail must be decided on statutory merits under BNSS and not on personal financial offers.
Explanations: Option (a): Correct. Section 481 BNSS requires courts to assess gravity of the offence, risk of absconding, tampering with evidence, and antecedents. Granting bail purely on a monetary offer ignores these statutory factors. The Supreme Court clarified that bail must be anchored in statutory merits, not extra-legal bargains.
Option (b): Incorrect. Court discretion is not absolute; it is structured by BNSS. Monetary undertakings are not recognised as valid grounds. This option wrongly treats discretion as unfettered.
Option (c): Incorrect but partially true. Article 14 is indeed violated when only the wealthy can secure bail. However, the primary illegality here is that the magistrate ignored statutory bail factors under BNSS. Hence, (a) is the more accurate choice.

Option (d): Incorrect. Article 21 protects liberty, but "procedure established by law" must be just, fair, and reasonable. A financial bargain is not a recognised legal procedure. Liberty can only be restored through BNSS grounds, not personal undertakings.

2. Correct Answer: (d) The bail order must be struck down because it violates Article 14 by discriminating between rich and poor accused.
Explanations:
Option (a): Incorrect. Opportunity is irrelevant. What matters is that bail conditions must not create economic inequality. The existence of an offer option itself is discriminatory.
Option (b): Incorrect. Courts cannot invent extra-legal conditions outside the BNSS. Financial promises are not statutory factors for bail and undermine fairness.
Option (c): Incorrect but relevant. Article 21 does require fair procedure, and monetary undertakings are not part of it. However, the more precise violation in this fact situation is wealth-based discrimination under Article 14, making (a) the best answer.
Option (d): Correct. Granting bail based on wealth introduces arbitrariness and creates an impermissible classification between rich and poor. The Supreme Court has linked this directly to Article 14's guarantee of equality. Bail must be uniform and legally grounded, not dependent on economic status.

3. Correct Answer: (a) The bail must be cancelled because granting bail on financial undertakings is unconstitutional from the very beginning.
Explanations:
Option (a): Correct. The Court in Gore clarified that bail granted on a financial undertaking is illegal at inception because it is outside BNSS and constitutional principles. Since the foundation was unconstitutional, cancellation is inevitable. This reasoning also aligns with Dolat Ram (1995), which stresses legality at the stage of grant.
Option (b): Incorrect. Normally, cancellation requires supervening circumstances like breach of conditions or absconding. But here, the bail itself was unlawful at inception, making cancellation automatic.
Option (c): Incorrect but relevant. While commodification of liberty is indeed a problem, the stronger doctrinal ground is illegality at inception under BNSS and constitutional law. Commodification explains the policy concern but not the cancellation standard.
Option (d): Incorrect. The voluntariness of the undertaking is irrelevant. What matters is that bail conditions must be rooted in law, not bargaining. An unconstitutional basis cannot be cured by consent.

4. Correct Answer: (b) The bail order must be struck down because it violates Article 14 and treats poor and wealthy accused unequally.
Explanations: Option (a): Incorrect. Courts cannot invent "creative" conditions outside the BNSS. Public interest donations are not recognised bail factors and distort due process.
Option (b): Correct. Bail orders must comply with Article 14's guarantee of equality and non-arbitrariness. Granting bail based on wealth introduces discrimination between rich and poor. In Hussainara Khatoon (1979) and Gudikanti Narasimhulu (1978), the Court stressed that liberty cannot be

conditioned by economic capacity.
Option (c): Incorrect but close. While commodification of liberty is indeed a strong constitutional concern, the sharper and primary ground here is Article 14 inequality. This option captures part of the problem but misses the decisive violation.
Option (d): Incorrect. Formal equality of opportunity is meaningless if the very basis (money) excludes the poor. The doctrine of substantive equality under Article 14 requires treating like cases alike, not privileging the wealthy.

5. Correct Answer: (c) Bail must be cancelled because it was based on an unlawful financial undertaking, making it invalid at inception.
Explanations:
Option (a): Incorrect. In Sanjay Chandra v. CBI (2012), the Court clarified that seriousness of allegations in economic offences is relevant but cannot by itself justify prolonged detention. Article 21 prevents using pre-trial custody as punishment. Seriousness alone is not a valid reason for cancelling bail.
Option (b): Incorrect but partially true. Hussainara Khatoon (1979) did hold that speedy trial is part of Article 21, and prolonged detention favours bail. But this does not validate bail that was granted on an unconstitutional basis (financial undertaking). Hence, this answer is incomplete.
Option (c): Correct. Following Dolat Ram (1995), cancellation usually requires supervening circumstances, but Gore added that if bail is illegal at inception (because it rests on unenforceable financial undertakings), cancellation is inevitable. Amit's bail falls in this category, so cancellation is correct.
Option (d): Incorrect. Liberty cannot be commodified or traded. The Gore ruling expressly rejects the idea that financial undertakings can create proportionality in bail. Bail must be based on statutory and constitutional merits, not bargaining power.

7. SIT to Probe Reliance Foundation's 'Vantara' Centre

1. Correct Answer: (a) No, because CZA recognition and compliance with WPA standards ensure legality of zoo operations.
Explanations: Option (a): Correct. Section 38H WPA makes it clear that no zoo can operate without recognition from the CZA. This recognition is not given casually — it requires the facility to comply with strict standards relating to animal housing, veterinary care, record-keeping, and inspections. In this case, Green Valley Zoo had valid recognition and was complying with the Recognition of Zoo Rules. Additionally, its CITES permits for imported species confirmed that cross-border obligations were also met. Charging entry fees does not undermine these statutory requirements, since the WPA regulates treatment and conservation, not the financial model of a zoo. Thus, the zoo's operations remain lawful.
Option (b): Incorrect. The WPA does not prohibit zoos from charging entry fees. Many government-run and private zoos do so to fund maintenance and animal care. What matters under the Act is whether standards of welfare, housing, and record-keeping are maintained. Equating entry fees with illegality is a moral claim, not a legal ground under the WPA.
Option (c): Incorrect. While CITES permits regulate the international trade of endangered species, they do not substitute for domestic legal requirements. Even with valid CITES papers, a zoo must have recognition under Section 38H WPA to operate in India. Suggesting CITES is sufficient ignores the central role of the CZA in Indian law.

Option (d): Incorrect. NGO petitions must still be judged against statutory benchmarks. The fact that a zoo makes a profit is not in itself illegal. As long as welfare standards, veterinary care, and conservation obligations are fulfilled, profit-making does not justify withdrawal of recognition. Otherwise, every fee-charging zoo in India would automatically be unlawful, which is not the law.

2. Correct Answer: (d) Yes, because valid CZA recognition and CITES permits satisfy the WPA framework for lawful acquisition.
Explanations: Option (a): Incorrect. The WPA does not create a blanket prohibition on the movement of wild animals. It regulates movement and transfer through permits and recognition mechanisms, harmonised with international treaties like CITES. Saying "no movement is ever allowed" misrepresents the Act's framework.
Option (b): Incorrect. While Schedule I species receive the highest level of protection, the law does not impose an absolute ban on their possession. Transfers can occur under strict regulation with CZA approval and valid CITES permits. The claim that they "can never be acquired" overstates the prohibition and ignores the regulated exceptions.
Option (c): Incorrect. Veterinary inspections and record-keeping are important but only one part of the regulatory scheme. Without CZA recognition and CITES permits, these measures alone cannot legalise possession of Schedule I animals. Welfare compliance does not substitute for statutory authorisation.
Option (d): Correct. The WPA protects Schedule I species by prohibiting unregulated hunting, capture, or trade. However, it allows lawful possession when statutory requirements are met. Here, the rescue centre had CZA recognition under Section 38H WPA, which is mandatory for any facility housing wildlife. Additionally, the acquisition complied with India's CITES obligations through valid permits, ensuring that international trade rules were followed. Veterinary inspections and record-keeping confirmed compliance with Recognition of Zoo Rules. This makes the acquisition lawful.

3. Correct Answer: (b) The Court may constitute a fact-finding committee to verify the allegations given the grave public interest involved.
Explanations: Option (a): Incorrect. Normally, as held in Janata Dal v. H.S. Chowdhary (1991), newspaper clippings and social media posts are insufficient prima facie material. But the exception arises when allegations involve grave public interest. Dismissal alone would ignore the Court's protective role.
Option (b): Correct. Fact-finding is distinct from adjudication. The Court may appoint an SIT or expert committee to simply verify if there is any factual or legal foundation to the claims. This balances the absence of strong evidence with the seriousness of potential violations.
Option (c): Incorrect. Blind reliance on the State's denial risks ignoring possible statutory breaches. Courts use independent verification in sensitive matters to ensure accountability.
Option (d): Incorrect. Adjudication requires a proper trial and evidence. Fact-finding committees do not presume guilt. Direct punishment without due process would be unconstitutional.

4. Correct Answer: (c) The Court should dismiss the PIL because once an SIT report confirms compliance, repetitive litigation cannot be allowed.
Explanations: Option (a): Incorrect. While public interest litigation is vital, courts have stressed that it cannot be abused for endless harassment or forum shopping. Mere repetition without new evidence

weakens credibility.
Option (b): Incorrect. Re-investigating every new PIL despite prior SIT findings would undermine finality and judicial efficiency. Courts avoid wasting resources on frivolous or recycled claims.
Option (c): Correct. As illustrated in Vantara, once a high-level SIT verifies compliance, the Court may close the matter to prevent repetitive litigation. Prima facie material is essential, and repeated reliance on weak sources like newspaper clippings is insufficient after compliance has been confirmed.
Option (d): Incorrect. Direct punishment without proper process would convert a fact-finding exercise into adjudication, which the Court has clarified are different. The SIT's role is to verify facts, not to substitute for trial.
Correct Answer: (a) The zoo is unlawful because PCA Act compliance on humane treatment is mandatory in addition to permits.
Explanations: Option (a): Correct. Indian wildlife facilities must comply with multiple statutory layers, not just possession and import laws. While WPA and CITES ensure legality of ownership and trade, the PCA Act sets minimum welfare standards like adequate housing, nutrition, and veterinary care. Failure to meet these makes the facility unlawful despite having permits. The Vantara inquiry highlighted that welfare compliance is substantive, not a formality.
Option (b): Incorrect. CITES permits regulate only cross-border movement. They cannot override domestic laws like the PCA Act, which address animal care. Compliance with one layer of law does not immunise against breaches of another.
Option (c): Incorrect. CZA recognition under WPA is conditional and can be suspended or withdrawn if standards are violated. It is not a blanket shield against enforcement of other laws, especially welfare obligations under PCA.
Option (d): Incorrect. Lack of CITES permits would make imports unlawful, but here the issue is post-import welfare standards. Even with valid CITES documents, cruelty and neglect under the PCA Act are independent grounds of illegality.

8. Non-Signatory's Presence in Arbitration Proceedings

1. Correct Answer: (b) No, because the High Court became functus officio after appointing the arbitrator and could not pass further directions.
Explanations:
Option (a): Incorrect. Section 11(6) only empowers the High Court to appoint arbitrators. Once this is done, it cannot continue to supervise the proceedings — that role shifts to the arbitral tribunal.
Option (b): Correct. The doctrine of functus officio applies once the arbitrator is appointed. The High Court's jurisdiction ceases, and it cannot entertain fresh applications by third parties. This ensures minimal interference, in line with Section 5 of the Act.
Option (c): Incorrect. Arbitration is a private dispute resolution process. Public interest or transparency arguments do not apply unless mandated by law. Allowing NGOs would contradict confidentiality obligations under Section 42A.
Option (d): Incorrect. Section 5 does bar unnecessary intervention, but the precise legal principle here is functus officio, which directly limits the High Court's jurisdiction post-appointment.

2. Correct Answer: (c) No, because the Arbitration Act is a self-contained code and courts cannot exceed its provisions.

Explanations: Option (a): Incorrect. While High Courts have writ powers under the Constitution, arbitration is governed by a special statute. Section 5 of the Arbitration and Conciliation Act explicitly limits judicial intervention only to matters expressly provided in the Act. Therefore, courts do not retain open-ended supervisory powers over every stage of arbitration, including interim orders, unless the Act itself permits it.
Option (b): Incorrect. Although "fairness" is a general principle of justice, it cannot create a jurisdiction that the statute does not grant. Arbitration is based on party autonomy, and allowing courts to review arbitral orders merely for fairness would erode this autonomy and undermine the legislative intent of efficiency and finality in arbitration.
Option (c): Correct. The Constitution Bench in In Re: Interplay Between Arbitration & Stamp Act (2023) reaffirmed that the Arbitration Act is a self-contained code. This means all powers of courts in arbitration matters flow strictly from the statute, such as Section 34 (challenge to final awards) or Section 37 (appeals). Since no provision authorises routine review of interim orders, the High Court's intervention violated the statute's scheme of minimal interference.
Option (d): Incorrect. It is true that arbitral awards bind only parties and their privies under Section 35, but this point relates to enforceability of awards and not to court intervention in ongoing proceedings. The flaw in the High Court's order lies in ignoring the self-contained nature of the Arbitration Act, not in the binding scope of awards.

3. Correct Answer: (d) No, because arbitral awards bind only the signatories and persons claiming directly under them.
Explanations: Option (a): Incorrect. Having a financial stake in the fortunes of a contracting party does not automatically confer rights in arbitration. Creditors are separate entities unless they step into the shoes of the party (for example, by assignment or novation). Arbitration depends on consent, and allowing indirect creditors to participate would undermine the consensual nature of the process.
Option (b): Incorrect. While it is true that the Arbitration Act is self-contained, the decisive reasoning here is not just about self-containment but about the binding effect of arbitral awards under Section 35. The Court has drawn a firm line that awards cannot include outsiders unless they have a direct legal link with a party.
Option (c): Incorrect. Courts cannot enlarge the scope of arbitration in the name of fairness or equity. Section 5 of the Arbitration Act restricts judicial intervention. If courts were to extend awards to third parties based on fairness, it would destroy party autonomy and contractual privity, both of which are core pillars of arbitration.
Option (d): Correct. In Nimet Resources Inc. v. Essar Steels Ltd. (2009), the Court clarified that arbitral awards bind only signatories to the arbitration agreement and persons directly claiming under them. Alpha Finance neither signed the arbitration agreement nor claimed through Bharat by way of legal transfer. Therefore, it cannot enforce or be bound by the arbitral award, regardless of its financial interest.

4. Correct Answer: (b) No, because Section 5 prevents reliance on inherent powers not provided under the Arbitration Act.
Explanations: Option (a): Incorrect. Courts do not retain free-standing inherent powers in arbitration matters. Allowing such oversight would undermine the special statutory regime of the Arbitration Act

and contradict Section 5, which mandates minimal judicial intervention.
Option (b): Correct. Section 5 makes it clear that courts can intervene only in circumstances expressly provided in Part I of the Act, such as Sections 9 (interim measures), 11 (appointment of arbitrators), and 34 (challenge to awards). The Supreme Court in Kamal Gupta reaffirmed that reliance on Section 151 CPC or inherent jurisdiction is impermissible.
Option (c): Incorrect. Public interest or fairness cannot override the statutory bar on intervention. Arbitration is a consensual process, and its integrity depends on the statute's closed framework, not on open-ended discretion of courts.
Option (d): Incorrect. While party autonomy is indeed a central principle, the High Court's flaw here lies not in undermining consent but in wrongly using inherent jurisdiction contrary to the Arbitration Act's self-contained nature.

5. Correct Answer: (a) Harbour Finance may oppose enforcement under Section 36 but cannot reopen arbitration proceedings.
Explanations:
Option (a): Correct. Remedies for non-signatories are limited. They cannot intervene during arbitration but may object at the enforcement stage under Section 36, particularly if enforcement is attempted against them. This ensures protection without undermining the consensual nature of arbitration.
Option (b): Incorrect. Non-signatories do not gain observer rights merely because of financial stakes. The doctrine of party autonomy requires that only signatories participate, and Kamal Gupta reaffirms that observer status is not permitted.
Option (c): Incorrect. Non-signatories cannot independently challenge arbitral awards for fairness. Judicial review under Section 34 is reserved for parties to the arbitration agreement, not outsiders. Their remedy is confined to enforcement objections.
Option (d): Incorrect. Financial connection does not automatically bind a non-signatory to an arbitral award. Without consent or legal transfer of rights, liability cannot extend to entities like Harbour Finance except through statutory defences at the enforcement stage.

9. SC Reserves Verdict on Age Cap for Surrogacy

1. Correct Answer: (c) Yes, because Section 4 read with the Rules imposes absolute age limits, regardless of when gametes were created.
Explanations:
Option (a): Incorrect. While the State does cite child welfare and social concerns as justifications, the authority does not enjoy open-ended discretion. Its role is to enforce statutory criteria, not to make subjective social judgments.
Option (b): Incorrect. This argument was made in Arun Muthuvel, but it is not supported by the text of the statute. The Act regulates surrogacy at the time of application, not at the time of embryo creation.
Option (c): Correct. Section 4 of the Surrogacy Act sets fixed eligibility criteria — woman 23–50, man 26–55. These limits are statutory, and the authority cannot relax them even if gametes were earlier created. The law prioritises uniform standards over individual biological variations.
Option (d): Incorrect. Parenthood is not an unfettered right. The Supreme Court has repeatedly held that reproductive rights are subject to statutory regulation in the interest of ethics and child welfare.

2. Correct Answer: (d) Yes, because the Act allows couples who lost a child to seek surrogacy within the statutory age limits.
Explanations:
Option (a): Incorrect. Authorities cannot deny surrogacy based on personal notions of social policy; they must act within the statutory framework. Here, the law itself supports Anita and Sunil's claim.
Option (b): Incorrect. This interpretation is too rigid and ignores the statutory exception. Parliament clearly recognised that loss of a child restores the couple's eligibility.
Option (c): Incorrect. While Article 21 protects reproductive autonomy, the courts have held that such rights are subject to statutory regulation. Reliance on autonomy cannot override clear statutory provisions, though it may guide interpretation.
Option (d): Correct. The Surrogacy (Regulation) Act expressly provides exceptions to the childlessness requirement, including where a couple's only child has died or suffers from an incurable disability. Since Anita and Sunil meet age limits and fall under this exception, they are eligible.

3. Correct Answer: (a) Yes, because the Act's main object is to prevent commercial surrogacy, not to exclude altruistic arrangements involving pre-existing embryos.
Explanations:
Option (a): Correct. Section 5 prohibits commercial surrogacy. Where surrogacy is altruistic and embryos were lawfully created earlier, the object of the Act is already met. Strict application of age caps risks defeating the purpose of the legislation by barring legitimate arrangements.
Option (b): Incorrect. Though the Act prescribes age limits, statutory interpretation requires balancing literal compliance with purposive interpretation. Rigidly enforcing age caps ignores the underlying rationale.
Option (c): Incorrect. Article 21 protects reproductive autonomy, but the challenge must primarily be addressed through statutory interpretation. The constitutional argument strengthens the case but does not replace purposive reading.
Option (d): Incorrect. This reasoning mirrors literalist application of the statute. However, purposive interpretation shows that altruistic surrogacy with pre-existing embryos does not offend legislative intent, making strict age enforcement unnecessary.

4. Correct Answer: (b) 1, 3 and 4 only
Explanations: Statement 1: Correct. Couples with frozen embryos form a distinct class, as their embryos were created at biologically younger ages. Treating them the same as new applicants ignores material differences, making the classification suspect.
Statement 2: Incorrect. While natural reproductive capacity is a factor, it cannot be the sole justification if it disregards the special category of pre-2021 embryo holders. Uniform caps that ignore distinctions may fail the test of reasonable classification.
Statement 3: Correct. E.P. Royappa (1974) established that arbitrariness is antithetical to equality. Administrative convenience cannot validate an otherwise arbitrary law.
Statement 4: Correct. The proportionality test ensures restrictions advance legitimate State objectives but also balance individual hardship. Denying surrogacy to couples with pre-existing embryos could be disproportionate to the Act's goal of preventing exploitation.

5. Correct Answer: (a) The State, because statutory age limits are reasonable restrictions linked to medical safety and child welfare.
Explanations: Option (a): Correct. Article 21 requires restrictions on liberty to be just, fair, and reasonable (Maneka Gandhi, 1978). Uniform age limits serve a legitimate State purpose—ensuring that children are not born to parents at medically high-risk ages. The Court generally upholds such restrictions when they are proportionate and linked to public health.
Option (b): Incorrect. Article 21 indeed protects reproductive autonomy (Suchita Srivastava, 2009), but this right is not absolute. It is always subject to reasonable restrictions based on compelling State interests like medical risk and welfare of the child.
Option (c): Incorrect. While arbitrariness under Article 14 is a valid challenge (E.P. Royappa, 1974), the classification here is based on objective criteria—age thresholds reflecting reproductive capacity. Courts usually allow such classification unless it is wholly capricious or unrelated to the law's object.
Option (d): Incorrect. Legislative wisdom is respected, but judicial review still exists. Courts do not automatically defer; they apply tests of proportionality and arbitrariness. The stronger reasoning lies in proportional restrictions under Article 21 rather than absolute legislative deference.

10. Speaker's Duty While Determining Disqualification Petitions

1. Correct Answer: (a) Yes, because voluntary giving up of membership includes conduct that shows allegiance to another political party.
Explanations:
Option (a): Correct. The Supreme Court has consistently held that "voluntary giving up" is not limited to written resignation. Public conduct such as joining rallies, making statements, or aligning with another party amounts to giving up membership. In Padi Kaushik Reddy, such behaviour was treated as clear proof of defection.
Option (b): Incorrect. A resignation letter is not the only test. If this were the rule, MLAs could openly defect while avoiding disqualification simply by not resigning. The Tenth Schedule closes this loophole by covering both resignation and conduct.
Option (c): Incorrect. Though it appears correct, this is essentially a weaker version of (a). The decisive reasoning is that conduct itself equals voluntary giving up of membership. Without this doctrinal nuance, (c) is incomplete.
Option (d): Incorrect. The merger defence under Paragraph 4 applies only when at least two-thirds of the legislative party agree to merge. Here, the facts show only five members defecting, with no two-thirds support, making this defence unavailable.

2. Correct Answer: (b) No, because the Speaker functions as a tribunal and must decide disqualification petitions within a reasonable time.
Explanations: Option (a): Incorrect. Although the Speaker is the authority under Paragraph 6(1), his power is not absolute. The Supreme Court in Padi Kaushik Reddy held that prolonged inaction undermines the purpose of the Tenth Schedule. The Speaker cannot indefinitely postpone decisions.
Option (b): Correct. The Speaker, when deciding disqualification, acts as a tribunal and must act within a reasonable timeframe. Judicial precedents clarify that this is not a political discretion but a quasi-judicial duty. Delays allow defectors to destabilise governance, which the anti-defection law sought to prevent.

Option (c): Incorrect. While ordinarily courts respect internal legislative proceedings, disqualification petitions are justiciable because the Speaker is acting as a statutory tribunal. Courts can direct timely decisions when delay is mala fide or unreasonable.
Option (d): Incorrect. This is partly true, as the Speaker's role is judicial and delay defeats the law's object. But the more precise reason is that the Speaker must act within a reasonable time as a tribunal. Thus, (b) provides the correct legal position, not merely a general description.

3. Correct Answer: (d) Yes, because judicial review under Articles 32 and 226 extends to unreasonable delays by the Speaker under the Tenth Schedule.
Explanations: Option (a): Incorrect. Timing of disqualification is not unlimited discretion. If left unchecked, such delay would allow defectors to continue exercising legislative power unlawfully. Courts have made clear that the Speaker's power must be exercised promptly to uphold the Tenth Schedule's objectives.
Option (b): Incorrect. Articles 122 and 212 protect internal legislative procedure from judicial interference. However, the Speaker's adjudication under the Tenth Schedule is not "legislative procedure" but a tribunal function. Immunity provisions cannot shield prolonged inaction in such cases.
Option (c): Incorrect. This is partly true, since the Speaker is indeed treated as a tribunal. But this option is incomplete as it does not highlight the constitutional basis of judicial review under Articles 32 and 226, which is decisive for intervention.
Option (d): Correct. Judicial review is a basic feature of the Constitution. The Supreme Court in Padi Kaushik Reddy reaffirmed that the Speaker's role under Paragraph 6 is quasi-judicial, not legislative. Therefore, Articles 122 and 212 immunities do not apply. Courts under Articles 32 and 226 can compel the Speaker to act within a reasonable timeframe, especially when inaction threatens the stability of democracy.

4. Correct Answer: (c) Article 191(2) disqualifies defectors under the Tenth Schedule, and Article 193 penalises them if they continue sitting or voting.
Explanations:
Option (a): Incorrect. While Article 193 does impose penalties, pairing it with Article 212 is misleading. Article 212 does not give legitimacy to votes cast by defectors. Instead, such votes are illegal if the member stands disqualified.
Option (b): Incorrect. Article 212 protects legislative procedure from judicial scrutiny, but it does not protect disqualified members from accountability. Allowing such an interpretation would undermine the purpose of Article 191(2) and the Tenth Schedule.
Option (c): Correct. Article 191(2) links disqualification directly to the Tenth Schedule, making it clear that once a legislator voluntarily gives up party membership or defies the whip, they lose their seat. Article 193 ensures such defectors face penalties if they continue sitting or voting in the Assembly. This dual framework makes the Speaker's adjudication essential, since failure to act allows disqualified members to unlawfully function as legislators.
Option (d): Incorrect. Article 226 empowers courts to issue writs, including directions to enforce disqualification. However, the constitutional basis of disqualification lies in Article 191(2) and the

penalty in Article 193, not Article 226. Judicial review enforces these provisions but is not the substantive source of disqualification.

5. Correct Answer: (b) No, because Rule 6(1) requires a valid petition with evidence, and once filed, the Speaker must act promptly under the Rules.
Explanations: Option (a): Incorrect. The Speaker's power under Rule 6(2) is limited to deciding whether a petition is in proper form. Once it is validly signed and supported by evidence, the Speaker must either reject it at the threshold or issue notice. Unlimited discretion to delay would defeat the purpose of the anti-defection framework.
Option (b): Correct. Rule 6(1) makes clear that a petition must include documentary evidence and the petitioner's signature. Once these requirements are met, Rule 6(2) obliges the Speaker to take action, either by rejecting it or issuing notice. Inaction for months violates both the Rules and the constitutional objective of promptly curbing defections.
Option (c): Incorrect. Rule 6(2) does not permit indefinite delay for political convenience. The Supreme Court has clarified that Speakers cannot keep petitions pending indefinitely, as this undermines the Tenth Schedule's purpose of preventing unprincipled defections.
Option (d): Incorrect. While Rule 7 allows the Speaker to call for further evidence and hold hearings, this stage comes only after the Speaker processes the petition under Rule 6. Inaction at the threshold prevents Rule 7 from being triggered, making this reasoning incomplete.

11. Power of Pollution Control Boards to Claim Restitutionary Damages

1. Correct Answer: (a) Yes, because restitutionary damages and criminal penalties are distinct remedies with different objectives.
Explanations:
Option (a): Correct. The Court has clarified that restitution under Sections 33A/31A is compensatory or preventive, whereas penalties under Chapters VII and VI are punitive. One restores environmental balance, the other punishes offenders. Hence both can coexist without violating double jeopardy.
Option (b): Incorrect. Double jeopardy under Article 20(2) applies only to criminal punishments. Restitutionary damages are administrative and compensatory, not penal.
Option (c): Incorrect. Parallel proceedings are not justified merely by "fairness." They are permitted because the two remedies serve different legal purposes, not because of general fairness.
Option (d): Incorrect. The statute does not limit action to "either/or." It contemplates both: administrative measures for restitution and criminal proceedings for punishment.

2. Correct Answer: (d) No, because even restitutionary damages must follow fair administrative procedures like notice and hearing.
Explanations:
Option (a): Incorrect. The statute does not allow absolute discretion. Absence of procedure would violate Articles 14 and 21, which require fairness even in administrative action.
Option (b): Incorrect. Urgency may allow temporary interim directions, but permanent financial liabilities cannot bypass due process.
Option (c): Incorrect. Boards are statutorily empowered under Sections 33A/31A to impose restitutionary measures. Courts only supervise fairness, not impose them directly in every case.

Option (d): Correct. Though restitutionary powers don't need a full criminal trial, they must comply with principles of natural justice. Courts have held that subordinate legislation and fair procedure (notice, hearing, method of calculation) are essential to avoid arbitrariness.

3. Correct Answer: (d) Yes, because Sections 33A and 31A empower Boards to issue wide-ranging directions, including financial measures.
Explanations: Option (a): Incorrect. No new amendment is required because courts have interpreted existing provisions broadly. The Act already provides sufficient statutory foundation for restitutionary directions.
Option (b): Incorrect. Criminal trials deal with punitive penalties (imprisonment/fines). Restitutionary measures are administrative and preventive, and Boards are empowered to impose them directly.
Option (c): Incorrect. Boards do not have unlimited inherent powers; their authority must be rooted in statute. Here, their power flows from Section 33A/31A, not from vague notions of fairness.
Option (d): Correct. The Supreme Court clarified that the word "directions" in Sections 33A and 31A is broad and includes not just closure but also restitutionary measures like damages or bank guarantees, ensuring environmental restoration.

4. Correct Answer: (b) Penalties are punitive requiring criminal prosecution, while restitutionary damages are compensatory requiring administrative fairness.
Explanation:
Option (a): Incorrect. This reverses the roles. Penalties are not preventive without trial but punitive through trial. Restitutionary damages are not punitive, but restorative and preventive in scope.
Option (b): Correct. The Supreme Court distinguished penalties under Chapters VI/VII of the Air/Water Acts as punitive, requiring criminal prosecution, evidence, and trial which may lead to imprisonment or fines. Restitutionary damages under Sections 33A/31A are compensatory/preventive, intended to restore ecological balance and prevent further harm. These do not need a criminal trial but must follow administrative fairness, including notice, hearing, and reasons.
Option (c): Incorrect. Penalties are not mere regulatory directions; they flow from criminal prosecution. Restitutionary damages are not criminal and do not automatically involve imprisonment.
Option (d): Incorrect. Equating the two ignores the Court's distinction. Penalties and restitutionary damages serve different purposes: one punishes the offender, the other repairs environmental harm.

5. Correct Answer: (b) 1, 3 and 4
Explanation: Statement 1: Correct. The Polluter Pays principle, affirmed in Vellore Citizens and Enviro-Legal Action, makes polluters liable for all costs of remediation, restoration, and preventive safeguards. It is now embedded into the statutory framework.
Statement 2: Incorrect. The Court clearly separated punitive penalties (requiring criminal trial) from restitutionary damages, which are compensatory/preventive. Restitutionary orders do not require criminal conviction but must follow fair administrative procedure.
Statement 3: Correct. The Court insisted that rules/regulations must govern how damages and bank guarantees are assessed. This ensures procedural fairness, prevents arbitrariness, and safeguards rights of industries.

Statement 4: Correct. The Precautionary Principle allows regulators to act ex ante, even before proven damage. This includes requiring bank guarantees to ensure future compliance and restoration if harm occurs. Thus, only Statements 1, 3 and 4 are correct.

12. Unborn Child's Right To Life

1. Correct Answer: (c) Priya's decision must prevail, as the MTP Act excludes family or partner interference in such choices.
Explanations: Option (a): Incorrect. While Suchita Srivastava (2009) held that reproductive autonomy under Article 21 is protected, citing only Article 21 leaves room for arguments of balancing against family interests. The precise statutory ground here is the MTP Act, which makes her choice determinative.
Option (b): Incorrect. Social or financial inconvenience to family members is legally irrelevant. Pregnancy and its continuation is an individual's right, and family obligations cannot override this autonomy under either Article 21 or the MTP Act.
Option (c): Correct. A (Mother of X) v. State of Maharashtra (2024) clarified that the MTP Act does not recognise any role for family, guardians, or partners in the case of competent adults making informed choices. Priya's decision is therefore final and binding in law.
Option (d): Incorrect. Courts cannot replace an adult woman's decision with that of her relatives. Judicial intervention is limited to ensuring voluntariness and informed consent, not to prioritising family welfare over autonomy.

2. Correct Answer: (b) No, because Section 3 allows termination within 20 weeks with only one doctor's opinion and the woman's consent.
Explanations: Option (a): Incorrect. The MTP Act does not impose a requirement of guardian consent for all women under 21. Section 3(4)(a) requires guardian consent only for minors, meaning under 18 years. Shalini, at 19, is an adult and capable of giving her own consent.
Option (b): Correct. Section 3(2)(a) states that for pregnancies up to 20 weeks, one registered medical practitioner's opinion suffices, provided the pregnant woman consents. Since Shalini is 19, her consent alone is enough, and guardian permission is not legally required.
Option (c): Incorrect. Social circumstances such as marital status or family disapproval cannot override statutory rights. The law is clear that an adult woman's reproductive choice is determinative.
Option (d): Incorrect. Rule 3B addresses special categories up to 24 weeks (minors, rape survivors, etc.), but in this case the pregnancy is within 20 weeks. The relevant safeguard is Section 3(2)(a), not Rule 3B.

3. Correct Answer: (b) No, because Section 3 and Rule 3B allow termination up to 24 weeks for minors with two doctors' opinion.
Explanations: Option (a): Incorrect. This was true under the pre-2021 regime, but the amendment extended the ceiling up to 24 weeks for special categories, including minors and rape survivors. The hospital's interpretation is outdated.
Option (b): Correct. Section 3(2)(b) read with Rule 3B expressly allows termination between 20–24 weeks for categories such as minors and survivors of sexual assault, provided two registered medical practitioners concur in good faith. Ritu meets both conditions.

Option (c): Incorrect. Guardian consent is indeed required under Section 3(4)(a) for minors, but that does not invalidate the 24-week ceiling provided by Rule 3B. The issue here is not guardian consent but the hospital's misunderstanding of the legal time limit.
Option (d): Incorrect. Minors do need guardian consent under Section 3(4)(a), and medical opinion is mandatory under Section 3(2). Saying they can proceed without these conditions is legally inaccurate.

4. Correct Answer: (a) Termination requires the opinion of two registered medical practitioners in good faith.
Explanations: Option (a): Correct. Section 3(2)(b) of the MTP Act, read with Rule 3B of the MTP Rules (amended in 2021), permits termination between 20–24 weeks for certain categories like minors, rape survivors, and others, provided two registered medical practitioners independently form an opinion in good faith that continuing the pregnancy would risk the physical or mental health of the pregnant person. This ensures an added safeguard for late-stage terminations.
Option (b): Incorrect. One doctor's opinion is sufficient only up to 20 weeks, not beyond. After 20 weeks, the law demands stricter scrutiny because of the increased viability of the foetus and higher risks to the mother, hence requiring two doctors.
Option (c): Incorrect. Court approval is not required within the statutory ceiling of 24 weeks. Judicial intervention comes into play only when termination is sought beyond the maximum permissible limit (24 weeks), or in exceptional medical circumstances where a writ petition is filed.
Option (d): Incorrect. Guardian consent under Section 3(4)(a) applies only to minors (under 18 years). Adult women, regardless of marital status or family background, can provide their own consent. Making guardian consent universal would negate women's reproductive autonomy.

5. Correct Answer: (b) 1, 3 and 4 only
Explanations: Statement 1: Correct. Article 21 of the Constitution has been judicially expanded to include the right to dignity, bodily autonomy, and reproductive choice. In Suchita Srivastava v. Chandigarh Administration (2009), the Supreme Court explicitly held that the decision whether to continue or terminate a pregnancy is part of a woman's personal liberty under Article 21.
Statement 2: Incorrect. Section 3(4)(a) of the MTP Act makes guardian consent mandatory only for minors or mentally ill persons, not for all women. Adult women provide their own consent. If interpreted otherwise, it would undermine the principle of reproductive autonomy recognised under Article 21.
Statement 3: Correct. Judicial interpretation has recognised that while legal personhood begins at birth, a sufficiently developed foetus (e.g., with viability or heartbeat) has a constitutional interest in being born. Courts have therefore insisted that the rights of the mother must be balanced with the interest of the unborn foetus in late-stage pregnancies.
Statement 4: Correct. The doctrine of maturity acknowledges that not all minors lack capacity. If a minor demonstrates sufficient understanding of the medical, ethical, and social consequences of her decision, her opinion must be given due consideration by courts, even if guardian consent is formally required.

13. Private Spousal Caste Insults Not Offence

1. Correct Answer: (a) The complaint is valid, because caste-based insults made in front of others amount to humiliation in public view.

Explanation:
Option (a): Correct. Sections 3(1)(r) and 3(1)(s) require that the insult must occur within public view. Here, since the abuses were hurled in the courtyard in front of neighbours, the essential ingredient of public humiliation is satisfied.
Option (b): Incorrect. The Act does not require physical assault; verbal humiliation in public view suffices. Linking it only to assault narrows the law beyond what it states.
Option (c): Incorrect. The Supreme Court has clarified that insults made in a private space (like inside a home between family members) are not covered. Hence, not every insult automatically triggers the Act.
Option (d): Incorrect. Even if the quarrel was personal, the presence of bystanders converts it into public humiliation, thus bringing it within the scope of the Act.

2. Correct Answer: (c) Only Section 504 IPC may apply, but only if the insult was capable of provoking a breach of peace extending beyond the private quarrel at home.
Explanations: Option (a): Incorrect. While caste-based insults are taken seriously under law, the SC/ST Act provisions under Sections 3(1)(r) and 3(1)(s) expressly require the humiliation to occur in any place within public view. Since no outsiders were present, this statutory condition is missing. Section 504 IPC, too, is not automatic; it requires an insult with the intent and likelihood to provoke a breach of peace. Saying that both provisions apply in every case ignores these legal thresholds.
Option (b): Incorrect. This misstates the scope of the SC/ST Act. Courts have repeatedly clarified that the Act is not meant to extend into purely private quarrels within a household. Its purpose is to shield Scheduled Castes and Tribes from public humiliation and systemic discrimination, not to criminalise every domestic dispute involving caste words. Applying it in private settings would overextend the Act beyond its legislative intent.
Option (c): Correct. Section 504 IPC punishes intentional insults that are likely to provoke a breach of peace. Even in a private domestic quarrel, if the language used is so serious that it could realistically provoke further violence or disorder (e.g., escalating into physical assault or causing tensions that spill into the community), the section may be attracted. The SC/ST Act cannot apply because the key requirement of "public view" is absent, but Section 504 remains conditionally relevant based on the facts.
Option (d): Incorrect. While it is true that the SC/ST Act cannot apply here, dismissing IPC Section 504 entirely would also be wrong. Section 504 applies not only in public spaces but wherever an intentional insult is capable of causing a breach of peace. Therefore, courts will examine whether Rajesh's words had the potential to create such consequences, and cannot automatically rule out IPC applicability.

3. Correct Answer: (b) The offence is not made out, because an email sent privately to a single individual does not amount to humiliation in any place within public view.
Explanation:
(a) Incorrect. The SC/ST Act does not criminalise every private insult. Sections 3(1)(r) and 3(1)(s) specifically require that the humiliation take place "in any place within public view." Courts, including Hitesh Verma v. State of Uttarakhand (2020), have clarified that purely private quarrels do not meet this threshold.
(b) Correct. Since the email was directed solely to Suresh, it lacked the element of "public view."

Nobody else could see or access the abusive remarks. The absence of public exposure removes the essential ingredient required under the SC/ST Act, though other remedies like defamation or workplace misconduct may still apply.
(c) Incorrect. Merely using an electronic medium does not automatically make communication "public." The Court will look at the audience or accessibility of the communication, not the technology used. A one-to-one email is private in nature.
(d) Incorrect. The Act does apply to professional settings if the insult is made in public view, such as in group emails or meetings. The issue here is not the workplace setting but the lack of public exposure.

4. Correct Answer: (d) The offence is made out, because publication in a widely circulated newspaper amounts to humiliation in public view under the SC/ST Act.
Detailed Explanation:
(a) Incorrect. Direct personal communication is not required under the SC/ST Act. What matters is whether the caste-based insult was made in a manner that amounts to humiliation "in any place within public view." A newspaper article accessible to thousands is clearly public.
(b) Incorrect. Though Article 19(2) allows restrictions on press freedom, the direct legal reasoning is that the insult occurred in public view. Constitutional justification supports the statute, but the correct legal ground is statutory fulfilment under Sections 3(1)(r) and (s).
(c) Incorrect. While defamation law can also apply, that does not exclude liability under the SC/ST Act if the ingredients are met. Both remedies can operate simultaneously when a caste-based insult is made in public.
(d) Correct. The wide circulation of the newspaper satisfies the requirement of "public view." The law intends to prevent caste-based humiliation in society at large, and publication of slurs in a newspaper directly meets this test. Hence, the offence is validly made out.

5. Correct Answer: (a) 1, 2, and 3 only
Explanations
Statement 1: Correct. In Hitesh Verma v. State of Uttarakhand (2020), the Supreme Court clearly held that the offence under Sections 3(1)(r) and 3(1)(s) of the SC/ST Act is attracted only when the insult takes place in a public place or in public view. The Court rejected the notion that every caste-based remark, even in a private setting such as a domestic quarrel, would amount to an atrocity under the Act.
Statement 2: Correct. The SC/ST Act was enacted with the objective of protecting vulnerable communities from systemic atrocities, discrimination, and humiliation in the public sphere. Its aim is not to intrude into purely personal or private disputes within families or homes. Recognising this helps courts ensure that the Act retains its focus on protecting against genuine caste-based oppression.
Statement 3: Correct. Courts have emphasised that strict requirements like the insult being in "public view" and supported by independent witnesses must be satisfied before prosecutions are allowed. This prevents misuse of the law by complainants who might attempt to escalate private quarrels into criminal charges under the SC/ST Act without proper justification.
Statement 4: Incorrect. This statement is overbroad and contrary to settled precedent. The Act does not apply automatically to every use of caste-based language in private contexts. The distinction between private and public humiliation is central; otherwise, the protective legislation could be

misused in ordinary quarrels, which the judiciary has explicitly warned against.

14. Misrepresentation of Marital History

1. Correct Answer: (b) The marriage is voidable, because concealing a prior marriage is misrepresentation of a material fact.
Explanations: Option (a): Incorrect. Past marital history is a material fact in matrimonial law, as it directly influences the decision of the other party to marry. To treat it as irrelevant would defeat the legislative purpose of Section 12(1)(c).
Option (b): Correct. Section 12(1)(c) makes a marriage voidable where consent is obtained through fraud or misrepresentation. The Delhi High Court has clarified that concealment of a prior marriage squarely amounts to misrepresentation of a material fact, giving Rahul the right to seek annulment.
Option (c): Incorrect. While divorce does restore an individual's legal eligibility to remarry, it does not erase the factual existence of the earlier marriage. Declaring "Never Married" instead of "Divorced" is misleading and cannot be excused as legally accurate.
Option (d): Incorrect. Although the misuse of "Never Married" is indeed fraudulent, the correct legal framing under Section 12(1)(c) is that concealment of prior marriage renders the marriage voidable, not automatically void. Hence this option misstates the precise legal position.

2. Correct Answer: (a) The declaration is not fraudulent, because "Unmarried" can reasonably include widowed persons.
Explanations: Option (a): Correct. The Court has clarified that matrimonial law distinguishes "Never Married," "Divorced," and "Widowed." "Unmarried" may reasonably cover widows, as they are no longer in an existing marital relationship. Thus, Kavita's statement was not fraudulent.
Option (b): Incorrect. The term "Unmarried" does not mean absolute absence of any past marital tie; that definition applies only to "Never Married." To equate the two categories would misinterpret legal and social usage.
Option (c): Incorrect. Fraud under Section 12(1)(c) is not restricted only to concealment of divorce. Misrepresentation may involve any material fact, including widowhood, but here the wording "Unmarried" reasonably covers Kavita's situation.
Option (d): Incorrect. Although "Widowed" is indeed a separate category, using "Unmarried" is not automatically fraudulent when referring to a widowed status. Courts allow some flexibility, provided there is no deliberate intention to deceive.

3. Correct Answer: (d) The marriage is voidable at Sunita's option, because fraudulent suppression of financial status vitiates free consent.
Explanations: Option (a): Incorrect. A marriage becomes void only in cases specified under Section 11, such as bigamy, prohibited relationships, or lack of capacity. Misrepresentation about employment does not make the marriage void ab initio.
Option (b): Incorrect. Misrepresentation is not confined to prior marriages alone. It extends to other material facts like employment, health, or religion. Restricting it only to prior marriage would unduly narrow the scope of Section 12(1)(c).
Option (c): Incorrect. Though financial fraud is not as severe as concealment of subsisting marriage, courts have recognised it as material misrepresentation that undermines free consent. Hence,

annulment is available.
Option (d): Correct. The Court has clarified that consent in marriage must be free and informed, which includes disclosure of facts a reasonable person considers fundamental. Financial status is material in deciding marriage, and fraud here makes the marriage voidable under Section 12(1)(c).

4. Correct Answer: (b) The marriage is voidable at Asha's instance, because fraudulent suppression of religious identity vitiates free consent.
Explanations: Option (a): Incorrect. Bigamy under Section 11 applies only when a subsisting marriage exists. Concealment of religious identity is not the same as marrying while already married, so this cannot make the marriage void ab initio.
Option (b): Correct. Section 12(1)(c) allows annulment when consent is obtained by fraud or misrepresentation of material facts. Religious identity, like marital history or health, is a material factor in matrimonial decisions. Suppression of conversion directly impacts Asha's choice to marry and thus vitiates her free and informed consent.
Option (c): Incorrect. While it is true that conversion does not automatically bar marriage, the issue here is not eligibility but misrepresentation. The validity of consent depends on truthfulness of disclosure, and fraudulent concealment makes the marriage voidable.
Option (d): Incorrect. Misrepresentation under Section 12(1)(c) is not limited to prior marital status. Courts have held that concealment of facts relating to religion, health (e.g., sterility, mental illness), or financial position can also amount to fraud. Restricting the doctrine only to prior marriages is legally unsustainable.

5. Correct Answer: (c) 1, 3, and 4 only
Explanations Statement 1: Correct. Courts have held that exaggerating or inflating income and employment details amounts to material misrepresentation. Since financial stability is a crucial factor for many families in deciding marriage, fraudulent disclosures about salary or occupation go to the root of consent. This has been equated with fraud under Section 12(1)(c).
Statement 2: Incorrect. Fraud under Section 12(1)(c) makes a marriage voidable, not void. A void marriage (e.g., bigamy under Section 11) is invalid ab initio. In contrast, a voidable marriage remains legally valid until annulled by a decree of nullity. Hence, suppression of financial or marital history does not make the marriage automatically void.
Statement 3: Correct. The doctrine of free and informed consent requires that both parties disclose facts material to marriage. Suppressing details such as prior marriages, infertility, or financial instability undermines substantive consent, giving the aggrieved spouse the right to annul the marriage under Section 12(1)(c).
Statement 4: Correct. Matrimonial portal declarations have evidentiary value in proving fraudulent intent. Selecting categories like "Never Married" or inflating income, when proven false, constitutes material misrepresentation. Courts accept such online representations as formal evidence of fraud, especially when they directly influenced the marital decision.

15. Registration Certificate under Marriage Act

Correct Answer: (c) Yes, because registration only serves as evidence, but validity depends on rites and ceremonies performed.

Explanations: Option (a): Partly correct but incomplete. Solemnisation by rites like saptapadi is sufficient under Section 7, but this option does not mention the role of registration as evidence versus constitutive requirement, which is the central distinction.
Option (b): Incorrect. Section 8(5) explicitly states that non-registration does not affect validity. Thus, absence of registration does not invalidate a marriage that has been properly solemnised.
Option (c): Correct. Solemnisation through ceremonies creates a valid marriage. Registration serves as evidentiary proof but is not constitutive of validity. Courts have consistently reaffirmed this principle.
Option (d): Incorrect. Rule 3(a) applies only when the marriage is registered. It cannot override the substantive right under Section 7, nor can it make registration compulsory for validity.

2. Correct Answer: (d) The petition must succeed, because Rule 3(a) applies only to registered marriages and not to marriages solemnised but unregistered.
Explanations: Option (a): Incorrect. Non-registration does not affect validity under Section 8(5). Solemnisation through rites is sufficient to establish marriage.
Option (b): Partly correct but too general. While it is true that substantive rights override procedure, the more precise legal reasoning lies in the specific limitation of Rule 3(a).Option (c): Incorrect. This assumes procedural compliance is mandatory for all marriages, which is not correct. Rules cannot invalidate solemnised marriages merely because they are unregistered.
Option (d): Correct. Rule 3(a) applies only to situations where marriages are registered. For unregistered marriages, the requirement of a certified extract cannot apply. Therefore, the Family Court erred in dismissing the petition.

3. Correct Answer: (c) Yes, because registration is only evidentiary, and non-compliance with it does not affect validity of the marriage.
Explanations: Option (a): Incorrect. While it is true that substantial compliance through ceremonies makes the marriage valid, this answer misses the statutory distinction that Section 8(5) explicitly states that non-registration does not affect validity.
Option (b): Incorrect. Section 8 empowers states to require registration but also clarifies that non-registration does not affect validity. Raj's argument misunderstands the statutory framework.
Option (c): Correct. Section 7 makes solemnisation through rites the essential condition. Section 8(5) clearly provides that registration is not mandatory for validity but only evidentiary. Thus, Anita's marriage is legally valid.
Option (d): Incorrect. Rule 3(a) applies only to registered marriages. It cannot override the substantive provision of Section 7 and cannot invalidate a solemnised but unregistered marriage.

4. Correct Answer: (a) The marriage is void because bigamy under Section 11 makes it invalid from inception.
Explanations: Option (a): Correct. Under Section 11, any marriage solemnised while one spouse has a living spouse is void ab initio. Fraud is irrelevant here; the fundamental bar of bigamy makes it void. Kavita's remedy is declaration of nullity, not annulment.
Option (b): Incorrect. Fraud under Section 12(1)(c) makes a marriage voidable, but concealment of an existing marriage is not just fraud—it creates bigamy, which falls under Section 11. Hence, it is void, not voidable.

Option (c): Incorrect. Registration has no role in deciding validity. Even without registration, if ceremonies were performed, the marriage exists in law. Its classification depends on statutory conditions like Section 11, not registration.
Option (d): Incorrect. This mischaracterises the legal effect of bigamy. A marriage under bigamy is not valid until annulled; it is void from inception. Courts only declare nullity to record that status.

5. Correct Answer: (b) 2, 3 and 4 only
Explanations: Statement 1: Incorrect. Section 8(5) of the Hindu Marriage Act expressly provides that non-registration does not affect the validity of the marriage. A marriage solemnised under Section 7 remains legally valid without registration. Courts do not require "later validation" for its recognition.
Statement 2: Correct. The Allahabad High Court harmonised the U.P. Rules with Section 8(5), ensuring that while registration may be mandatory for administrative purposes, failure to comply does not invalidate the marriage. This reflects the principle of harmonious construction between state rules and central law.
Statement 3: Correct. The doctrine of substantial compliance ensures that once essential requirements under Section 7 (customary rites and ceremonies) are fulfilled, the marriage is valid. Procedural lapses like non-registration cannot vitiate substantive rights flowing from marriage.
Statement 4: Correct. Registration serves evidentiary purposes. A certificate of registration simplifies proof in disputes relating to inheritance, maintenance, or bigamy cases under Section 494 BNS. Non-registration makes proof more cumbersome but does not alter substantive validity.

16. Insolvency and Bankruptcy Code (Amendment) Bill, 2025

Correct Answer: (b) The petition remains alive, but the NCLT must record written reasons for delay to satisfy the statutory duty.
Explanations: Option (a): Incorrect. The 14-day period is directory, not mandatory. Missing the deadline does not terminate the proceedings, because the law intends to expedite but not nullify insolvency applications.
Option (b): Correct. The amendment requires NCLT to either decide within 14 days or record reasons for not doing so. The petition remains valid, but the tribunal's accountability is ensured through written justification, which can later be reviewed by appellate courts.
Option (c): Incorrect. Delay by itself does not amount to a constitutional violation. Article 21 protects speedy justice, but the remedy is judicial direction to NCLT, not striking down the petition as void.
Option (d): Incorrect. NCLT is a creature of statute, not a court of inherent jurisdiction. Its powers are limited to what the Insolvency Code allows. The amendment eliminates "indefinite pendency" by binding it to statutory procedure.

2. Correct Answer: (b) No, because the removal of difficulties clause cannot override substantive provisions of the Insolvency Code.
Explanations: Option (a): Incorrect. The clause is meant to clarify procedural issues, not to rewrite or restrict substantive rights of creditors. Any attempt to cut off small creditors' rights exceeds delegated authority.
Option (b): Incorrect. Parliamentary oversight is necessary but not sufficient. Even if the order is laid

before Parliament, if it exceeds the scope of statutory delegation, it is ultra vires and liable to be struck down.
Option (c): Correct. Delegated legislation is valid only if consistent with the parent statute. Restricting creditors under ₹10 crore contradicts the Insolvency Code's inclusive creditor framework. Courts have held that removal of difficulties clauses cannot be used to alter substantive entitlements.
Option (d): Incorrect. The law explicitly allows the government to exercise removal of difficulties powers for up to five years, not two. Thus, the challenge cannot succeed on time-limit grounds, but only on substantive overreach.

3. Correct Answer: (c) The revival is permissible, because the Amendment Bill allows CIRP revival within 120 days if asset value can be maximised.
Explanations:
Option (a): Incorrect. While Sections 20 and 25 of the IBC impose duties on the resolution professional to preserve value and keep the company as a going concern, they do not in themselves create a mechanism to reverse liquidation. These sections operate during CIRP, not liquidation. Without the amendment explicitly allowing revival within a fixed 120-day window, this provision alone cannot justify reversal.
Option (b): Incorrect. The argument that liquidation is irreversible once commenced is outdated. The amendment was specifically introduced to avoid premature liquidation. If the law required liquidation to always run to completion, even when better value options emerged, it would defeat the doctrine of value maximisation. The legislative intent now recognises flexibility in such scenarios.
Option (c): Correct. The amendment provides a clear statutory mechanism: revival from liquidation is possible within 120 days, provided a viable plan exists. This directly furthers the doctrine of value maximisation by ensuring assets are not wasted in distress sales when resolution could generate better returns. Thus, revival here is not just legally permissible but statutorily encouraged.

Option (d): Incorrect. Creditors, especially dissenting ones, cannot veto statutory provisions. While their votes are required for resolution plans, they cannot prevent revival where the law itself authorises it. Their opposition may influence feasibility or commercial wisdom, but cannot override the legislative scheme.

4. Correct Answer: (d) The applications are abusive, because the amendments penalise vexatious filings made to pressurise debtors for collateral negotiations.
Explanations:
Option (a): Incorrect. Section 65 of the IBC indeed penalises fraudulent or malicious applications, but mere repetition of filings does not by itself amount to abuse. Creditors may file more than once if defaults persist. To qualify as "abuse," there must be evidence that the process was weaponised for collateral advantage. Without proof of malicious intent, this argument is incomplete.
Option (b): Incorrect. Creditors' right to initiate insolvency is not absolute. It is subject to statutory safeguards against misuse. If insolvency applications are filed not to resolve genuine defaults but to pressurise debtors in unrelated disputes, they fall foul of Section 65. Courts have consistently warned against reducing IBC into a "debt recovery tool" instead of a resolution mechanism.
Option (c): Incorrect. It is true that dismissal or withdrawal alone does not prove abuse. But in this fact

situation, there is a clear nexus between repetitive filings and collateral bargaining. The context transforms otherwise permissible filings into vexatious ones. Thus, this argument ignores the broader statutory purpose behind Section 65.
Option (d): Correct. The 2025 amendment strengthened Section 65 precisely for such scenarios. Here, the pattern of repeated filings, coupled with the motive of coercing Sunrise Motors into unrelated supply contract negotiations, is a textbook example of abuse. Such conduct undermines the integrity of the IBC, wastes judicial resources, and harasses the debtor. Therefore, penalties are legally justified.

5. Correct Answer: (b) The resolution professional must take control because the IBC transfers management to creditors once insolvency is admitted.
Explanations: Option (a): Incorrect. This argument appeals to commercial sense, but the IBC does not allow promoters to retain control after admission of insolvency. The very essence of the creditor-in-control model is to prevent promoters—who may have contributed to financial distress—from continuing to run the company. Section 21 clearly vests decision-making in the CoC, which operates through the resolution professional. Thus, promoter expertise cannot override statutory design.
Option (b): Correct. The IBC adopts a strict creditor-in-control framework. Once the insolvency process begins, the resolution professional takes charge of the management and day-to-day affairs, while the CoC supervises through collective decision-making. Section 25 empowers the resolution professional to preserve the debtor as a going concern, and Section 30(4) confirms the CoC's power to decide by a supermajority (66%, satisfied here by 70%). This ensures neutrality, prevents promoter misuse, and aligns with the doctrine of value maximisation.
Option (c): Incorrect. The CoC's powers are much broader than only approving resolution plans. The Supreme Court has clarified in cases like K. Sashidhar v. Indian Overseas Bank (2019) that the CoC exercises "commercial wisdom" in deciding not just on plans, but also on interim measures to preserve value. Under Section 25, the resolution professional, guided by the CoC, can replace management, secure assets, and take protective steps. Limiting CoC's powers only to Section 30(4) is legally inaccurate.
Option (d): Incorrect. The IBC deliberately excludes any form of joint control between promoters and creditors to avoid conflicts and ensure independence of management during insolvency. While promoters may have a legitimate economic interest in the outcome, they cannot participate in management once insolvency is admitted. Allowing joint management would undermine creditor confidence, complicate decision-making, and contradict the statute's structure of creditor-driven resolution.

17. The Constitution (One Hundred and Thirtieth Amendment) Bill, 2025

1. Correct Answer: (a) The mechanism is valid, because automatic cessation ensures that executive inaction cannot protect detained office-holders indefinitely.
Explanations: Option (a): Correct. The essence of the amendment is to prevent deliberate political inaction that allows ministers to cling to office despite serious criminal detention. Automatic cessation ensures accountability, prevents erosion of constitutional morality, and aligns with the objective of clean governance.
Option (b): Incorrect. While it is true that automatic cessation removes some procedural safeguards, Parliament has the authority to set new standards for holding constitutional office. The safeguard here

lies in the fact that cessation operates only after thirty days of continuous detention, which itself implies serious judicial oversight.
Option (c): Incorrect. Legislative supremacy is not absolute under the Indian Constitution, as all laws must conform to constitutional guarantees. While stricter rules can be framed, the justification must be anchored in constitutional morality and proportionality, not merely legislative supremacy.
Option (d): Incorrect. The possibility of political instability is a pragmatic concern but not a constitutional ground for invalidating the mechanism. Judicial review remains available to examine misuse of detention powers, ensuring that the mechanism does not operate unchecked.

2. Correct Answer: (b) Arvind can be removed, since the 130th Amendment Bill makes detention beyond thirty days a new ground for removal.
Explanations
Option (a): Incorrect. While Section 8 of the RPA indeed requires conviction for disqualification, this is only a statutory standard. A constitutional amendment has a higher authority than an ordinary statute. Since the 130th Amendment specifically introduces detention as a separate ground for removal, the RPA standard cannot override or restrict the amendment. Thus, relying solely on Section 8 is insufficient.
Option (b): Correct. The essence of the 130th Amendment Bill is to move away from conviction-based disqualification under the RPA and Lily Thomas (2013). By expressly making detention of more than thirty days a ground for removal, the amendment creates a stricter constitutional mechanism. This ensures that individuals accused of serious crimes cannot remain in office indefinitely simply because their trial has not concluded. Therefore, the Speaker's decision is consistent with the amendment.
Option (c): Incorrect. The argument about waiting for appellate confirmation of conviction is misplaced here. Lily Thomas made disqualification immediate upon conviction, without waiting for appeal. But in this case, Arvind is not convicted at all — he is only detained. Since the new amendment bases removal on detention, appellate review or trial outcome is irrelevant to the validity of removal.
Option (d): Incorrect. While it is true that constitutional amendments can impose stricter standards than ordinary statutes, this option is only partially accurate. The reason Arvind stands removed is not because of a general ability to impose stricter rules, but because the amendment text itself explicitly provides for detention-based removal. The justification is grounded in the amendment's express provision, not in abstract constitutional supremacy alone.

3. Correct Answer: (b) The university's decision is invalid, since the presumption of innocence protects individuals until guilt is established by trial.
Explanations Option (a): Incorrect. Arrest by the police is not equivalent to a finding of guilt. Under criminal jurisprudence, an arrest is only a preventive measure pending trial and investigation. Accepting arrest as proof of guilt would negate the very foundation of Article 21 protections.
Option (b): Correct. The presumption of innocence is a constitutional safeguard recognised in Kartar Singh v. State of Punjab (1994). It ensures that no punitive action is taken against an accused unless guilt is judicially determined. Expelling Ravi solely on arrest violates this principle and is unconstitutional.
Option (c): Incorrect. While administrative bodies may take disciplinary measures, those cannot override fundamental rights. Punishment like expulsion, based purely on suspicion or arrest, amounts

to pre-judging guilt and is contrary to fair procedure.
Option (d): Incorrect. Though Article 21 indeed requires fairness in procedure, this option is incomplete because it does not explicitly invoke the presumption of innocence as the decisive factor. The critical flaw in the university's action is its disregard for this principle, not merely a vague unfairness.

4. Correct Answer: (c) No, because privileges apply only to speeches or votes made within House proceedings and official committees.
Explanations: Option (a): Incorrect. Privileges under Articles 105 and 194 are not blanket immunities. They are confined to "anything said or any vote given" in the legislature or its committees. Extending them to speeches made at press conferences would undermine accountability, as members could commit unlawful acts without consequences.
Option (b): Incorrect. The idea of "public function" does not expand constitutional text. Privileges are designed to protect institutional independence of the legislature, not to insulate members for all acts loosely connected to public life. If accepted, legislators would enjoy excessive protection contrary to rule of law.
Option (c): Correct. Article 105(2) expressly restricts immunity to legislative business — debates, speeches, or votes in Parliament or its committees. Judicial precedents, such as Kihoto Hollohan v. Zachillhu (1992), affirm that this immunity cannot be extended beyond legislative proceedings. Hence, the MP's press remarks are not covered.
Option (d): Incorrect. While correct that criminal acts are excluded, this framing misses the precise legal point. The limitation arises not merely from the criminal nature of the act but from the constitutional text confining privileges to House proceedings.

5. Correct Answer: (b) 1, 2, and 4 only
Explanations: Statement 1: Correct. Article 105(1) grants MPs freedom of speech in Parliament, but subject to limits — for example, no discussion of a judge's conduct under Article 121. The House rules also regulate expressions to maintain order, showing privileges are not absolute.
Statement 2: Correct. Article 105(2) ensures complete immunity for speeches or votes made in Parliament. This protects legislators from defamation suits or criminal complaints arising from their remarks in debates, enabling free discussion without intimidation.
Statement 3: Incorrect. Immunity does not cover personal conduct outside the House. Legislators remain accountable under criminal law for bribery, corruption, or violent acts, as reaffirmed in PV Narasimha Rao v. State (1998). Privileges cannot be a shield for private wrongdoing.
Statement 4: Correct. The core purpose of privileges is institutional — to secure the independence of legislatures from executive or judicial interference. They are not "personal perks." This ensures the privileges are exercised for collective functioning, not to shelter individuals from the law.

18. Promotion and Regulation of Online Gaming Act, 2025

1. Correct Answer: (b) No, because the Act applies to all online gaming platforms that are accessible and operational for Indian users.
Explanations: Option (a): Incorrect. Jurisdiction in the digital age is not confined to physical server location or incorporation. If accessibility and operations extend into India, Indian regulators can

enforce domestic law. Accepting this option would create a loophole that allows foreign companies to bypass Indian legislation simply by locating servers abroad. That would defeat the purpose of extra-territoriality.
Option (b): Correct. The Act expressly establishes extra-territorial jurisdiction, ensuring that Indian users are protected regardless of where a platform is based. Accessibility and operational targeting are sufficient triggers for jurisdiction. This interpretation is consistent with India's approach under the IT Act, where foreign websites hosting unlawful content can be blocked domestically if they affect Indian users.
Option (c): Incorrect. International licensing or compliance abroad does not override Indian domestic law. If a company provides services to Indian users, it must comply with Indian regulatory frameworks. Otherwise, foreign jurisdictions would effectively dictate Indian consumer protection, undermining sovereignty.
Option (d): Incorrect. Although extra-territorial jurisdiction is indeed central, the core test under the statute is accessibility and effect within India. Simply saying the Act is "self-contained" or "extra-territorial" without recognising accessibility as the basis for enforcement makes the reasoning incomplete. The decisive factor is that Indian users can participate in deposit-based games.

2. Correct Answer: (d) The app is unlawful, because monetary stakes make it an online money game irrespective of content.
Explanations:
Option (a): Incorrect. The presence of educational content does not automatically classify a platform as "educational" under the Act. What matters is whether deposits and winnings are central to the activity. If the economic element dominates, the game falls into the "online money game" category, even if marketed as educational. Accepting this option would let companies disguise gambling by adding trivial educational elements.
Option (b): Incorrect. While this option identifies cash rewards as a trigger, it oversimplifies the reasoning. It is not just the rewards themselves, but the combination of deposit plus winning that statutorily defines an online money game. The prohibition applies not because of rewards alone but because the economic structure creates the risk of gambling-like harm.
Option (c): Incorrect. Voluntary participation or user consent does not cure illegality. The law prohibits such games because of their broader harms, including addiction and financial exploitation, even if individuals knowingly choose to participate. Allowing consent as a defense would nullify the legislative ban.
Option (d): Correct. The Act explicitly defines "online money games" as those played for stakes or expectation of winnings. The app requires deposits and provides cash prizes, making the monetary element essential. Therefore, it qualifies as a prohibited "online money game" irrespective of the educational purpose. This interpretation aligns with the Act's intention to prevent financial harm and addiction.

3. Correct Answer: (a) No, because the Act imposes a reasonable restriction under Article 19(6) in the public interest.
Explanations:Option (a): Correct. The State's justification of banning money-based games rests on public morality and harm-prevention, both recognised grounds under Article 19(6). Courts often

uphold such restrictions when they balance economic freedom against risks like addiction and exploitation. Thus, the company cannot rely solely on Article 19(1)(g).
Option (b): Incorrect. Article 19(1)(g) does guarantee freedom of trade, but it is not absolute. Article 19(6) allows restrictions for public order, health, morality, and related grounds. A blanket statement that trade is unrestricted overlooks the doctrine of reasonable restriction.
Option (c): Incorrect. While fantasy sports were indeed recognised as games of skill in K.R. Lakshmanan and later cases, those rulings predated this statute. The new law expressly overrides earlier judicial classifications by banning money games regardless of skill or chance. Courts cannot ignore the explicit legislative framework.
Option (d): Incorrect. This statement is true in part, since the law prohibits money games altogether. However, the legal reasoning must be tied to constitutional analysis under Article 19(6), not merely the statutory wording. The precise justification lies in reasonable restriction, not just the prohibition clause.

4. Correct Answer: (b) The app is unlawful, because the new law bans all money games regardless of skill or chance.
Explanations: Option (a): Incorrect. Earlier case law (e.g., K.R. Lakshmanan) indeed held that games of skill are distinct from gambling. But once a statute expressly overrides that framework by prohibiting all money games, prior distinctions lose legal force. The legislature has intentionally shifted the test.
Option (b): Correct. The Act explicitly states that the ban applies to any game with deposits or winnings, irrespective of whether it involves skill, chance, or both. EduQuiz's reliance on skill elements is irrelevant under the present law. Courts must respect legislative supremacy unless the law itself is unconstitutional.
Option (c): Incorrect. Judicial precedents apply only until overridden by valid statutory provisions. Since Parliament passed a law that changes the definitional basis, courts cannot insist on continuing the earlier position. Only if the law violates constitutional guarantees (like Article 19 or 21) can it be struck down.
Option (d): Incorrect. While the conclusion is right (the app is unlawful), the reasoning is incomplete. It is not the stakes themselves that "convert" a skill game into gambling; it is the statute's express wording that prohibits all money-based formats. The decisive factor is legislative prohibition, not judicial inference.

5. Correct Answer: (a) NeoPlay's conduct attracts liability, because the Act prohibits operating, advertising, or facilitating real-money games, with penalties including imprisonment.
Explanations: Option (a): Correct. The enforcement framework of the Act criminalises not only the direct operation of real-money games but also their advertisement, promotion, and facilitation. Penalties include fines, imprisonment, and powers to block platforms and financial channels. NeoPlay's actions of advertising, hosting games, and using payment gateways fall squarely within prohibited conduct.
Option (b): Incorrect. The Act makes no distinction between skill-based or chance-based games when played for monetary stakes. The blanket prohibition covers all real-money formats, so advertising card games still constitutes an offence. The argument of "skill game" is irrelevant under the new statutory scheme.

Option (c): Incorrect. The Act explicitly empowers authorities to direct intermediaries, including payment service providers, to block transactions related to banned games. This is a preventive enforcement tool aligned with the IT Act framework. Hence, blocking financial service providers is lawful and valid.
Option (d): Incorrect. Offences under the Act are not contingent on proving financial loss to individuals or the State. The violation itself — offering, advertising, or facilitating real-money gaming — is enough to trigger criminal liability. The element of financial harm is unnecessary for enforcement.

19. J&K LG Can Nominate MLAs Without Cabinet's Aid or Advice: MHA

1. Correct Answer: (b) The LG's nominations are valid, because Sections 15 and 15A explicitly empower him to act without aid and advice of the Council of Ministers.
Explanations:
Option (a): Incorrect. It is true that in a parliamentary system, the Governor or LG usually acts on aid and advice. But in J&K, Parliament legislated a specific framework through Sections 15–15B of the Reorganisation Act. These provisions expressly vest the power of nominating women, Kashmiri migrants, and PoJK refugees in the LG. Once the statute gives this discretion, the aid and advice rule does not apply.
Option (b): Correct. The J&K Reorganisation Act creates a clear departure from the Delhi model. Unlike Article 239AA where the Supreme Court limited the LG's discretion, here the nomination provisions are written into the Act itself, signalling that Parliament intended the LG to act independently in this domain. Thus, the LG's nominations are valid even without consulting the Council of Ministers.
Option (c): Incorrect. Article 239 does not apply in a uniform, rigid manner to all Union Territories. Special provisions exist: 239A for Puducherry, 239AA for Delhi, and bespoke laws like the J&K Reorganisation Act. Each framework has its own rules about discretion and aid & advice. Treating them identically ignores this constitutional variety.
Option (d): Incorrect. Discretion is not presumed automatically whenever statutes confer powers. Courts have consistently required clear statutory language. Here, discretion exists because the J&K law explicitly names the LG as the nominating authority. If the statute were silent, the aid and advice principle would govern.

2. Correct Answer: (b) The Governor acted incorrectly, because Shamsher Singh (1974) clarified that Governors are bound by aid and advice unless the Constitution itself specifies discretion.
Explanations: Option (a): Incorrect. Statutory powers are not automatically discretionary. They are subject to the constitutional scheme of aid and advice unless expressly excluded.
Option (b): Correct. In Shamsher Singh v. State of Punjab (1974), the Supreme Court clarified that the Governor is a constitutional head and bound by ministerial advice except where the Constitution itself confers discretion. Thus, statutory nomination powers are not independent unless explicitly carved out.
Option (c): Incorrect. There is no doctrine of implied discretion. Discretion must be expressly mentioned in the Constitution, not presumed from statutes.
Option (d): Incorrect. This is too broad. Articles 74 and 163 do provide limited discretionary powers (e.g., in hung assemblies). Hence, saying "never" is legally inaccurate.

3. Correct Answer: (b) The nomination is invalid, because Section 15 only permits nomination of women, and extending it to other categories is ultra vires the statute.
Explanations: Option (a): Incorrect. While it is true that the LG may act in the interest of representation, his authority is not open-ended. Section 15 is drafted in very specific language, limiting nomination strictly to women if their representation is inadequate. To interpret this provision as conferring "wide discretion" would dilute legislative intent and permit arbitrary expansion of categories. The doctrine of ultra vires prevents such stretching of statutory text.
Option (b): Correct. The doctrine of ultra vires requires that statutory powers be exercised only within the boundaries prescribed by law. Since Section 15 explicitly mentions only the nomination of women, any attempt to nominate businessmen or other groups is beyond legislative mandate and therefore invalid. Judicial review would strike this down as an excess of authority, because statutory discretion must be confined to its express terms.
Option (c): Incorrect. Article 239 indeed provides that UTs are administered by the President through the LG, but this does not mean the LG enjoys unfettered discretionary powers. His powers are always derivative and must be located in either the Constitution or in a specific statute like the Reorganisation Act. Article 239 cannot itself justify bypassing statutory limits under Section 15.
Option (d): Incorrect. The challenge here is not primarily about the aid and advice principle but about exceeding statutory categories. Even if the LG acted without ministerial advice, the constitutional flaw would be one of improper exercise of discretion. However, the decisive issue is not lack of advice but violation of the statute's textual limits.

4. Correct Answer: (a) The Court will examine it, because federalism and democracy are part of the Constitution's basic structure.
Explanations: Option (a): Correct. The basic structure doctrine established in Kesavananda Bharati v. State of Kerala (1973) prevents Parliament from amending the Constitution in ways that damage its essential features. Federalism, representative democracy, and separation of powers are core features of the Constitution. By centralising power in Parliament to appoint and remove Governors, this amendment directly weakens the independence of States. Therefore, the Court will examine its validity under the basic structure test, making judicial scrutiny necessary.
Option (b): Incorrect. Although Parliament's amending power under Article 368 is extensive, Kesavananda Bharati made clear that it is not absolute. Judicial review is the safeguard against amendments that may destroy constitutional fundamentals. Claiming plenary power does not exempt Parliament from the limits imposed by the basic structure doctrine.
Option (c): Incorrect. The political question doctrine does not apply here because the dispute involves a constitutional amendment and the balance of federal powers. Courts have consistently reviewed disputes about Governors under Articles 155–156, and therefore cannot avoid review by calling it a purely political matter.
Option (d): Incorrect. While Parliament can amend institutional arrangements, those changes cannot cross the line into destroying federalism or democracy, which are inviolable elements of the Constitution. Giving Parliament direct control over Governors shifts the federal balance too radically, and the Court will not uphold such a move without applying the basic structure test.

5. Correct Answer: (d) 1, 2, 3 and 4, because each of these reflects settled principles of constitutional and statutory law in India.

Explanations: Option (a): Incorrect. While it is true that UTs are centrally administered, federal principles still apply in a limited sense, as recognised by the Supreme Court in the NCT of Delhi cases (2018, 2023). UTs are not federal equals to States, but federal spirit is still a guiding value. Therefore, dismissing federal principles entirely is inaccurate.

Option (b): Incorrect. Articles 105 and 194 explicitly confer privileges on "members" of Parliament and State legislatures, and the Supreme Court has clarified that nominated members become full members after oath. They enjoy speech and vote privileges, though some voting restrictions exist in special contexts (e.g., Presidential elections in Rajya Sabha). Hence, the assertion that privileges do not extend to nominated members is wrong.

Option (c): Incorrect. The doctrine of ultra vires applies to all statutory and administrative powers, not only constitutional amendments. If the LG nominates someone outside the specified categories (women, migrants, PoJK refugees), it would be ultra vires the Act. Judicial review here concerns delegated statutory authority, not constitutional amendment.

Option (d): Correct.

Statement 1 is correct: parliamentary privileges extend to nominated members once they take oath.

Statement 2 is correct: the basic structure doctrine shields democracy and representative government from destructive amendments.

Statement 3 is correct: the LG's power is bounded by statute, and going beyond it would be ultra vires.

Statement 4 is correct: Article 239 gives Parliament wider authority over UTs than over States.

Collectively, all four statements are accurate.

20. Uttarakhand Minority Educational Institutions Bill, 2025

1. Correct Answer: (c) The provision is valid, because Article 30(1) allows regulation to ensure excellence so long as core autonomy is not destroyed.

Explanations: Option (a): Incorrect. While maintaining standards is a legitimate state function, the State's power is not absolute. Judicial precedents have held that regulations cannot reduce minority rights to a mere formality. Thus, the State cannot impose total control over all curriculum aspects.

Option (b): Incorrect. Article 30 rights are strong but not absolute. The Court in St. Xavier's College v. State of Gujarat (1974) held that minorities must comply with reasonable regulations relating to health, discipline, and education standards. Claiming absolute control is legally unsustainable.

Option (c): Correct. The balance recognised in T.M.A. Pai Foundation v. State of Karnataka (2002) and later cases is that minority institutions enjoy autonomy in administration, but the State may regulate to secure excellence in academics. The Uttarakhand Bill only prescribes minimum standards in science and maths while preserving choice in religious and language teaching — hence it passes the test of reasonable regulation.

Option (d): Incorrect. The provision does not eliminate autonomy. Minority institutions retain freedom in subjects integral to their identity, such as language and religion. Therefore, it cannot be said that the essence of Article 30 rights is destroyed.

2. Correct Answer: (d) The directive is invalid, because eliminating the mother tongue destroys cultural identity, exceeding permissible regulation.

Explanations:
Option (a): Incorrect. Uniformity in education is not a constitutional ground to override cultural and linguistic autonomy. The State's power is limited by Article 30, which specifically protects minorities against cultural assimilation through education.
Option (b): Incorrect. While correct in principle, this option is overstated. Article 30 rights are not unlimited and must be balanced with reasonable regulation. Simply saying "constitutional right" without acknowledging permissible limits makes this incomplete.
Option (c): Incorrect. The State's interest in uniformity cannot trump Article 30 rights unless the regulation serves educational excellence or discipline. Imposing a single language eliminates minority identity, which goes beyond permissible regulation.
Option (d): Correct. The Supreme Court has consistently emphasised that regulations cannot destroy the core of Article 30 autonomy (St. Xavier's, T.M.A. Pai). Forcing a minority school to abandon its mother tongue directly undermines its cultural identity. Such a directive is unconstitutional because it exceeds the scope of "reasonable regulation" and crosses into extinguishing autonomy.

3. Correct Answer: (a) The regulation is valid, because the State can prescribe minimum qualifications to maintain quality in all educational institutions.
Explanations:
Option (a): Correct. In Kerala Education Bill, 1957 (Re: Presidential Reference, 1958), the Court clarified that while minority institutions enjoy autonomy, the State can impose regulatory conditions on teacher qualifications to secure educational standards. This is a valid exercise of State power and does not destroy autonomy.
Option (b): Incorrect. Minority autonomy is strong, but not absolute. The Court has consistently held that Article 30 rights are subject to reasonable regulation to ensure discipline and quality. Claiming absolute immunity misrepresents constitutional law.
Option (c): Incorrect. While the reasoning of fairness is sound, the correct legal basis is specifically tied to quality standards under regulatory authority. This option merges reasoning with outcome but does not directly address why the State is permitted to regulate.
Option (d): Incorrect. Teacher qualifications are not purely internal matters. The Court in Kerala Education Bill made clear that external regulation is justified to safeguard quality, even for minority institutions.

4. Correct Answer: (d) The requirement is invalid, because compelling Vice-Chancellor approval directly intrudes into the internal management of minority colleges.
Explanations:
Option (a): Incorrect. While the State can impose regulations to ensure fairness, requiring prior approval for dismissals is excessive. It shifts control away from the institution and places it in external hands.
Option (b): Incorrect. Minority institutions do not enjoy absolute immunity; their autonomy is subject to regulations that ensure non-arbitrariness. This option overstates the scope of Article 30.
Option (c): Incorrect. Oversight to maintain fairness is legitimate, but the Court in St. Xavier's College v. State of Gujarat (1974) specifically struck down requirements for external approval of staff appointments or dismissals, because such rules crossed the line into control, not regulation.

Option (d): Correct. The essence of St. Xavier's College is that regulations may ensure procedural fairness, but cannot substitute or override the institution's own decision-making. Forcing Vice-Chancellor approval violates the institution's right to manage its staff, making the requirement unconstitutional.

5. Correct Answer: (a) The State action is valid, because minority institutions cannot claim immunity from regulation to prevent profiteering in admissions.
Explanations: Option (a): Correct. In P.A. Inamdar (2005), the Court held that while minority institutions enjoy autonomy in admitting their community's students, they cannot indulge in profiteering or capitation fees. State regulation to ensure fairness and transparency is permissible.
Option (b): Incorrect. Article 30 autonomy does not give "absolute" admission freedom. Community preference is allowed, but it cannot justify unfair practices or arbitrary donations.
Option (c): Incorrect. While fairness and transparency are valid objectives, this option misses the emphasis that preventing profiteering is the key ground upheld in Inamdar.
Option (d): Incorrect. The Court clarified that reservation policies of the State cannot be forced on unaided minority institutions. But here the State's action was not about reservations—it was about regulating profiteering. Hence, this reasoning is flawed.

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