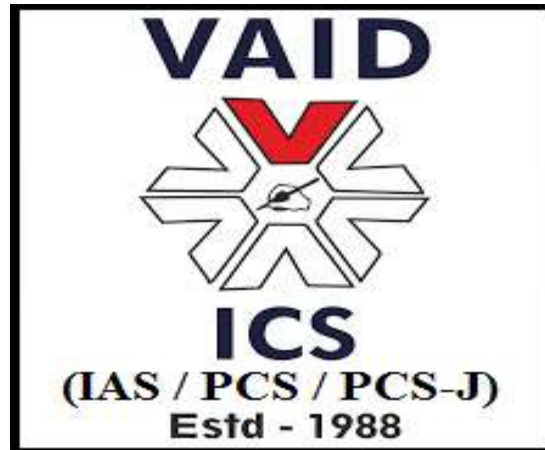


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(MONTHLY LEGAL CURRENT)

(Sep, 2025)

UPPCS-J/APO/OTHER JUDICIAL EXAMS

Pramati Educational and Cultural Trust v. Union of India (2014)

Why in News? In September 2025, the Supreme Court of India referred to a larger Constitution Bench the issue of whether minority educational institutions are completely exempt from the Right to Education (RTE) Act, 2009.

- This reference questions the correctness of the 2014 Constitution Bench ruling in *Pramati Educational and Cultural Trust v. Union of India*.

Background:

- Civil appeals were filed where school education departments insisted that faculty in minority institutions must clear the Teachers' Eligibility Test (TET).
- Minority institutions resisted, relying on the *Pramati* judgment which exempted them from the RTE Act.

2014 Pramati Case (5-Judge Bench):

- Issue: Constitutionality of Section 12(1)(c) RTE Act, mandating 25% reservation for children from disadvantaged groups in private unaided schools.
- **Holding:**
 - Provision violated Article 30(1) (right of minorities to establish and administer educational institutions of their choice).
 - Minority institutions (both aided and unaided) were kept outside the purview of the RTE Act.
- **Ratio Decidendi:** Autonomy of minority institutions under Articles 29–30 must be preserved against State interference.

Current Judicial Concern (2025 Reference):

- Justice Dipankar Datta: The 2014 judgment “unknowingly jeopardised” universal elementary education under Article 21A.
- Negative Implications of *Pramati*:
 - **Fragmentation** of the common schooling system.
 - **Weakening inclusivity & social integration** envisioned in Article 21A.
 - **Misuse of minority status** – institutions acquiring minority tag to escape RTE obligations.
- **Judicial Direction:** The issue is referred to a larger Constitution Bench to reconsider the scope of RTE vis-à-vis minority rights.

Constitutional Bench Provisions (Article 145(3)):

- A Constitution Bench is mandatory where:
 - Interpretation of the Constitution is involved, or
 - A substantial question of law arises as to its validity/scope.

Categories of Constitution Benches:

Five-Judge Bench – Minimum requirement for constitutional interpretation. (*Pramati case* was decided by such a Bench).

Seven-Judge Bench – For reconsideration of important precedents.

Nine-Judge Bench – Landmark constitutional questions.

- *Kesavananda Bharati v. State of Kerala (1973)* – Basic Structure.
- *K.S. Puttaswamy v. Union of India (2017)* – Right to Privacy.

Larger Benches (11 or 13 Judges) – Rare; reserved for matters of **extraordinary constitutional significance**.

Challenges:

- **Conflict of Rights:**
 - *Article 21A* (Right to Education, inclusivity, universality) **vs.** *Article 30(1)* (Minority rights to establish and administer institutions).
- **Judicial Task:** Balancing **universal education goals** with **minority autonomy**.
- **Possible Outcome:**
 - The Larger Bench may **redefine the extent of exemption** – instead of blanket exclusion, a **harmonious construction** could be adopted, ensuring **both minority rights and social inclusion**.

Topics based Judiciary (PCS J) Mains Questions: 200 words

Qn . 1 Critically examine the Supreme Court's decision in *Pramati Educational and Cultural Trust v. Union of India (2014)* in the light of the constitutional balance between Article 21A (Right to Education) and Article 30 .

Q2. Discuss the judicial role in harmonizing the conflict between minority rights under Articles 29–30 and the State's obligation to ensure inclusivity under the Right to Education Act, 2009.

Section 43D(5) of UAPA

Why in News: The court dismissed the bail pleas of Umar Khalid and other accused in the 2020 Delhi riots conspiracy case. They have been in jail for over five years under the **Unlawful Activities (Prevention) Act (UAPA), 1967**, with trials yet to begin.

Key Points:

- The Delhi riots in February 2020 led to **50+ deaths** and large-scale violence.
- Umar Khalid and others were **charge-sheeted under UAPA**, accused of conspiring to incite the riots linked to protests against the **Citizenship (Amendment) Act, 2019 (CAA)**.
- Bail applications were **denied by Sessions Court** after prolonged hearings, with the court relying primarily on the police's version of events.

- The Supreme Court's ruling in **NIA v. Zahoor Ahmad Shah Watali (2019)** made bail under UAPA even harder by limiting lower courts' power to examine evidence in detail.

Key Issues Highlighted:

- **Delay in trials:** Many accused spend **years in prison without trial**, violating the principle of "innocent until proven guilty."
- **UAPA misuse:** The stringent bail provision converts bail hearings into **one-sided proceedings**, where courts rely solely on the prosecution's claims.
- **Low conviction rate:** UAPA has a **very low conviction rate**, yet individuals remain incarcerated for a decade or more.
- **Violation of fundamental rights:** Prolonged incarceration without trial violates **Article 21 (Right to Life and Personal Liberty)**.
- **Lack of judicial scrutiny:** Courts are restricted from deeply examining evidence at the bail stage, leading to **rank injustice**.
- **Selective prosecution:** Activists are targeted while others involved in violence escape accountability, raising concerns about **bias in investigations**.

Relevant Case Law:

- **National Investigation Agency v. Zahoor Ahmad Shah Watali (2019):**
 - The Supreme Court ruled that courts **cannot conduct detailed scrutiny of evidence** at the bail stage under UAPA.
 - This makes it extremely difficult for accused persons to get bail, as the court must assume the prosecution's version to be true.
- **Hussainara Khatoon v. State of Bihar (1979):**
 - The Supreme Court held that **speedy trial is a fundamental right** under Article 21.
 - Prolonged pre-trial detention violates constitutional rights.
- **Union of India v. K.A. Najeeb (2021):**
 - SC ruled that **constitutional courts can grant bail in exceptional cases** to uphold personal liberty, even under special laws like UAPA.

Way Forward:

- **Reform UAPA's bail provisions** to prevent its misuse and ensure fair trials.
- **Set statutory timelines for trials** to avoid indefinite detention.
- **Increase judicial scrutiny** of evidence at the bail stage.
- **Ensure accountability in investigations** to prevent selective targeting.
- **Balance national security concerns with individual rights.**

UAPA's Bail Provisions :

The **Unlawful Activities (Prevention) Act (UAPA), 1967** is India's primary anti-terror legislation. Its bail provisions are among the **strictest in Indian law**, raising important constitutional questions about liberty, due process, and the balance between **national security and fundamental rights**.

Legal Provisions under UAPA for Bail:

The relevant bail provision is **Section 43D(5) of UAPA**, which governs how bail is decided for those accused under this Act.

- **Section 43D(5):**

“No person accused of an offence punishable under Chapters IV and VI of this Act shall, if in custody, be released on bail or on his own bond unless the Public Prosecutor has been given an opportunity to oppose the application for such release; and where the Public Prosecutor opposes the application, the court shall not release the accused if it is satisfied that there are reasonable grounds for believing that the accusation against such person is *prima facie* true.”

Key elements:

- Bail **cannot be granted** unless the court concludes there are *no reasonable grounds* to believe the accusation is *prima facie* true.
- This shifts the burden **heavily on the accused**, making bail extremely difficult.
- The **Public Prosecutor's opposition** to bail carries significant weight.

Topics based Judiciary (PCS J) Mains Questions: 200 words

Q1. Critically examine the constitutional validity of the stringent bail provisions under the Unlawful Activities (Prevention) Act, 1967, with reference to the principle of *presumption of innocence* and *right to personal liberty* under Article 21 of the Constitution of India.

Q2. Discuss the challenges faced by the judiciary in balancing national security concerns and individual fundamental rights while interpreting Section 43D(5) of the UAPA. Cite relevant Supreme Court judgments.

Section 67 of the Bharatiya Sakshya Adhiniyam, 2023 - BSA

Why in News? The Supreme Court, in a judgment by Justices Aravind Kumar and Sandeep Mehta, ruled that under Section 68 of the Evidence Act, 1872 (**now** Section 67 of the Bharatiya Sakshya Adhiniyam, 2023 - BSA), **at least** one attesting witness must be examined to prove a Will.

This rule is mandatory, even if there is no dispute among legal heirs **or if the Will is** registered.

Background of the Case:

- The dispute was between **two brothers** over a property in Delhi.
- Their father, **Kundan Lal**, was the original owner.

Plaintiff (Suresh Chand) claimed ownership through:

- Agreement to Sell,

- General Power of Attorney (GPA),
- Affidavit,
- Receipt of Rs 1,40,000, and
- Registered Will (all dated 16 May 1996).
- He alleged that:
 - The defendant (Ramesh Chand) was initially living as a **licensee**,
 - Later became a **trespasser**, and
 - Wrongfully sold half the property to a third party.

Defendant (Ramesh Chand) argued:

- His father **orally transferred** the property to him in 1973.
- He had been in **continuous possession** since then.
- The documents produced by the plaintiff were **fake or invalid**.
- In an earlier case, the plaintiff had admitted their father was still the owner even after the alleged sale date.
- The trial court ruled for the plaintiff.
- The Delhi High Court upheld the decision.
- The matter went to the **Supreme Court**.

Supreme Court Observations:**Mandatory Proof of Will:**

- The High Court wrongly held that examining an attesting witness is required only when heirs dispute the Will.
- **SC clarified:** Even if uncontested, **Section 68 (now Section 67 BSA)** *always* requires examination of at least **one attesting witness**.

Suspicious Circumstances:

- The father had **four children**, yet left the entire property to **one son** (plaintiff) without explanation.
- This raised doubts about the Will's validity.

Registration Not Sufficient:

- Mere registration **does not prove a Will**.
- It must comply with **Section 63 of the Succession Act, 1925**, and **Section 68 of the Evidence Act**.

Agreement to Sell & GPA:

- **Agreement to Sell:** Does **not transfer ownership**, only creates a right to seek a registered sale deed.
- **GPA:** Only authorizes someone to act on behalf of another, **not a transfer of property**.

Section 53A TPA – Part Performance:

- Plaintiff could not claim under Section 53A as he was **not in possession**.
- His own suit was for possession, which proved this.

Property Without a Valid Will:

- In absence of a properly proved Will, property goes to **Class-I legal heirs** as per succession law.

About Section 67 of BSA (Earlier Section 68 of Evidence Act):

- If a document **must be attested by law**, it **cannot be used as evidence** unless **one attesting witness** is examined.
- Applies when the witness is:
 - Alive,
 - Subject to court's jurisdiction, and
 - Capable of giving evidence.
- **Exception for registered documents (except Wills):**
 - For most registered documents, an attesting witness is **not required** unless execution is specifically denied.
 - **Wills are excluded from this exception** – proof by witness is **always mandatory**.

Key Case Laws:

1. **H. Venkatachala Iyengar v. B.N. Thimmajamma (1959)** – At least one attesting witness must prove the Will.
2. **Mathai Samuel v. Eapen Eapen (2012)** – Wills must meet strict proof standards:
 - Declaration of intention,
 - Relates to property after death,
 - Revocable during lifetime.
3. **Meena Pradhan v. Kamla Pradhan (2023)** – Witness examination cannot be skipped, even for registered Wills.

Topics based Judiciary (PCS J) Mains Questions: 200 words

Q1. "Discuss the mandatory requirement of examining at least one attesting witness to prove a Will under Section 67 of the Bharatiya Sakshya Adhiniyam, 2023.

Governor 's Reasonable Time: Fact-Dependent, Not Numerically Fixed

Why in News ? The SC emphasized that Governors must act on Bills within a “**reasonable time**”, warning that **rigid timelines** could undermine **constitutional functioning**. This arose from a **Presidential Reference under Article 143**.

Constitutional Provisions:

- **Article 200:** Governor may **assent, withhold, return, or reserve** Bills for President's consideration.

- **Article 163:** Governor acts on **Council of Ministers' advice**, except where discretion is allowed.
- **Article 159:** Governor must serve the **State and its people**.
- **Article 162:** Executive power vested in Governor (subject to Constitution).
- **Article 166:** Governs **financial Bills and expenditure approval**.
- **Article 143:** President may seek **advisory opinion from SC**.

Reasonable Time – Key Principles:

- Constitution does **not fix a numerical limit**; time is **fact-dependent**.
- Allows review of **legal, financial, and social implications**.
- Ensures **checks and balances** and **cooperative federalism**.
- Excessive delay may invite **judicial intervention** but must respect **executive autonomy**.

Supreme Court Observations:

- Governors must act **within reasonable time**; strict deadlines are **undesirable**.
- Discretion must align with **constitutional mandate**, not political convenience.
- Judicial oversight ensures **prevention of mala fide or arbitrary delays**.

Arguments:

- **States:** Governor has **discretion**, cannot act mechanically.
- **Centre:** Governor must act **promptly**, especially for **financial Bills**; undue delay risks **federal imbalance**.

Practical Implications:

- Governor cannot be a **rubber stamp**.
- Inaction affects **administration, governance, elections**.
- Cooperation between Governor and Council of Ministers is essential.

Legal Principle:

- **Balance** between executive discretion and legislative intent.
- Governor's discretion must be: **reasonable, constitutional, guided by advice**.
- Ensures **compliance with Articles 159, 163, 200, 143**.
- **Reasonable time** is context-dependent.

Ongoing Status:

- SC bench led by CJI B R Gavai is hearing **scope and limits of Governor's discretion**.
- Outcome may influence **state-centre legislative interactions**.

Precedents Cited:

The Court referred to earlier judgments, such as Durga Pada Ghosh v. State of West Bengal (1972) and Ram Chand v. Union of India (1994), which interpreted the phrase "as soon as possible" as necessitating diligent and prompt action by authorities, free from avoidable delay.

Reasonable Time: Fact-Dependent, Not Numerically Fixed

Meaning of “Fact-Dependent”:

- The term “**reasonable time**” does not have a fixed number of days or months in the Constitution.
- **SC Interpretation:** The time within which a Governor must act depends on **facts and circumstances of each case**, including:
 - **Nature of the Bill** – ordinary, financial, or constitutional amendment.
 - **Complexity** – legal, social, or financial implications.
 - **Urgency** – e.g., money Bills affecting budget or elections.
 - **Consultation needs** – if the Bill requires advice from experts, ministries, or the President.

Why it Cannot be Numerically Fixed?

- The Constitution deliberately **avoids rigid timelines** to preserve the Governor’s **discretionary powers**.
- Fixing a numeric limit could:
 - Compromise **executive judgment**.
 - Encourage **mechanical or rushed action**, ignoring important implications.
 - Conflict with **Articles 159, 163, 200**, which emphasize service to the State and acting on advice where appropriate.

Conclusion:

- SC emphasizes **constitutional propriety over rigid timelines**.
- Governors must act **diligently**, respecting **legislative intent and constitutional discretion**.
- Upholds **cooperative federalism** and **balance of powers** between legislature, executive, and judiciary.

Topics based Judiciary (PCS J) Mains Questions: 200 words

Qn.1 Reasonable time for Governor’s assent is fact-dependent and cannot be numerically fixed. Analyze this principle with reference to judicial oversight and the balance between legislature and executive.”

Ram Charan and Ors. vs Sukhram

- **International Day of the World’s Indigenous Peoples** – Observed on **9th August** every year.
- Recent **Supreme Court judgment (17 July 2025)** in *Ram Charan & Ors. vs Sukhram & Ors.* highlighted **gender equality** in tribal women's property rights.
- Historically, **tribal women lack statutory inheritance rights** in ancestral property except in **matrilineal tribes in North-East India**.
- This issue involves:
 - **Fundamental Rights** (Article 14 & 15)

- Customary laws vs. codified laws
- Gender justice and equality

Key Supreme Court Judgment (2025):

Case Name: *Ram Charan and Ors. vs Sukhram and Ors.* (17 July 2025)

Bench: Justice Sanjay Karol & Justice Joymalya Bagchi

Facts:

Parties:

- Appellant-plaintiffs = Legal heirs of *Dhaiya*, a Scheduled Tribe woman (Gond tribe, Chhattisgarh).
- Property originally belonged to **maternal grandfather**.
- Their mother was **one of six siblings (five sons + one daughter)**.
- **Cause of Action:** October 1992 – Defendant denied partition.

Legal Issue:

- Whether daughters of tribal communities are entitled to **equal inheritance rights** in ancestral property under customary law.

Lower Court Decisions:

- **Trial Court & First Appellate Court:** Denied rights → Held no such custom exists in Gond tribe giving females inheritance rights.
- **High Court of Chhattisgarh:**
 - Recognized that denial of property rights under the **garb of customs** perpetuates gender discrimination.
 - Granted equal share to legal heirs of *Dhaiya*.

Supreme Court Holding:

- **Exclusion of daughters = Violation of Fundamental Right to Equality** (Article 14).
- Customs cannot override constitutional guarantees.
- Reinforced **progressive interpretation of property rights** for tribal women.

Relevant Precedents:

Case	Year	Court	Key Takeaway
<i>Madhu Kishwar & Ors. vs State of Bihar & Ors.</i>	1996	Supreme Court	Court did not strike down customary laws , citing fear of chaos, but noted the issue of discrimination.
<i>Prabha Minz vs Martha Ekka</i>	2022	Jharkhand HC	Custom must be proven. Failing proof → daughters entitled to inheritance.
<i>Kamala Neti (Dead) Thr. LRs vs Special Land Acquisition Officer</i>	2022	Supreme Court	Affirmative step towards tribal women's property rights , recognized their entitlement.
<i>Ram Charan vs Sukhram</i>	2025	Supreme Court	Landmark judgment equating exclusion of daughters to negation of equality .

Legal and Constitutional Aspects:

Hindu Succession Act, 1956 (Amended 2005):

- **Section 2(2):**
 - *Excludes Scheduled Tribes from its ambit.*
 - Hence, tribal women **cannot claim rights under this Act** unless customs are codified.

Customary Law Principles:

For a custom to have legal force, it must satisfy:

1. **Antiquity** – Long-standing practice.
2. **Certainty** – Clear and unambiguous.
3. **Continuity** – Consistent practice without interruption.
4. **Reasonableness** – Should not be oppressive or unjust.
5. **Conformity with Public Policy** – Cannot violate constitutional morality.

Court can strike down custom if it violates these principles or fundamental rights.

Socio-Legal Concerns:

Challenges:

Patriarchal traditions → Denying women land inheritance.

Fear of land alienation:

- Tribal women marrying non-tribals may transfer land out of the community.

Communitarian land concept:

- Land seen as **collective property**, but in practice, sale proceeds **not shared** equitably.

Low ownership among ST women:

- **Only 16.7% of ST women own land** (Agriculture Census 2015-16).

Scheduled Areas and Customary Law:

- **Fifth Schedule States:**
Chhattisgarh, Jharkhand, Odisha, etc.
- In these states:
 - **Marriage, succession, adoption** governed by **customary tribal laws**, not Hindu Succession Act.
 - Lack of codified laws → leads to **arbitrary decisions** and gender injustice.

Suggested Reforms & Way Forward:

Need for Separate Legislation;

- A **Tribal Succession Act** should be drafted:
 - To **codify inheritance rights** for tribal communities.
 - Similar to **Hindu Succession Act** or **Indian Succession Act** (for Christians).

Other Measures:

- **Legal literacy programs** for tribal women.
- **State-level reforms** under Fifth Schedule framework.
- **Safeguards against land alienation** to non-tribals without denying women equal rights.

- Gram Sabha involvement in land transactions to maintain community control.

Constitutional Perspective

- Article 14 (Equality before Law) → Exclusion violates equality.
- Article 15(1) (Non-discrimination) → Protects against gender-based discrimination.
- Article 15(3) → Permits special provisions for women.
- Article 21 → Right to dignity includes economic and social rights.
- Directive Principles of State Policy (DPSPs):
 - Article 38 → Minimize inequalities.
 - Article 39(b) & (c) → Equal distribution of material resources.

Topics based Judiciary (PCS J) Mains Questions: 200 words

1. Discuss the constitutional and legal challenges involved in granting inheritance rights to tribal women in India.
2. Analyze the significance of the Supreme Court judgment in *Ram Charan vs Sukhram* (2025) in the context of gender justice and customary laws.

Kattavellai @ Devakar v. State of Tamil Nadu

Why in News ? The Supreme Court, in the case of *Kattavellai @ Devakar v. State of Tamil Nadu*, recently issued guidelines to maintain the integrity of DNA (Deoxyribonucleic Acid) samples in criminal cases. The Court directed the Director Generals of Police (DGPs) of all States to prepare standardized sample forms for the Chain of Custody Register and other necessary documentation related to DNA evidence.

Background:

- Case Name: *Kattavellai @ Devakar v. State of Tamil Nadu*
- Issue:
 - DNA samples in a rape, murder, and robbery case were delayed in being sent to the Forensic Science Laboratory (FSL).
 - The chain of custody could not be established.
 - Raised concerns about contamination and tampering.
- Court's Rationale:
 - Lack of uniform procedure across States for handling DNA evidence.
 - Even though 'Police' and 'Public Order' are State subjects (Seventh Schedule), the Court found it necessary to issue nationwide guidelines.

Four Key Guidelines Issued:

Proper Collection and Documentation

- DNA samples must be collected with due care and proper packaging.

- Packaging must include:
 - FIR number and date
 - Relevant sections and statutes
 - Investigating officer's details
 - Police station name
 - Serial number

Must be **signed** by:

- Medical professional
- Investigating officer
- Independent witnesses

Swift Transportation to FSL

- Samples must be **delivered to FSL within 48 hours** of collection.
- If delayed:
 - Reasons must be recorded.
 - Efforts to preserve samples must be ensured.

Past Cases Highlighting DNA Evidence Issues:

Case Name	Year	Court Observation
<i>Anil v. State of Maharashtra</i>	2014	DNA profiles are valid only with proper lab quality control .
<i>Manoj & Ors. v. State of M.P.</i>	2022	DNA report rejected as evidence was collected from an open area , contamination suspected.
<i>Rahul v. State of Delhi, MHA</i>	2022	DNA evidence rejected as samples were kept in police Malkhana for two months , raising tampering concerns.

No Unauthorized Opening or Alteration:

- Samples stored pending trial **cannot be opened or resealed** without **trial court authorisation**.

Maintaining a Chain of Custody Register:

- From collection to case conclusion (conviction/acquittal), a **Chain of Custody Register** must be maintained.
- This register must be **submitted to the trial court**.
- Investigating officer responsible for explaining any lapses.

Significance of DNA Evidence:

Nature of DNA:

DNA is found in **biological materials** like blood, semen, saliva, bone, hair, or skin.

- Used to **match suspects to crime scenes**.

Supreme Court's View:

- DNA evidence falls under **opinion evidence** (*Section 45, Evidence Act / Section 39, Bharatiya Sakshya Adhiniyam 2023*).

- Its value **varies from case to case** and **must be corroborated with other evidence**

Topics based Judiciary (PCS J) Mains Questions: 200 words

Qn.1 Discuss the significance of DNA evidence in criminal trials. Explain the key guidelines issued by the Supreme Court in the above case to ensure the integrity of DNA samples and their admissibility in courts.

Kiran vs. Rajkumar Jivaraj Jain/ Section 18 of SC/ST Act 1989

Why in News: The Supreme Court of India on September 1, 2025, quashed the Bombay High Court's order that had granted **anticipatory bail** to an accused in a caste-related crime.

The case, **Kiran vs. Rajkumar Jivaraj Jain**, involved allegations of **caste-based assault, abuse, and intimidation** linked to an electoral dispute.

The Supreme Court upheld the **bar on anticipatory bail under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989**, reinforcing the Act's role in protecting vulnerable communities from intimidation and retaliation.

Key Issues and Case Details:

Background of the Case:

- **Incident Date:** November 26, 2024
- **Complainant:** Kiran, a member of the **Scheduled Caste community**.
- **Allegations:**
 - Assaulted by Rajkumar Jain and others for not voting as directed in Assembly elections.
 - Physical attack with **iron rods**.
 - **Caste-based verbal abuse** in public.
 - **Molestation** of his mother and aunt.
 - **Looting of a mangalsutra**.
 - **Threats to burn their home** with petrol bottles.
 - Incident witnessed by **independent witnesses**.

Trial Court vs. High Court:

- **Additional Sessions Judge (Paranda):**
 - Rejected anticipatory bail noting **clear casteist intent**, corroborative evidence, and public nature of the assault.
- **Bombay High Court (Aurangabad Bench):**
 - Overturned the trial court's decision.
 - Termed the case **politically motivated and exaggerated**.
 - Granted **anticipatory bail**, prompting an appeal to the Supreme Court.

Supreme Court Decision:

- **Bench:** Chief Justice of India B.R. Gavai and Justice A.G. Masih.

Key Finding:

- Section 18 of the SC/ST Act, 1989 creates an **explicit bar** on **anticipatory bail** (Section 438 CrPC / Section 482 BNSS) for offences under the Act.
- The **High Court overstepped** by engaging in evidence appreciation at the pre-arrest bail stage.

Important Observations:

- Use of **caste slurs, public assault, and electoral motive** made it a clear SC/ST Act case.
- Offences like these are **systemic**, tied to **untouchability and caste discrimination**.
- Insults or assaults **outside the complainant's house**, visible to others, count as being **"within public view"** (Section 3(1)(r)).
- Electoral coercion or retaliation falls under **Section 3(1)(o)** of the Act.

Outcome:

- Supreme Court **canceled the anticipatory bail**, terming the High Court order a **"manifest error and jurisdictional illegality."**

Legal Principles Involved:**Section 18 of SC/ST Act, 1989:**

- Explicitly **bars anticipatory bail** for offences under the Act.
- Purpose: To prevent **intimidation of victims and witnesses** and ensure **effective prosecution**.

Supreme Court Precedents:

- **State of M.P. vs. Ram Krishna Balothia (1995)** – Upheld the constitutional validity of Section 18.
- **Vilas Pandurang Pawar vs. State of Maharashtra (2012)** – Reaffirmed bar on anticipatory bail.
- **Prathvi Raj Chauhan vs. Union of India (2020)** – Clarified scope and constitutional backing.

Prima Facie Test:

- At the bail stage, courts **cannot conduct a mini-trial**.
- Must only examine whether **prima facie allegations exist**, not weigh evidence.

Significance of the Ruling:

- **Protection of SC/ST communities:**
 - Reinforces the Act as a **substantive shield**, not just a procedural safeguard.
 - Prevents accused from **misusing anticipatory bail to intimidate complainants**.

Strengthens electoral integrity:

- Recognizes **electoral retaliation** against SC/ST voters as a **serious offence**, vital for **democratic participation**.
- **Limits judicial overreach:**
 - Cautions High Courts against **evaluating evidence prematurely** during pre-arrest bail hearings.

Way Forward:

- **Strict adherence to Section 18:**
 - Courts must apply the bar on anticipatory bail **without dilution**.
 - Bail decisions should rely solely on **prima facie FIR facts**.
- **Training for judiciary and police:**
 - Ensure proper understanding of caste atrocity cases and legal procedures.
- **Victim protection measures:**
 - Strengthen **witness protection schemes** and **community support mechanisms**.
- **Public awareness:**
 - Educate marginalized communities about their rights under the **SC/ST Act**.

Conclusion:

The Supreme Court's ruling reaffirms the **strength of the SC/ST Act**, emphasizing that the **dignity and security of vulnerable communities** cannot be compromised. By **upholding the bar on anticipatory bail**, it prevents **intimidation and political influence** in caste-based violence cases. This judgment **strengthens the rule of law**, promotes **social justice**, and reinforces India's commitment to equality.

Topics based Judiciary (PCS J) Mains Questions: 200 words

Qn. 1 Discuss the significance of the Supreme Court's ruling in *Kiran vs. Rajkumar Jivaraj Jain* (2025) with respect to the application of Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Shivangi Bansal vs Sahib Bansal / Section 85 of the BNS

The **Supreme Court of India**, in *Shivangi Bansal vs Sahib Bansal* (July 22, 2025), endorsed guidelines set by the Allahabad High Court in *Mukesh Bansal vs State of U.P.* (2022) to curb the misuse of **Section 498A of the Indian Penal Code** (now **Section 85 of the Bharatiya Nyaya Sanhita**). The High Court introduced a **two-month 'cooling period'** post-registration of a **First Information Report (FIR)** or complaint, during which the matter is referred to a **Family Welfare Committee (FWC)**. However, this approach raises concerns about undermining a victim's right to prompt access to justice and the **functional autonomy of criminal justice agencies**.

Note: The ruling reflects ongoing judicial efforts to balance protection against abuse with ensuring timely justice.

Background and Basis of Checks:

The enactment of **Section 498A** aimed to punish **cruelty against women** in matrimonial settings. However, courts have noted a rising trend of its misuse, particularly in **FIR registrations** and **arrests**. Key judicial and legislative measures include:

- **Lalita Kumari (2014)**: Classified matrimonial disputes under **preliminary inquiry** before **FIR registration**.
- **Recent Criminal Law Reforms**: Mandated **preliminary enquiry** for **cruelty by husband** cases.
- **2008 Amendment to CrPC**: Introduced the **principle of necessity** for **arrests**.
- **Arnesh Kumar (2014)**: Mandated a **checklist** and **notice for appearance** to regulate **arrest powers**.
- **Satender Kumar Antil (2022)**: Directed **bail** for non-compliance with **Arnesh Kumar** guidelines.

Note: These safeguards aim to protect the **liberty of the accused** while addressing misuse concerns.

Statistical Insights:

According to the **National Crime Record Bureau (NCRB)** 'Crimes in India' report:

- **Section 498A** ranked among the top five **highest arrest offences** until 2016, later dropping to the top 10.
- Registered offences rose from **1,13,403 (2015)** to **1,40,019 (2022)**, while **arrests** decreased from **1,87,067** to **1,45,095**, indicating effective checks without compromising **victim access to justice**.

Note: The decline in arrests suggests a positive impact of statutory and judicial interventions.

Concerns with the 'Cooling Period' and FWC:

The introduction of a **two-month 'cooling period'** and referral to **FWC** poses significant issues:

- Delays **justice delivery**, exacerbating the **victim's plight** post-FIR/complaint.
- Lacks **statutory authority**, rendering it outside the **criminal justice framework**.
- Undermines **functional autonomy** of **police** and **courts**.
- Mirrors the **Rajesh Sharma (2017)** ruling, which imposed a one-month FWC review, later deemed **regressive** and rolled back in **Social Action Forum for Manav Adhikar (2018)**.

Note: The 2018 ruling restored **victim rights** and **criminal justice supremacy**, highlighting the controversy of such judicial experiments.

Need to Revisit the Ruling:

The **Supreme Court** should reconsider its stance, given:

- Existing **legislative** and **judicial measures** adequately address misuse and **police abuse**.
- Referral to **FWC** exceeds **legislative intent**, hampers **autonomy**, and delays **justice pursuit**.
- Historical precedent of **rollback** in **Rajesh Sharma** underscores the need for alignment with statutory frameworks.

Topics based Judiciary (PCS J) Mains Questions: 200 words

Discuss the constitutional implications of introducing a two-month 'cooling period' and referral to Family Welfare Committees (FWCs) under Section 85 of the Bharatiya Nyaya Sanhita. Does it balance the prevention of misuse with the victim's right to timely justice?

Criminal Defamation Laws /Section 356 BNS

Why in News? Recently, a Supreme Court bench led by Justice M.M. Sundresh expressed exasperation over the misuse of criminal defamation laws by private individuals and political parties to settle scores, remarking that "time has come to decriminalise" such provisions. This oral observation came while hearing a petition by The Wire news portal to quash summons in a 2016 defamation case filed by former JNU professor Amita Singh, reopening debates from the 2016 Subramanian Swamy vs Union of India judgment that upheld the law's validity as a reasonable restriction on free speech under Article 19(1)(a).

Key Points

Judicial Frustration with Misuse: Justice Sundresh highlighted the law's ramped-up use for personal vendettas, questioning if private defamation qualifies as a "crime" without public interest, echoing concerns from the 2016 ruling.

Case Background: The petition challenges summons over a 2016 article titled "Dossier Call JNU 'Den of Organised Sex Racket'; Students, Professors Allege Hate Campaign," alleging Singh's role in a controversial dossier; Delhi HC quashed initial summons in 2023, but SC remanded in 2024, leading to fresh issuance upheld in May 2025.

Broader Trend: The bench stayed proceedings and tagged the case with Rahul Gandhi's pending defamation petitions, amid recent SC stays in cases against Gandhi (e.g., remarks on Amit Shah, V.D. Savarkar, Bharat Jodo Yatra) and Shashi Tharoor ("scorpion on Shivling" comment).

Historical Context: In 2016 Subramanian Swamy case, SC upheld Sections 499/500 IPC (now Section 356 BNS) as protecting reputation under Article 21, but cautioned against harassment; recent benches have criticized it as a tool for "political scores."

Implications: The remark signals potential rethink on colonial-era laws amid press freedom concerns; Senior Advocate Kapil Sibal agreed, citing Gandhi's repeated appeals, with hearing posted for October 2025.

About Section 356 of the Bharatiya Nyaya Sanhita (BNS) :

- **Section 356** of the BNS deals with the offense of **criminal defamation**. It defines defamation as the act of making or publishing any statement, imputation, sign, or

visible representation about a person that is intended to harm, or that the person knows or has reason to believe will harm, the reputation of that person.

- This section provides for punishment in the form of imprisonment, fine, or both. It effectively **replaces Section 499 of the Indian Penal Code (IPC)**, which previously addressed criminal defamation.

Key Aspect of Section 356 BNS:**Definition of Defamation:**

Defamation involves making statements that **lower a person's reputation** in society or expose them to public hatred, contempt, or ridicule.

Means of Defamation:

Defamation can be committed through:

- Spoken words (oral defamation)
- Written words (libel)
- Signs or gestures
- Any visible representation

Intent or Knowledge:

A critical element is **mens rea** (intent or knowledge). The act qualifies as defamation if it is done:

- With the **intent to harm** a person's reputation, or
- With the knowledge that it is likely to **cause harm** to the person's reputation

Punishment:

The penalties prescribed under Section 356 BNS include:

- **Simple imprisonment** for a term that may extend up to **two years**
- **Fine**
- **Or both** imprisonment and fine

Exceptions:

- Similar to **IPC Section 499**, **Section 356** also provides **exceptions** where certain statements, despite being derogatory, **are not considered defamatory**. This typically includes statements made in good faith, for public good, or as part of judicial or parliamentary proceedings.

Summary:

- **Section 356 BNS** strengthens the legal framework against criminal defamation while retaining key elements of the IPC's provisions. It emphasizes **intent or knowledge of harm**, includes a broad definition covering various forms of communication, and prescribes significant punishments to protect individual reputations.

Topics based Judiciary (PCS J) Mains Questions: 200 words

Qn.“Section 356 of the Bharatiya Nyaya Sanhita (BNS), which deals with criminal defamation, has been subject to judicial scrutiny.. Discuss the balance between protecting reputation under Article 21 and ensuring freedom of speech under Article 19(1)(a).

Supreme Court Judgment on Bail / Section 480, BNSS

Why in News ? The Supreme Court restored bail for five alleged RSS workers accused in the murder of SDPI leader K.S. Shan (Kerala, 2021): **The apex court ruled that criminal antecedents alone cannot be a ground to deny bail, especially when the accused have suffered prolonged incarceration as undertrials.**

Facts of the Case:

- K.S. Shan was murdered in **2021**, allegedly as retaliation for the killing of an RSS worker by SDPI activists.
- **10 accused** in total; 5 had been granted bail by the Sessions Court in 2022.
- Kerala High Court (2024) revoked the bail, citing criminal antecedents and apprehension of **witness tampering**.
- Two of the accused were alleged to have **violated interim bail conditions**, which the defence disputed.

Supreme Court Observations:

- **Golden Rule of Bail:** Bail is the **norm**, **jail an exception**, as propounded by Justice V.R. Krishna Iyer.
- **Criminal Antecedents:** Alone, they **cannot justify denial of bail**.
- **Long Incarceration:** The accused had spent over **one year in custody** before bail, and nearly **two years on bail** before High Court revocation.
- **Fair Trial:** Courts may revoke bail **only if there is interference with witnesses or tampering with evidence**.
- **Non-Interference Directions:** Supreme Court issued directions to ensure the accused do not obstruct trial proceedings.

Legal Principles / Sections Related:

- **Section 437, CrPC:** Bail for offences punishable with **less than 10 years** or for preventive reasons
- **Section 438, CrPC:** Anticipatory bail
- **Doctrine:** “Bail is the rule, jail is the exception” (Justice V.R. Krishna Iyer)
- **Safeguard:** Courts must balance **personal liberty** of undertrials with **societal interest and trial integrity**.

Key Differences in Bail Provisions:

Regular Bail (Section 480, BNSS): Similar to Section 437 of the CrPC, this section deals with the grant of bail in non-bailable offences. However, BNSS introduces a provision where the accused must be released if the trial does not commence **within 60 days**, unless there are exceptional circumstances.

Anticipatory Bail (Section 482, BNSS): While retaining the core concept of anticipatory bail, BNSS introduces a significant condition: it is now mandatory for the applicant to give at least a **14-day notice to the Public Prosecutor** before the hearing, and the presence of the informant or their authorized lawyer is also required at the time of the hearing. This formalizes the process and ensures the prosecution and the victim are heard.

Importance of the Judgment:

- Reinforces **fundamental right to personal liberty** (Article 21, Constitution of India)
- Clarifies that **mechanical denial of bail based on criminal history** violates principles of natural justice
- Protects the **interests of long-incarcerated undertrials**
- Provides **judicial guidance** for trial courts and High Courts on **consideration of antecedents vs. actual threat to trial integrity**

Related Case Laws / Precedents:

- **Hussainara Khatoon v. Home Secretary, Bihar (1979):** Prolonged detention of undertrials violates Article 21
- **State of Rajasthan v. Balchand (1977):** Bail cannot be denied mechanically; must consider facts of the case
- **Sanjay Chandra v. CBI (2012):** Bail can be granted even in serious offences if no risk of witness tampering or flight
- **V.R. Krishna Iyer's Jurisprudence:** "Bail is the rule, jail an exception"

Conclusion:

The judgment emphasizes the **primacy of personal liberty**, even in **serious criminal cases**, while balancing the **integrity of trial proceedings**. It clarifies that **criminal antecedents alone do not bar bail**, and **long incarceration of undertrials** strengthens the case for granting bail, upholding **constitutional and procedural safeguards**.

Topics based Judiciary (PCSJ) Mains Questions: 200 words
Qn "Criminal antecedents alone cannot be a ground to deny bail." Critically examine this principle in light of the **Supreme Court judgment restoring bail to accused in the K.S. Shan murder case**. Discuss its implications for **personal liberty and fair trial**.

Section 79(3)(b) of IT Act, 2000

Why in News ? The Karnataka High Court has dismissed X Corp's petition against the Union government's Sahyog portal, which enables content takedown under Section 79(3)(b) of the Information Technology (IT) Act, 2000.

Who is Involved?

- **Petitioner:** X Corp (formerly Twitter)
- **Respondent:** Union of India

What is Sahyog Portal?

- Launched by **Ministry of Home Affairs (MHA)** in **October 2024**.
- Run by **Indian Cybercrime Coordination Centre (I4C)**.
- It is a **central system to remove illegal content** from social media, websites, and other online platforms.
- Based on **Section 79(3)(b) of IT Act, 2000**:

Safe Harbour:

- Platforms are **protected from legal liability** for content posted by users.
- **But** protection is lost if a government notice asks them to remove illegal content and they **fail to act quickly**.

What X Corp Claimed (Petitioner's Arguments)

1. Sahyog is a **"censorship portal"** → bypasses proper procedure under Section 69A.
2. Section 79(3)(b) is only about **safe harbour**, not about removing content directly.
3. Section 69A is the **only legal way** to restrict content and has safeguards like:
 - Committee review
 - Reasoned written order
 - Possibility of judicial review
4. **Supreme Court in Shreya Singhal (2015)**: Section 66A was struck down; Section 69A upheld with safeguards.
5. Sahyog allows **thousands of government officials** to issue takedown notices without proper legal checks.
6. **DigiPub** (digital news media group) said Sahyog is **hurting journalism** disproportionately.

What Government Said (Union Govt's Arguments):

1. Safe harbour is a **legal privilege**, not a right.
2. Sections **79 and 69A are separate** → both work independently.
3. Ignoring Sahyog notices means **losing safe harbour**, not direct censorship.
4. X Corp is a **foreign company** → cannot claim **Article 19 free speech rights**, which are for Indian citizens only.
5. X follows stricter laws in other countries (like U.S.) but resists Indian rules.

High Court's Decision (Justice M. Nagaprasanna):

- X Corp's petition was **dismissed** → "no merit."
- Sahyog is an **"instrument of public good"** and helps cooperation between citizens, platforms, and government.

- **Article 19 rights apply only to Indian citizens** → X Corp cannot claim them.
- India cannot be treated as a “**playground**” where platforms ignore laws.
- Criticism of X: it follows U.S. **Take It Down Act, 2025**, but not Indian rules.
- **Shreya Singhal (2015)** → related to 2011 IT Rules; cannot be applied directly to **2021 IT Rules**, which are new and different.

Section 79(3)(b) – IT Act, 2000:

What it Says ?

- **Section 79** gives **intermediaries** (social media, ISPs, websites) “**safe harbour**” protection → they are **not legally responsible** for user-generated content.
- **Safe harbour is conditional.**

Section 79(3)(b) Condition:

If an intermediary receives **actual knowledge** (a notice) from a government or law enforcement agency that certain content is **unlawful**, it must **expeditiously remove or disable access** to that content.

- If the platform **fails to act**, it **loses the safe harbour protection** and can be **held legally responsible** for the content.

Topics based Judiciary (Questions PCS J) Mains: 200 words
Qn . “The Sahyog Portal and Section 79(3)(b) of the IT Act aim to remove unlawful online content. They can be considered a safe and legal mechanism for digital platforms.”